

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2023

H. B. 23- **20**

A BILL FOR AN ACT

To amend the quorum and removal of members provisions for the State Board of Education; and for other purposes

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that pursuant to 1
2 CMC §2261, the CNMI Board of Education shall consist of five voting members.
3 However, the presence of four voting members shall constitute the necessary
4 quorum to conduct their meetings pursuant to 1 CMC §2267. The Legislature finds
5 that establishing a quorum for the CNMI Board of Education is problematic. Most
6 other boards in the CNMI require a simple majority of members to conduct
7 business. This simple majority is large enough to ensure legitimacy while also
8 being small enough to secure flexibility. The Legislature finds that 1 CMC
9 §2267 should be amended to allow for three voting members to constitute a quorum.

1 This would allow for the Board to make necessary decisions and allow for PSS to
2 conduct themselves in an orderly fashion.

3 The Board of Education serves as the rule-making authority that is in charge
4 of overseeing and implementing necessary rules that governs PSS. As duly elected
5 officials, it is the obligation of the Board of Education to prioritize educating our
6 youth to become productive members of our society in the near future. When an
7 elected voting member is seen to be neglecting their duties by choosing not to tend
8 to critical matters, such person is jeopardizing and depriving current students from
9 future opportunities to better themselves. The Legislature finds that this act must
10 not be taken lightly, and current statute must be amended to allow for a simple
11 majority to vote on the matter.

12 Therefore, the purpose of this Act is to amend 1 CMC §2267 to amend the
13 quorum and removal of members provisions for the State Board of Education and
14 for other purposes.

15 **Section 2. Amendment.** 1 CMC §2267 is hereby amended to read as
16 follows:

17 **“§2267. Board of Education: Quorum; Removal of Members.**

18 (a) All actions of the board requiring a vote shall be conducted at a board
19 meeting. The presence of ~~four~~ three voting members shall constitute a
20 quorum for transaction of business at any board meeting, provided that
21 members from at least two senatorial districts shall be present to constitute

1 a quorum. All actions of the board requiring a vote, requires the concurrence
2 of three of the voting members; ~~except for the removal of board members~~
3 ~~as provided in subsection (d) of this section.~~

4 (b) Ex officio members of the board are permitted to vote only in the
5 standing committees or other special committees established by the board.

6 (c) In the absence of a quorum where the board has the responsibility to act,
7 or in the absence of board policy, the Commissioner shall have the authority
8 and responsibility to take appropriate action, subject to the review by the
9 board.

10 (d) A board member shall be removed by the concurrence of three of the
11 voting board members for conviction of a felony, corruption, neglect of
12 duty, mental or physical incapacitation; ~~provided, for the neglect of duty, a~~
13 ~~board member may be removed by concurrence of four of the voting~~
14 ~~members."~~

15 **Section 3. Severability.** If any provisions of this Act or the application of
16 any such provision to any person or circumstance should be held invalid by a court
17 of competent jurisdiction, the remainder of this Act or the application of its
18 provisions to persons or circumstances other than those to which it is held invalid
19 shall not be affected thereby.

20 **Section 4. Savings Clause.** This Act and any repealer contained herein
21 shall not be construed as affecting any existing right acquired under contract or

1 acquired under statutes repealed or under any rule, regulation, or order adopted
2 under the statutes. Repealers contained in this Act shall not affect any proceeding
3 instituted under or pursuant to prior law. The enactment of the Act shall not have
4 the effect of terminating, or in any way modifying, any liability, civil or criminal,
5 which shall already be in existence on the date this Act becomes effective.

6 **Section 5. Effective Date.** This Act shall take effect upon its approval by
7 the Governor, or it becoming law without such approval.

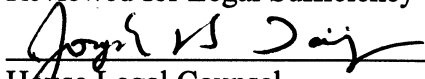
Prefiled: 3/3/2023

Date: 3/2/23

Introduced by: 
Rep. Manny Gregory Tenorio Castro


Rep. John Paul Palacios Sablan

Reviewed for Legal Sufficiency by:


House Legal Counsel

