

**A BILL FOR AN ACT**

To amend 10 CMC § 3922 to remove the automatic confirmation of a SHEFA board appointment in the event no action is taken within 30 days from date of appointment; and for other purposes.

**BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT DELEGATION  
PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH  
CODE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that the requirement to  
2 confirm a Saipan Higher Education Financial Assistance Board (SHEFA) appointee  
3 within 30 days is inadequate time. The Legislature also finds that automatic confirmation  
4 of a SHEFA board appointee within a limited time removes the confirming authority's  
5 opportunity to review and question the appointee's qualification, opinions, and goals  
6 once the appointee is confirmed.

7           Therefore, the purpose of this Act is to remove the automatic confirmation after  
8 30 days have elapsed. In addition, this Act provides that the appointment shall not be  
9 acted on after 90 days from the date of appointment have elapsed.

10           **Section 2. Amendment.** 10 CMC § 3922 is amended to read:

11           “(a) There is hereby established, within the Office of the Mayor of Saipan, a  
12 Saipan Higher Education Financial Assistance Board, to be composed of five members  
13 who shall serve for a term of two years.

14           (b) A member must be ~~eligible~~ registered to vote in the CNMI, be at least 21 years  
15 of age, and be a resident of Saipan for at least three years immediately prior to  
16 appointment.

1 (c) The Mayor of Saipan shall appoint members of the board subject to  
2 confirmation by the Saipan and Northern Islands Legislative Delegation.

3 The Delegation shall have ~~30~~ 90 consecutive calendar days to act on an  
4 appointment ~~from the date of~~ after receiving all the following ~~from the mayor~~:

5 (1) notice of an appointment;

6 (2) resume;

7 ~~(2)~~ 3) an original copy of nominee's police clearance;

8 ~~(3)~~ 4) nominee's personal financial statement; and

9 (4 5) receipt or other proof that nominee has been tested for controlled  
10 substances.

11 If the ~~Delegation takes no action to either reject or confirm the appointment, the~~  
12 ~~appointment is deemed approved.~~ appointment is not confirmed within 90 consecutive  
13 calendar days from the date the person is appointed, the appointment is deemed rejected  
14 and shall automatically terminate, the position shall become vacant, and the person  
15 nominated shall not be re-nominated.

16 (d) The board shall choose a chairperson among its members to preside over  
17 board meetings. It also may establish committees necessary for the conduct of its  
18 business and prescribe by regulation procedures to govern meetings.

19 (e) The terms of the initial members shall be staggered when the board is first  
20 established. Three members terms shall expire in two years, the other two shall expire in  
21 three years, except that in the case of a prior vacancy, an appointment shall be only for  
22 the length of the unexpired term. The members shall draw lots to determine which term  
23 the members shall serve.”

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



1           **Section 4. Savings Clause.** This Act and any repealer contained herein shall not  
2 be construed as affecting any existing right acquired under contract or acquired under  
3 statutes repealed or under any rule, regulation, or order adopted under the statutes.  
4 Repealers contained in this Act shall not affect any proceeding instituted under or  
5 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,  
6 or in any way modifying, any liability, civil or criminal, which shall already be in  
7 existence on the date this Act becomes effective.

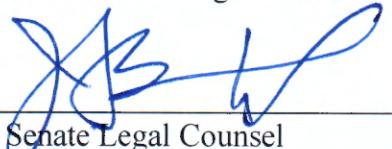
8           **Section 5. Effective Date.** This Act shall take effect upon its approval by the  
9 Governor or becoming law without such approval.

Date: 06/11/2020

Introduced By: 

Sen. Sixto K. Igisomar

Reviewed for Legal Sufficiency by:

  
Senate Legal Counsel