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**A LOCAL BILL FOR AN ACT**

To amend 10 CMC § 3922 to extend the term of a SHEFA board member, to allow additional terms, to reinstate the hold over period; 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 Saipan and Northern Islands  
2 Legislative Delegation (SNILD) acknowledges that the Saipan Higher Education  
3 Financial Assistance statute established by Saipan Local Law 13-21 has undergone  
4 certain amendments. First, Saipan Local Law 14-13 provided for staggered terms and to  
5 allow an expired member to continue serving on the board until a successor is appointed  
6 and confirmed. Then came Saipan Local Law 16-8, which removed the holding over after  
7 the member's term expires. Subsequently, Saipan Local Law 16-12 provided for an  
8 automatic confirmation in the event SNILD fails to timely take action. Finally, Saipan  
9 Local Law 21-18 removed the automatic confirmation provided in Saipan Local Law 16-  
10 12.

11           The SNILD finds that the provisions that were removed should be reinstated to  
12 provide an efficient continuation of the board and to ensure that the institutional  
13 knowledge is maintained. The SNILD also finds it necessary to change the term from 2  
14 years to four years and to allow reappointments of board members.

15           Therefore, the purpose of this Act is to amend 10 CMC § 3922 to extend the term  
16 from 2 years to 4 years, to allow reappointments for additional terms, reinstate the  
17 holding over provision until a successor is appointed and confirmed, and provide for a  
18 retroactive application of the changes to members appointed and confirmed on or after  
19 March 1, 2021.

1           **Section 2. Amendment.** Title 10, Division 3, Chapter 9, Article 2, Section  
2 3922, of the Commonwealth Code is amended to read:

3           “§ 3922. Saipan Higher Education Financial Assistance Board: Establishment.

4           (a) There is hereby established, within the Office of the Mayor of Saipan, a  
5 Saipan Higher Education Financial Assistance Board, to be composed of five members  
6 who shall serve for a term of ~~two~~ four years and any member may be reappointed to serve  
7 additional terms.

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

10           (c) The Mayor of Saipan shall appoint members of the board subject to  
11 confirmation by the Saipan and Northern Islands Legislative Delegation. The Delegation  
12 shall have 30 days to act on an appointment from the date of receiving all the following  
13 from the mayor:

14                   (1) notice of an appointment;

15                   (2) an original copy of nominee's police clearance;

16                   (3) nominee's personal financial statement; and

17                   (4) receipt or other proof that nominee has been tested for controlled  
18 substances. If the Delegation takes no action to either reject or confirm the  
19 appointment, the appointment is deemed approved.

20           (d) The board shall choose a chairperson among its members to preside over  
21 board meetings. It also may establish committees necessary ~~for the~~ to conduct of its  
22 business and ~~prescribe by regulation procedures to~~ shall follow the Open Government  
23 Act to govern its meetings.

24           ~~(e) The terms of the initial members shall be staggered when the board is first~~  
25 ~~established. Three members terms shall expire in two years, the other two shall expire in~~  
26 ~~three years, except that in the case of a prior vacancy, an appointment shall be only for~~  
27 ~~the length of the unexpired term. The members shall draw lots to determine which term~~  
28 ~~the members shall serve. The term of a member shall expire four years after the~~

1 confirmation date. A member whose term has expired shall continue to serve on the  
2 board until his or her successor is appointed and confirmed.


3 (f) The provisions of this section shall apply retroactively to any member who is  
4 confirmed on or after March 1, 2021.”

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

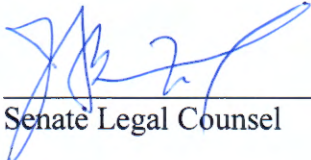
10 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not  
11 be construed as affecting any existing right acquired under contract or acquired under  
12 statutes repealed or under any rule, regulation, or order adopted under the statutes.  
13 Repealers contained in this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

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

Date: 3/11/21

Introduced By:   
Senator Vinnie F. Sablan

Reviewed for Legal Sufficiency by:

  
Senate Legal Counsel