

TITLE 10: LOCAL LAWS
DIVISION 3: THIRD SENATORIAL DISTRICT (SAIPAN, ETC.)

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

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

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

(c) The Mayor of Saipan shall appoint members of the board subject to confirmation by the Saipan and Northern Islands Legislative Delegation. The Delegation shall have 90 consecutive calendar days to act on an appointment after receiving all the following:

- (1) notice of an appointment;
- (2) resume;
- (3) an original copy of nominee's police clearance;
- (4) nominee's personal financial statement; and
- (5) receipt or other proof that nominee has been tested for controlled substances.

If the appointment is not confirmed within 90 consecutive calendar days from the date the person is appointed, the appointment is deemed rejected and shall automatically terminate, the position shall become vacant, and the person nominated shall not be re-nominated.

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

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

Source: SLL 13-21, § 3, modified; second paragraph added by SLL 14-13, § 2(a); second paragraph amended by SLL 16-8, § 4; amended by SLL 16-12, modified; amended by SLL 21-18, § 2 (Jan. 19, 2021).

Commission Comment: The Commission changed nominees to its singular form in subsection (c)(4) to correct a manifest error pursuant to [1 CMC § 3806\(g\)](#).

SLL 14-13 took effect on October 29, 2004, and contained the following purpose, in addition to an amendment to [10 CMC § 3925\(b\)](#) and severability and savings clauses:

Section 1. Purpose. The purpose of this Act is to provide for staggered terms of the members of the Saipan Higher Education Financial Assis-

TITLE 10: LOCAL LAWS
DIVISION 3: THIRD SENATORIAL DISTRICT (SAIPAN, ETC.)

tance Board and to limit the use of continuing appropriation to direct financial aid to students.

Saipan Local 16-12 was enacted on February 12, 2010 to expedite the process for filling vacant positions on the board. *See* SLL 16-12 § 1. The Commission codified SLL 16-12 in 2012 after the publication of the Commonwealth Code (2010) because of a transmission error.

In addition to severability and savings clause provisions, SLL 21-18 included the following Findings and Purpose section:

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

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