

**TITLE 1: GOVERNMENT**  
**DIVISION 8: PUBLIC EMPLOYMENT**

**§ 82001. Advisory Commission Established.**

There is hereby established within 15 days of the effective date of PL 20-71, an advisory commission on the compensation of Commonwealth executive, legislative, and judicial officers which shall consist of seven members as follows:

- (a) three members shall be appointed by the Governor;
- (b) two members shall be appointed by the President of the Senate; and
- (c) two members shall be appointed by the Speaker of the House of Representatives.

**Source:** PL 20-71 § 3 (Oct. 5, 2018), modified.

**Commission Comment:** The Commission changed “this Act” to “PL 20-71” in the leading paragraph pursuant to 1 CMC § 3806(d). The Commission inserted a comma after “legislative” in the leading paragraph pursuant to 1 CMC § 3806(g).

PL 20-71 did not indicate placement or numbering of sections. The Commission created this chapter and numbered its sections pursuant to 1 CMC § 3806(a) and (b).

In addition to savings and severability clauses, PL 20-71 included the following sections:

Section 1. Findings and Purpose. The Legislature acknowledges that Article II, section 10 of the NMI Constitution provides for the compensation of the members of the legislature which states that the salary of the members or legislators may be changed upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. The Legislature finds the salaries of the governor, lieutenant governor, mayors, legislators were previously increased pursuant to Public Laws 4-32 and 7-31. Public Law 7-31 increased the governor’s salary from \$50,000 to \$70,000, the lieutenant governor’s salary from \$40,000 to \$60,000, and the legislators’ salary from \$30,000 to \$39,300.

After more than 25 years without a salary increase, the Legislature enacted Public Law 19-51 to establish an advisory commission on the compensation of the governor, lieutenant governor, the mayors, legislators, justices and judges. Pursuant to the 2016 report of the Advisory Commission on Elected Official Compensation, the Legislature enacted Public Law 19-83 increasing the salary of the governor to \$120,000, the salary of the lieutenant governor to \$100,000, and the salary of the legislators to \$70,000. Subsequently on February 9, 2017, the Attorney General filed a complaint in the CNMI Superior Court seeking a declaratory judgment that the members of the legislature may not serve on the wage commission and the salary laws are unconstitutional. On August 7, 2017, the parties in the complaint submitted a petition for a certified question to the CNMI Supreme Court to clarify relevant provisions of the CNMI Constitution.

On August 30, 2018, the CNMI Supreme Court issued a slip opinion in *Manibusan v. Larson*, 2018 MP 7, concluding that the CNMI Constitution’s discussion of independent commissions do not include the advisory

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commission on compensation. As such, members of the legislature are not precluded from serving on the advisory commission on compensation. *See Manibusan v. Larson*, 2018 MP 7 (Aug. 30, 2018) (Slip Opinion at ¶¶22-23). The Supreme Court further concluded that salary increases for the legislature must be: 1) calculated based off of a specific accepted composite price index (CPI); 2) within the percentage change of the accepted CPI for the period since the last salary increase; and 3) no greater than the maximum salary recommended by the advisory commission. Because each of the salary increases for the legislators enacted by Public Laws 4-32, 7-31 and 19-83 contravene at least one of these mandates, they are unconstitutional. *See Manibusan v. Larson*, Slip Opinion at ¶ 38.

The Legislature finds that the salaries of members of the legislature may be changed no more than once every four years pursuant to Article II, Section 10 of the NMI Constitution. Because all salary increases for the members of the legislature have been declared unconstitutional by the CNMI Supreme Court, and will be declared void by the CNMI Superior Court, with the effect being that there has been no change in member's salaries since the beginning salary of \$8,000 per year as of January 9, 1978. Therefore, there was no salary change within the last four years. Accordingly, the purpose of this Act is comply with the CNMI Supreme Court's decision by creating an advisory commission to review and make recommendations on the compensation of Commonwealth executive, legislative and judicial officers based on the mandates set forth by the CNMI Supreme Court in *Manibusan v. Larson*, 2018 MP 7 (Aug. 30, 2018) (Slip Opinion).

Section 2. Constitutional Authority. The authority of an advisory commission to make recommendations on the compensation of Commonwealth executive, legislative and judicial officers is set forth in the NMI Constitution under Article II, Section 10.