

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

§ 8247. Compensation of Board Members of Government Corporations and Councils.

- (a) The rate of compensation for meetings attended for members of all government corporations, councils, commissions, agencies, including but not limited to autonomous agencies, boards, and elected municipal councils, subject to the availability of funds and authorization of the Legislature, shall be no more than \$60 for a full-day meeting and no more than \$30 for a half day or less meeting; provided that the compensation shall not exceed a maximum of \$6,000 per year; provided further that compensation for meetings shall be limited to those meetings open and public as required by [1 CMC § 9904](#) and for which notice has been published in accordance with [1 CMC § 9910](#). A member who is employed by the Commonwealth shall receive his regular salary under administrative leave status in lieu of compensation for meetings held during working hours.
- (b) For the purposes of this section, a full-day is defined as not less than four hours. A half-day is defined as not less than two nor more than four hours.
- (c) A member shall not be compensated for attendance at a meeting unless the minutes of that meeting have been transcribed and adopted.
- (d) A member shall not receive an official representation allowance or use official representation funds between members and employees or other government agencies.
- (e) A member shall not be authorized to use a government credit card for any reason whatsoever.
- (f) A member traveling on official business shall receive travel and per diem compensation at the rates and guidelines established for executive branch employees.
- (g) A member may receive reimbursement for extraordinary expenses actually incurred in the performance of his duties upon the submission of receipts or other proof of extraordinary expenses to the board and the specific approval of the board to reimburse the member for his extraordinary expenses; except that reimbursement for extraordinary expenses of members shall be limited to those meetings open and public as required by [1 CMC § 9904](#) and for which notice has been published in accordance with [1 CMC § 9910](#).
- (h) No board or commission may reprogram non-compensatory funds for the purpose of compensating board or commission members for meetings attended.
- (i) All expenditures of all boards and commissions shall be subject to a yearly audit by the Office of the Public Auditor (OPA).
- (j) This section shall supersede any contrary provision of law.
- (k) This section shall not apply to members of the Commonwealth Casino Commission.

Source: PL 4-32, § 8; subsection (a) amended by PL 12-3, § 1; repealed and reenacted by PL 15-32, § 3, modified; subsection (k) added by PL 18-38 § 3 (Mar. 21, 2014), modified; subsection (k) repealed by PL 18-56 § 2 and reenacted by PL 18-56 § 4 (July 11, 2014).

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Commission Comment: The Commission substituted section numbers pursuant to [1 CMC § 3806\(d\)](#).

PL 12-3, that amended subsection (a) of this section took effect on April 6, 2000. PL 12-3 contained severability and savings clause provisions as follows:

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

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

PL 15-32 was enacted on September 28, 2006. The Commission omitted figures that were a repetition of words in subsection (b) above pursuant to the authority granted by [1 CMC § 3806\(e\)](#). PL 15-32 contained the following short title and findings and purpose provisions in addition to severability and savings clauses and an amendment to [1 CMC § 9902\(d\)](#):

Section 1. Short Title. This Act may be cited as the “Boards and Commissions Reform Act of 2006.”

Section 2. Findings and Purpose. The Commonwealth Legislature finds that the CNMI is experiencing a severe financial crisis. It is incumbent upon executive and legislative leaders to find methods of cutting the cost of doing the government’s business. The Legislature further finds that the Office of the Public Auditor (OPA) conducted a survey on the practice of members of government boards and commissions with respect to compensation for attendance at board or commission meetings. OPA found that excessive and unconscionable abuse of privilege and power exist among some boards and commissions. A few boards and commissions established excessive compensation rates, additional compensation such as official representation allowance, or both. Other boards and commissions claim compensation for attendance at informal meetings or non-committee meetings, and meetings outside the Commonwealth in violation of the Open Government Act of 1992.

The Legislature finds that, serving as a member of a government board or commission is a public service; therefore, such members must conduct themselves with the utmost propriety and comply with their fiduciary duties. Each member is charged with, among other things, the fiduciary duties of good faith, trust, confidence, and candor. At a minimum, these duties require that each member comply with Commonwealth laws with respect to boards and commissions and refrain from abusing and exploiting their privilege as a member of a government board or commission.

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The Legislature further finds that inconsistency exists among enabling statutes with respect to the compensation of various government boards and commissions. Accordingly, the purpose of this legislation is to: (1) create a uniform standard of compensation among members of boards and commissions including travel and per diem rates, (2) amend the definition of “meeting,” (3) restrict certain compensation practices, and (4) hold members accountable for the transcription and adoption of minutes of board or commission meetings.