JGW - 1/31/17

Twentieth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

January 31, 2017

1st Reg. Session, 2017 H. B. 20- 35

A BILL FOR AN ACT

To amend 1 CMC §§ 8245-8248 to increase compensation for appointed officials and increase the salary ceiling; and for other purposes.

BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose. The Legislature further finds that in line with adjusting the salary schedule of civil service employees, the compensation of certain appointed officials, executive directors, board members and council members must also be adjusted to reflect the skill, expertise and time required to perform their duties and responsibilities as well as.

The purpose of this legislation is to adjust the salaries of appointed officials, executive directors, and other government officials.

Section 2. Amendment. 1 CMC §§ 8245 through 8248 are hereby repealed and reenacted to read as follows:

"§ 8245. Compensation of Certain Appointed Officials.

The following appointed positions within the Commonwealth government shall be paid base annual salaries as follows:

(a) Department director/activity head:

Title	Annual Salary (Not to Exceed)
Secretary, Community and Cultural Affairs	$70,000
Secretary, Commerce	$70,000
Commissioner, Public Safety	$75,000
Commissioner, Fire	$75,000
Commissioner, Corrections	$75,000
Secretary, Finance	$84,000
Secretary, Public Works	$70,000
Secretary, Labor	$70,000
Secretary, Lands and Natural Resources	$70,000
Secretary, Public Lands	$70,000
Public Defender	$84,000
Public Auditor	$100,000

(b) The annual compensation for department Deputy Secretaries shall be not more than $60,000.

(c) The annual compensation for Resident Department Heads shall not be more than $54,000.

(d) The annual compensation for unclassified division Directors and Special Assistants of the principal executive departments shall not be

more than $50,000 except that the director for the Division of Tax and Revenue shall not be more than $70,000.

(e) The annual compensation for private secretaries to the Governor and Lieutenant Governor shall be not more than $50,000.

(f) Governor's Special Assistants:

Title	Annual Salary (Not to Exceed)
Special Assistant for Programs and Legislative Review	$54,000
Special Assistant for Communication and Protocol	$60,000
Special Assistant for Management and Budget	$84,000
Special Assistant for Administration	$70,000
Special Assistant for Personnel Matters	$60,000
Special Assistant for Special Projects	$54,000
Special Assistant for Homeland Security and Emergency Management	$70,000
Special Assistant for Transit Authority	$60,000
Special Assistant for Substance Abuse	$60,000
Special Assistant for Youth Affairs	$57,600
Governor's/Lt. Governor's Legal Counsel	$84,000
Governor's/Lt. Governor's Chief of Staff	$60,000
Governor's Special Policy Advisor	$60,000

(g) Constitutional offices:

Title	Annual Salary (Not to Exceed)
Special Assistant for Women's Affairs	$60,000
Executive Director for Indigenous Affairs	$60,000
Executive Director for Carolinian Affairs	$60,000

(h) Other Governor-appointed offices and activities:

Title	Annual Salary (Not to Exceed)
Executive Director, Veteran's Affairs	$54,000
Executive Director, Criminal Justice Planning Agency	$57,600
Executive Director, Vocational Rehabilitation	$57,600
Executive Director, Developmental Disabilities Council	$57,600
Executive Director, Board of Elections	$70,000
Executive Director, Board of Professional Licensing	$60,000

(i) The annual salary for the Bureau of Environmental and Coastal Quality Administrator, the Zoning Board Administrator and the Grants Administrator shall not exceed $60,000.

(j) Any Commonwealth government employee shall take a leave of absence from any Commonwealth government position immediately upon certification of their candidacy by the Board of Elections until such time that they are no longer a candidate for public office.

§8246. Compensation of the Executive Directors of Government Corporations, Semiautonomous and Autonomous Agencies.

The executive directors (the top administrative officers) of government corporations, as defined in 1 CMC § 7103(n), and of other agencies, commissions, and offices shall receive an annual salary of not less than $65,000 and not more than $84,000, as determined by the applicable boards based on duties and responsibilities of such agencies. Provided further that no executive director, or no top administrative officer, of the agency shall be paid a contract buyout in the event the employment of the executive director or the top administrative officer is terminated before the end of the contract term.

§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 $100 for a full-day meeting and no more than $50 for a half day or less meeting; provided that the compensation shall not exceed a maximum of $10,000 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.

§ 8248. Government Salary Ceiling.

(a) Except as provided by law, no employee of the Commonwealth government shall receive an annual salary of more than $65,000.

(b) Except as provided in 1 CMC §8245,_Medical professionals, whose primary responsibilities include giving professional medical advice

and are licensed to prescribe medicine, U.S. or Commonwealth-licensed attorneys, certified public accountants, engineers, and architects whose primary responsibilities include practice within their profession, and professionals employed by the legislative branch may receive an annual salary in excess of $65,000.

Prior to January 30 of each year, every department, office, agency, governmental corporation, board, commission or any other governmental entity shall file a list of employees, by name and position, and total compensation received in excess of $65,000.00 with the presiding officers of the legislature and the Civil Service Commission."

Section 3. 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 4. 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 the 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.

Section 5. Effective Date. This Act shall take effect days after either its approval by the Governor or days after its becoming law without such approval.

Prefiled: 1/31/17

Date: 1/31/17 Introduced by: Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:

House Legal Counsel