

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION
HOUSE OF TAGA
SAIPAN, CM 96950

MEMORANDUM

Date: June 24, 1985

Legal Opinion No. 5

To : Attorney General
From : Chairman, Committee on Organization and Procedures
Subject : Request for Legal Opinion re Travel Expenses for Delegates
Whose Duty Station Is Outside the Commonwealth.

Section 18(b) of Public Law No. 4-30 deals with travel and per diem expenses for delegates. Under this section, it is not clear whether delegates whose duty station is outside the Commonwealth can be reimbursed for their travel expenses to and from Saipan to attend the Convention.

Please issue a legal opinion as to whether or not these delegates can have their travel expenses covered or whether an amendment to the law is necessary in order to make this possible.


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REXFORD C. KOSACK
ATTORNEY GENERAL

TO: Chairman, Committee on
Organization and Procedures

DATE: 6/25/85

FR: Attorney General

RE: Travel Expenses for Delegates With
Duty Stations Outside the Commonwealth
Legal Opinion No. 5

You have asked whether travel expenses can be reimbursed for delegates who must travel to the Constitutional Convention from their duty station outside the Commonwealth under Section 18(b) of Public Law No. 4-30. It is our opinion that such reimbursement is not provided for. Attached is Attorney General Opinion No. 85-047 on that very subject.

If you have any further questions, please advise me.


REXFORD C. KOSACK

attachment: AG85-047

MEMORANDUM

TO : Chairman, Constitutional Convention
Third Senatorial District

FROM : Attorney General

SUBJECT: Per Diem and Travel Allowance for Delegates
Whose Duty are Outside of the Commonwealth

DATE: 5/14/85

You have asked for an opinion whether Section 18(b) of Public Law 4-30 provides for travel expenses and per diem for a delegate to the Constitutional Convention whose home island is Saipan, but whose duty station is outside of the Commonwealth of the Northern Mariana Islands. It is our opinion that neither travel expenses nor per diem are provided by Public Law 4-30 in that circumstance.


Section 18(b) of Public Law 4-30 specifies:

Delegates shall also be entitled to all necessary travel expenses, and to per diem at standard Government of the Commonwealth of the Northern Mariana Islands rates, while away from their home island on the business of the convention or any committee thereof.

Apparently, this section contemplated reimbursement of delegates from Rota and Tinian who attend the Constitutional Convention on Saipan. A person whose duty station is in Washington, D.C. or Honolulu, Hawaii who is elected from the Third Senatorial District cannot be heard to argue that the District of Columbia or even Oahu is his "home island".

You have also asked what other sources of funding is available for these necessary costs. It is our opinion that the funds appropriated to the Office of the Resident Representative or the Liaison Office cannot be utilized to support an employee's attendance at the Constitutional Convention. Such a practice could lead to the query whether such a delegate represents a special interest rather than the people of his district. Also, those funds were not appropriated for that purpose. It is a criminal act to expend funds in advance of an appropriation for that purpose. Public Law 3-68, Section 701(b).

We recommend that you request the Legislature to expand the authorization for the expenditure of the funds appropriated for the Constitutional Convention to cover this unanticipated circumstance.


REXFORD C. KOSACK

AG85-047