

NORTHERN MARIANAS CONSTITUTIONAL CONVENTION
HOUSE OF TAGA
SAIPAN, CM 96950

MEMORANDUM

Date: June 25, 1985

Legal Opinion No. 16

To: Attorney General

From: Chairman, Committee on Governmental Institutions

Subject: Request for Legal Opinion on Delegate Proposal
No. 88-85.

The subject Proposal calls for an increase in the salary of the Executive Assistant for Carolinian Affairs. It is proposed that the salary of the Executive Assistant for Carolinian Affairs be "equal" to the annual salary of each Department Director.

Please provide your comments and suggestions regarding Committee management of this Proposal.

Thank you for your assistance.

Juan T. Lizama, Esq.

xc: Con-Con President



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REXFORD C KOSACK
ATTORNEY GENERAL

TO : Chairman, Committee on Governmental Institutions DATE: 6-25-85

FROM: Legal Counsel

RE : Executive Assistant for Carolinian Affairs
Opinion No. 16

You have asked for our comments on a proposal requiring that the salary of the Executive Assistant for Carolinian Affairs be equal to the annual salary of each department director.

We express no opinion as to what stature the Executive Assistant should have in government. The delegates must decide whether this position should be of equal stature with department directors. If it should, then it is important to recognize that a change in salary will provide little increase in dignity or effective voice in government. Those goals require a restructuring of the powers and duties of the Executive Assistant.

We believe there is a problem in tying the salary of the Executive Assistant to those of department directors. There is no constitutional requirement that all department directors receive the same salary. All that legally requires that result is section 6(e) of Public Law No. 4-32; but, that law can be amended or repealed at any time. As soon as the law is amended to establish different salaries for a few or all of the directors, then the constitutional provision will have no meaning. The Executive Assistant shall receive a salary equal to which director? The only solution would be to choose a particular director or state an objective measure, such as, the "highest paid director". It was only as recent as April 1, 1985 that the salaries were standardized; in fact, because section 13(a) grandfathers present salaries, the department directors do not presently receive uniform salaries. Therefore, the proposed amendment will not have any meaning if it goes into effect presently.

We would be happy to discuss this matter further with the committee.

A handwritten signature in cursive script that reads "Rexford C. Kosack".

REXFORD C. KOSACK
Attorney General

cc: President, Second Constitutional Convention