



SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION  
SAIPAN, CM 96950

Telephone  
6517/6572

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Legal Opinion No. 35(1)

Date: July 12, 1985

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MEMORANDUM

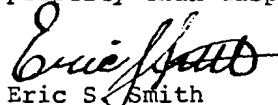
To : Chairman Committee on Personal Rights/Natural Resources  
From : Legal Counsel  
Subject: Legal Opinion No. 35(1) -- Wage Discrimination  
and Divestment of Housing

Your Committee has asked us to comment on the delegate proposal no. 184-85.

There appears nothing in the proposal that we would deem to be unconstitutional or in violation of an existing statute.

The first sentence of clause (a) is of constitutional nature and could be part of existing Section 16 of Article III. The remainder of the proposal clause, although proper, may be better appear in legislation implementing government wages.

Clause (b), although of merit, probably should not be a constitutional amendment. What the government should or should not do with buildings it purchases, builds, or receives from the Trust Territory Government should be decided either through legislation or executive action. This proposed amendment would require the government to dispose of the houses, and land even though the government may have a better purpose for the property than disposal.



Eric S. Smith

xc: Con Con President

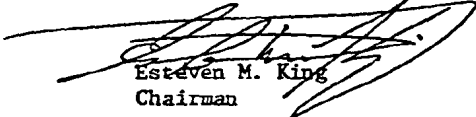
MEMORANDUM

TO : Legal Counsel, Attorney General  
FROM : Committee on Personal Rights/Natural Resources  
SUBJECT : Delegate Proposal Nos. 184-85 and 298-85

The Committee on Personal Rights and Natural Resources wishes to request your legal opinion relating to the two attached subject proposals:

- 1) To prohibit wage discrimination and require divestiture of government-owned residential housing, and
- 2) A provision to safeguard against rampant alienation in the Commonwealth.

These two delegate proposals are pending before my Committee and your opinion would be considered for the delegates to make decision.

  
Esteven M. King  
Chairman

Attachment:

xc: Con-Con President

A PROPOSAL

To add a new Section \_\_\_\_\_ to Article III to prohibit wage discrimination and require divestiture of government-owned residential housing.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, a new Section \_\_\_\_\_ is added to Article III of the Constitution to read:

"Section \_\_\_\_\_. Prohibition of Discrimination in Government Wages and Employment Benefits.

(a) Government wages and employment benefits shall be based solely on education, experience, performance, and the nature of the job to be performed. The costs of initial transportation of an employee and his or her family and their personal effects to the Commonwealth, return transportation for the same upon cessation of employment, and temporary storage of personal effects at the place of recruitment are not wages and employment benefits for the purposes of this section.

(b) All government-owned residential housing except that required for the governor, lieutenant governor, the presiding officers of the legislature, and members of the legislature representing senatorial districts other than Saipan, shall be disposed of by sale or long-term lease within three years of the effective date of this section. The terms of sale or long-term lease shall reflect the fair market value of the residential housing as determined by independent appraisal. The Marianas Public Land Corporation shall be responsible for the disposition of government-owned residential housing as provided by this section, and the proceeds of sale or lease shall be subject to the provisions of Article XI."

Introduced by: Felicitas J. Grund  
D. Grund (1.1)

Dated: 6/25/85  
6-25-85