



Supreme Court Commonwealth of the Northern Mariana Islands

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PRESS RELEASE

Supreme Court Answers Certified Questions Regarding Legislative Pay Raises

On August 30, 2018, the Supreme Court issued its opinion in *Manibusan v. Larson*, 2018 MP 7.

In its opinion, the Court answered two certified questions submitted for review by the petitioner, Attorney General Edward Manibusan, and respondent, Secretary of Finance Larissa Larson. The parties submitted the petition for certified question after the Superior Court entered a preliminary injunction, preventing the salary increases enacted by Public Law 19-83 from being implemented pending a ruling on the law's constitutionality.

The first question asked the Court to review whether the presence of four sitting members of the legislature on the advisory commission on compensation violated Article II, Section 11 of the NMI Constitution ("Section 11"). Section 11 prohibits legislators from serving in any other Commonwealth government position and includes a ban on legislators' service on independent commissions. The majority found that the advisory commission is not an independent commission, citing support in the Constitution's text, Analysis of the Constitution of the Commonwealth of the Northern Mariana Islands, and other historical documents. Because the advisory commission is not an independent commission, the Court found Section 11 does not restrict legislators from serving on it. The dissent found differently, holding that effectuating the spirit of the Constitution and goals of its framers necessitates the advisory commission's independence.

The second question requested the Court to review whether the salary increases instituted pursuant to Public Laws 4-32, 7-31, and 19-83 were unconstitutional due to the increases either exceeding the change in an accepted price index, not using a composite price index ("CPI"), or exceeding the advisory commission's recommendation. The question required the court to analyze the procedure for enacting salary increases for executive, legislative, and judicial officers. The Court reviewed Section 10, determining it contained five requirements that must be followed when enacting legislative salary increases. In particular, the Court found the Constitution restricted the legislature from enacting a salary increase greater than the maximum amount recommended by the commission. Additionally, the Court determined Section 10 necessitated that the advisory commission 1) choose a CPI; 2) review the percentage change of that CPI for the period since the last salary change; and 3) make a salary recommendation that falls within the percentage change. As a result of the Court's answer, it found that the salary increases in Public Laws 4-32, 7-31, and 19-83 violated Section 10 of the Constitution.

The Court instructed the Superior Court to resume its proceedings and determine whether the salary increases enacted should be void ab initio or prospectively.

The Court's full opinion is available at <http://www.cnmilaw.org/supreme18.html>

For further information, contact the Supreme Court at 236-9800.

***Disclaimer:** This press release constitutes no part of the opinion of the Court. It has been prepared by court staff for the convenience of the public.