

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2305. Public Auditor: Staff.

(a) The Public Auditor may appoint and remove such employees as he or she deems necessary to perform the duties of the office. These employees may include assistant public auditors, accountants, auditors, financial management analysts, investigators, attorneys, paralegals, secretaries, clerks and the like. All personnel employed by or contracted for by the Office of Public Auditor shall be exempt from the application of the Commonwealth Civil Service Act (1 CMC § 8101 et seq.). The Office of the Public Auditor shall set its own compensation, wage and salary scales. The wage and salary scales shall be commensurate with those paid by the Commonwealth requiring comparable education, training and experience. Provided, however, that in order to attract and retain professional staff members and to mitigate the economic impact of the restriction imposed in paragraph (b) of this section, the Public Auditor shall be allowed to set higher compensation rates for certain technical and managerial positions to be determined by the Public Auditor. The higher compensation rates shall be exempt from the salary ceiling established by the Compensation Adjustments Act (1 CMC § 8248); provided further that such compensation and salary adjustment schedule shall be approved by the Legislature. The Office of the Public Auditor may provide staff housing or housing allowance as part of its compensation package to its employees. The Office of the Public Auditor shall administer the housing program for its employees.

(b) The Public Auditor may establish supplemental personnel regulations including a code of ethics for the employees of the office. No employee of the Office of the Public Auditor may hold, or be a candidate for, any elective public office while an employee, nor may the employee hold office in any political party or political committee, or participate in any political campaign of any candidates for public office while an employee. No employee may actively engage in any other business, profession, or governmental office.

(c) [Expired September 22, 2009]

(d) The Office of the Public Auditor shall still comply with the requirement of 3 CMC § 4434(i)(2) to implement a management intern program. The Public Auditor is authorized to hire up to ten additional employees for the management intern program. The Public Auditor may reprogram funds appropriated to its office to fund the salaries and expenses associated with hiring and training the additional employees.

(e) On or before May 31 each year, the Scholarship Office, the Northern Marianas College, and any other CNMI agency overseeing any scholarship program shall provide the Office of the Public Auditor, the Presiding Officers of the Legislature, the Chairpersons of Committees with oversight on education in both House of the Legislature, and the Office of Personnel Management with a list of resident students pursuing college degrees. The list shall be sorted by name and shall show the field of study, number of years in college, and expected year to graduate. The list shall be used by the CNMI Legislature in determining when to pass a law that will cease allowing the Office of the Public Auditor to hire nonresident professionals.

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(f) The Public Auditor may, when in his or her judgment it is necessary, delegate any duties and powers to any employees employed by the Public Auditor. The employees shall report their findings for review by the Public Auditor.

Source: PL 9-68, §§ 8, 9 (repealing PL 3-91, § 204); repealed and reenacted by PL 12-65, § 3; (c) amended by PL 14-30, § 2; (c) amended by global amendment PL 15-108, § 5.

Commission Comment: With respect to PL 9-68, see the comment to 1 CMC § 2302. PL 12-65, which took effect September 27, 2001, contained short title, purposes, severability, and savings clause provisions. According to PL 12-65:

Section 1. Short Title. This Act shall be called the “Commonwealth Auditing Amendments Act of 2001.”

Section 2. Purposes. The purposes of this Act are: (1) to extend the exemption granted to the Office of the Public Auditor (OPA) for hiring nonresident professionals beyond September 20, 2000 and until three years after the effective date of this act when at such time as sufficient professionals in the field of accounting or auditing are available locally, (2) to allow the Public Auditor to grant compensation packages beyond the ceiling previously established in the Compensation Adjustment Act (1 CMC § 8248) in order to attract and retain professionals and mitigate the effect of the restriction against engaging in any other business, profession, or government office, and (3) to actively involve OPA in monitoring the progress of students receiving CNMI financial assistance (grants and/or loans) in connection with their taking courses for degrees in accounting or auditing. The Legislature further finds that in view of the immense responsibilities placed upon the Office of the Public Auditor the salary of the Public Auditor must be commensurate with such responsibilities and qualifications required for the position. Therefore, this act raises the annual base salary of the CNMI Public Auditor to reflect the prominent policing role of that office.

PL 14-30 was enacted on September 22, 2004, and contained findings and purpose, sunset, severability, and savings clause provisions. While the Commission is charged with codifying only permanent laws of the CNMI, it would be remiss in its duties to not codify a temporary provision with a somewhat lengthy effective period. Of particular interest is the following sunset provision:

Section 3. Sunset. The authorization provided under this Act shall expire five years after the effective date of this Act.