

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

MEMORANDUM

Date: June 24, 1985

Legal Opinion No. 6

To : Attorney General
From : Chairman, Committee on Organization and Procedures
Subject : Request for Legal Opinion - Interpretation of Section 19(b)
of Public Law 4-30

Section 19(b) of Public Law 4-30 provides that "the Legislature may . . . adopt a joint resolution concurring with the proposed amendment . . ." The question has been raised as to what happens if the Legislature does not take such action on the proposed amendment and what is the affect of such action if taken.

Please issue a legal opinion to respond to the question raised and clarify the issues.


HERMAN T. GUERRERO



House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 586
Saipan, Mariana Islands 96950

Phone: 6195/6284/5618

Memorandum:

To: President & Delegates of the Constitutional Convention

From: House of Representatives, Legal Counsel's Office

Subject: Meaning and legal significance of Section 19(b) of Public Law 4-30.

Section 19(b) of Public Law 4-30 allows the Commonwealth Legislature to adopt a joint resolution concurring with any amendment to the Constitution proposed by the Convention. This requires that three-fourths of the members of each house present and voting adopt such a resolution. If the legislature takes such action, the endorsed amendment is treated as though it were an amendment to the Constitution proposed by "legislative initiative". The advantage to this endorsement is that ratification by the voters only requires approval by a majority of the votes cast. Whereas, if the legislature does not take such action, any amendment proposed by the Convention will require a majority of the votes cast as well as two-thirds of the votes cast in each of two senatorial districts. [See Article XVIII, Section 5(b), Commonwealth Constitution].

Thus the Constitution currently provides that the ratification procedure will be less strenuous for a constitutional amendment that has been proposed by "legislative initiative". Section 19(b) of Public Law 4-30 merely allows an amendment proposed by the Convention to be transformed into one proposed by legislative initiative if the legislature adopts a joint resolution endorsing the amendment by the required majority in each house.

Timothy H. Bellas

TIMOTHY H. BELLAS
Deputy Chief Legal Counsel

June 27, 1985

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