

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

MEMORANDUM

Date: June 24, 1985

Legal Opinion No. 8

To : Attorney General
From : Chairman, Committee on Organization and Procedures
Subject : Request for Legal Opinion - Interpretation of the
Phrase "Continuous Session" as used in Public Law 4-30

Section 11(a) of Public Law 4-30 provides that the Convention "shall continue in session for not more than thirty (30) calendar days." The question has been raised as to whether this requires that the Convention meet in plenary session each and every day. This question also needs to be answered in the context of Section 18(a) of Public Law 4-30 which provides that delegates shall be paid only "for every day or part of a day the delegate is actually present at a session of the Convention or a meeting of a committee thereof."

Please provide your legal opinion to clarify these issues.


HERMAN T. GUERRERO



House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
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Memorandum:

Legal Opinion No. 8

To: President & Delegates of the Constitutional Convention

From: House of Representatives, Legal Counsel's Office

Subject: Legal opinion re the necessity for consecutive and continuous sessions for the entire 30 day existence of the Convention.

We have been asked to respond to the above question, as presented by the language of Section 11(a) of Public Law 4-30. Our answer is based upon that language and the reasoning it suggests, as well as analogies drawn from the practice of our legislature. The relevant language from the public law states: "... and shall continue in session for not more than thirty (30) calendar days." This language is consistent with the intent of the legislature to limit the existence of the Convention to 30 calendar days. The language was not intended to prescribe how the business of the Convention should be conducted. [See P.L. 4-30, Section 11(d)]. The business of the Convention includes such things as the dates, times, and places of meetings. These matters should be internally addressed in the Convention's Rules of Procedure.

Furthermore, Article II, Section 13 of the CNMI Constitution contains language that is similar to P.L. 4-30, in that it provides that the CNMI Legislature "... shall be a continuous body for the two years ...". We do not, however, interpret that to mean that the legislature must meet everyday for the entire two years. Such a requirement would not only be expensive and burdensome, it

would be counterproductive. While the Convention is of a much shorter duration, requiring the members to work long, and strenuous hours for seven days a week would also be of doubtful benefit. The House and Senate deal with this administrative issue in their procedural rules. (See House Rules, Rule III) We believe the same approach would be appropriate for the Convention. In addition, research of some other state constitutions where similar language is found, such as that of the State of Alabama, indicates that no requirement of continuous and consecutive session days exists. (See Alabama Constitution, Article IV, Sections 48 and 53). That state, as well as the Commonwealth, leave it to the legislature to adopt procedural rules for internal administration.

We are also aware that the members of the First Constitutional Convention interpreted a similar provision contained in Section 9 of their authorizing legislation not to require that the delegates be in attendance everyday. They did place entries in their daily journals that the individual committees were in working session on days when the entire Convention was not. The enabling legislation for the first Constitutional Convention was a model drawn upon in the enactment of P.L.4-30. Interpretations of similar provisions in that bill should therefore be given deference when similar issues arise under P.L.4-30.

We conclude that this matter may be clearly resolved by the adoption of a procedural rule which expresses the wishes of the majority of the delegates. Absent such a rule, we do not believe the language of the statute requires continuous and consecutive sessions for the entire 30 day period.

Timothy H. Bellas

TIMOTHY H. BELLAS
Deputy Chief Legal Counsel

June 24, 1985