

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

MEMORANDUM

June 24, 1985

To : All Delegates
From : President, Second Constitutional Convention
Subject : Questions raised by Delegate William S. Torres

The following questions have been raised by Delegate William S. Torres and are answered by the Committee on Organization and Procedures.

- (1) Who provides guidelines as to the constitutionality of proposals or whether a proposal is to be considered a matter for the Legislature or a constitutional matter?

ANSWER: Any decision on whether a proposal conforms to the Covenant and applicable provisions of the U.S. Constitution requires legal expertise. Legal Counsel will provide opinions on the issue for the concern committee and all delegates to consider. Like any legal opinion given to a client, the client may reject the opinion if they disagree. It is expected that each committee will make a decision on whether a proposal should be filed as unconstitutional, referred to the Legislature for its consideration, or included as a constitutional amendment and report its recommendation to the Convention.

- (2) Who approves the guidelines or decisions on the constitutionality of a proposal or whether it will be referred to the Legislature?

ANSWER: This is to be decided by the Convention in approving or rejecting the recommendation reported by the concern committee.

- (3) Will the authors of the proposal have a chance to comment on the decision or disposition of their proposal?

ANSWER: It is expected that each committee will

hear the views of the author before making any decision on the recommended disposition of a proposal. The delegate would also have an opportunity to speak when the committee's recommendation comes to the floor of the Convention.

(4) Is there any appeal?

ANSWER: The ultimate decision whether a proposal be tabled as unconstitutional or forwarded to the Legislature for consideration or considered as a constitutional amendment is up to the Convention. It is put to a vote of the Convention which decides the issue by a majority [a three-fourths (3/4) vote is required to submit a proposed amendment for ratification]. The decision of the Convention can only be reconsidered pursuant to the Rules.



HERMAN T. GUERRERO

cc: Attorney General