

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

Date: June 25, 1985

MEMORANDUM

LEGAL OPINION NO. 20

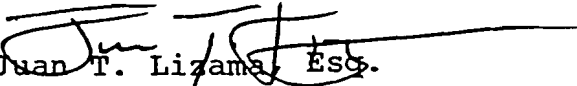
TO : Attorney General

FROM : Chairman, Committee on Governmental Investigations

SUBJECT: Delegate Proposal No. 49-85

Issue raised is whether the requirement should be by the majority of both houses, or by the majority of each house.

Please provide your recommendation and rationale.


Juan T. Lizama, Esc.

To amend Section 15 of Article III of the Northern Marianas Constitution.

BE IT ADOPTED BY THE CONSTITUTIONAL CONVENTION:

1 Section 1. Section 15 of Article III of the Northern Marianas
2 Constitution is amended to read as follows:

3 "Section 15. Executive Branch Departments." Executive branch
4 offices, agencies and instrumentalities of the Commonwealth govern-
5 ment and their respective functions and duties shall be allocated
6 by law among and within not more than fifteen principal departments
7 so as to group them so far as practicable according to major pur-
8 poses. Regulatory, quasi-judicial and temporary agencies need not
9 to be part of a principal department. The functions and duties of
10 the principal departments and of other agencies of the Commonwealth
11 shall be provided by law. The legislature may reallocate offices,
12 agencies and instrumentalities among the principal departments and
13 may change their functions and duties. The governor may make
14 changes in the allocation of offices, necessary for efficient
15 administration. If these changes affect existing law, they shall be
16 set forth in executive orders which shall be submitted to the
17 legislature and shall become effective sixty days after submission,
18 unless specifically modified or disapproved by a majority of the
19 members of ~~each~~ both houses of the legislature."

20 Date: 6/20/85 Offered by: J P M
21 Delegate Jesus P. Mathas, Saipan

<u>Lorenzo I. Delon Guerrero</u> Delegate Lorenzo I. Delon Guerrero	<u>Alonzo Agisoma</u> Delegate Alonzo Agisoma
<u>David L. Igitol</u> Delegate David L. Igitol	<u>Karl T. Reyes</u> Delegate Karl T. Reyes
<u>Joaquin A. Tenorio</u> Delegate Joaquin A. Tenorio	<u>Francisco Tomokane</u> Delegate Francisco Tomokane
<u>William S. Torres</u> Delegate William S. Torres	<u>Ramon G. Villagomez</u> Delegate Ramon G. Villagomez
<u>Ignacio Villanueva</u> Delegate Ignacio Villanueva	



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

Phone: 6195/6284, 65618

MEMORANDUM

TO: Juan T. Lizama
Chairman, Committee on Governmental Institutions
FROM: Legal Counsel
SUBJECT: Legal Opinion No. 20 re: Delegate Proposal 49-85
DATE: June 28, 1985


You have asked for a legal opinion on Delegate Proposal 49-85. My review of the proposal leads me to conclude it is legally sufficient.

The governor has not made use of Article 3, Section 15 in the last four years. Therefore the issue raised by Del. Proposal 49-85 does not appear to be a matter of compelling public concern at the moment. Essentially, the proposal would change the legislative veto over executive reorganization plans from a one house veto to a two house veto. A two house veto would make it more difficult for the legislature to oppose an executive reorganization plan submitted by the governor.

Rather than deal with the legislative veto in a piecemeal fashion, I suggest the committee discuss proposing an amendment that would give the legislature the right to veto executive action/regulations by a single house or joint resolution. This is a policy issue for each state to decide. The US Supreme Court has recently found that since the legislative veto is not expressly recognized in the US constitution, the US Congress may not veto actions/regulations of the US President. I believe that most of the members of the legislature would prefer to see a legislative check upon the power of the executive through a constitutionally recognized general right to enact legislative veto provisions.

Rec'd 7/1/85 - 1001/10

If you desire any further information, please contact me.


Joel J. Bergsma
Chief Legal Counsel
House of Representatives

cc: Convention President