

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

MEMORANDUM

Date: June 26, 1985

Legal Opinion No. 12

To : Attorney General
From : Chairman, Finance and Other Matters Committee
Subject : Request for Legal Opinion on Resolution
Nos. 2-85 and 3-85

Resolution No. 2-85 requests the legislature to authorize the Convention to recess until after the November elections. Resolution No. 3-85 requests the legislature to extend the Constitutional Convention for an additional 30 days. In order to judge these resolutions, the Committee needs to be fully aware of any legal issues posed by these possible actions.

One example of a potential legal issue raised by these resolutions is a suggestion that if the Convention were to recess until after the November elections, prior to recessing it should propose at least one amendment to change the ratification procedures so that voters would vote on constitutional amendments proposed by the Convention 6 months after proposal by constitutional convention, with the intent that that amendment be voted on in November (Delegate Proposal 112-85). This possibility raises the question of whether a proposed amendment can be placed before the voters prior to sine die adjournment of the convention, since actions of the Convention can be reconsidered up until that time.

The committee requests your legal opinion on the legal issues and ramifications of which it should be aware. Please provide your opinion on the matter at the earliest possible time.


Lorenzo I. Guerrero

Attachment

xc: Con-Con President



House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
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June 26, 1985

MEMORANDUM


To: Chairman Finance and Other Matters Committee
From: Legal Counsel
Subject: Legal Opinion No. 12
Legal sufficiency of resolutions 2-85 and 3-85

You have asked us to review whether resolutions 2-85 and 3-85 pose any legal problems. My review of the resolutions discloses no legal problems if the Convention were to adopt them.

The resolutions will require legislative action to amend PL 4-30 before they are effective to extend the Convention or to recess it until the November elections. Whether the legislature will amend PL 4-30 to accommodate the Convention's request is a policy decision for the legislature to make.

If the legislature agrees to recess the Convention, it should require that all amendments adopted by the Convention before it recesses must be subject to ratification at the next general election. Article 18, Section 5(a) appears to require this action if the proposal has been officially adopted by the Convention. Of course, if the convention only provisionally adopted the proposal, it would not need to be submitted to the voters for ratification until the Convention gave the proposal a final endorsement when the Convention reconvened.

I hope this provides you with some insight into the legal ramifications of the two resolutions.


JOEL J. BERGSMAN
CHIEF LEGAL COUNSEL
HOUSE OF REPRESENTATIVES

cc: Convention President