



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

Phone: 6192/6284/6618
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Memorandum:

To: Chairman & members of the Local Govt. Committee of the
Constitutional Convention

From: House of Representatives, Legal Counsel's Office

Subject: Whether two articles of the Constitution can be amended
in one proposal.

In reviewing the provisions of the CNMI Constitution as well as the Analysis to the Constitution, the only guidelines for the amendment of the Constitution are in Article XVIII, Section 3. This section deals with the amendment of the Constitution by legislative initiative, and specifies that: "A proposed amendment may not embrace the subject matter of more than one article of this Constitution."

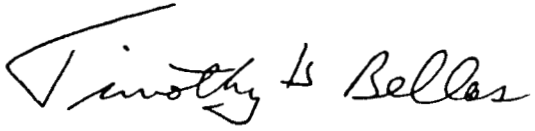
While a similar provision is not contained in the sections providing for amendment of the Constitution by popular initiative or constitutional convention, both of these methods may be transformed into legislative initiatives by a ratification of the proposed amendments by the legislature. This would lead to the conclusion that the Convention should also follow this guideline.

However, it should be noted that the question presented is whether a delegate may submit a proposal which deals with more than one article of the Constitution? The answer is yes. The delegates may submit their ideas in any form which is acceptable to the Convention. After the Convention acts on the proposals and eliminates some, the remaining proposals should be arranged according to the article they are amending, before they are submitted to the voters. This is consistent with the Analysis of Section 3 of Article XVIII, which states: "This prohibition does not prevent the legislature from proposing any number of amendments on a wide variety of subjects. Rather, the legislature is merely required to vote separately on proposals involving different articles of the Constitution." [See Analysis of the Constitution, p. 190].

Thus, the Convention is also free to propose amendments on a wide variety of subjects but they should be arranged by article when they are ready to be submitted to the legislature and the voters.

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Legal Opinion No. 9

Handwritten signature of Timothy H. Bellas in cursive script.

TIMOTHY H. BELLAS
Deputy Chief Legal Counsel

June 27, 1985