



House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
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June 28, 1985

Legal Opinion No. 7

MEMORANDUM:

TO : Chairman & Members of Committee on Organization
and Procedures of the Constitutional Convention.

FROM : House of Representatives Legal Counsel's Office

SUBJECT: Interpretation of language and legal significance of Sections 13
and 19(c) (1) of Public Law 4-30.

In analyzing the complexities of the language in question, I will discuss the meaning of each section and then attempt to reconcile the meaning of these sections with each other and with other legal opinions given on this same subject.

Section 13 of Public Law 4-30 establishes procedural guidelines regarding the form of amendments to the Constitution. It allows:

- 1) An unlimited number of amendments to be proposed by the delegates,
- 2) An adopted proposed amendment to encompass one or more sections, subsections, or articles of the Constitution,
- 3) Only one version of an amendment dealing with any particular part of the constitution to be submitted to the voters.

The only ambiguous language is contained in item #3. Therefore, an example may best illustrate its meaning. If the convention adopts an amendment to Article V, Section 2 of the Constitution which asks the voters to approve or disapprove of the following:

Rec'd 6/28/85 - jmm/pej

"Section 2: Term of Office.

The term of office of the representative shall be four years."

The Convention can not also adopt an amendment to Article V, Section 2, which asks the voters to approve or disapprove of the following:

" Section 2: Term of Office

The term of office of the representative shall be six years."

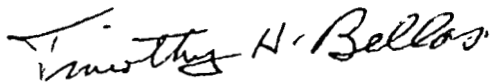
The section limits the ability of the Convention to adopt more than one version of an amendment to one specific section, subsection or article of the Constitution. Thus the voters will only be asked once whether they approve or disapprove of an amendment; they cannot be offered several alternative choices or versions of the same amendment.

I would point out with regard to item #2 as enumerated above, that that portion of section 13 is inconsistent with the opinion rendered to the Local Government Committee by this office on June 27, 1985. (See legal opinion #9). That portion of Section 13 allows amendments proposed and adopted by the Convention to encompass more than one article of the Constitution. Our position remains that delegates may propose amendments which encompass more than one article but the Convention may not adopt such amendments until they have been regrouped by their respective articles. That portion of Section 13 which allows for the adoption of such amendments is contrary to Article XVI 11, Section 3 of the Commonwealth Constitution. The rationale for this position is fully explained in legal opinion # 9.

The language of Section 19(c) (1) requires that each adopted amendment which meets the guidelines previously discussed, will be followed by the referendum language proposed in Section 19 (c) (3). This is to allow voters to select those specific amendments which they favor, rather than having to accept a large block of amendments which might include changes which the voter does not favor, but which he is forced to accept in order to

approve the changes which he does favor.

If further clarification is necessary on these issues, please feel free to contact us.

A handwritten signature in cursive script that reads "Timothy H. Bellas". The signature is written in dark ink and is positioned above the printed name.

Timothy H. Bellas