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- Vicente M. Cacho, 1st Vice President
- David M. Cing, 2nd Vice President
- M. Pangelinan, 3rd Vice President
- William B. Nabors, Convention Secretary
- Juan I. Lizama, Floor Leader

Legal Opinion No. 31

Date: July 7, 1985

Members

- Lorenzo I. Deleon Guerrero
- Alonzo Igisomar
- David L. Igitol
- Rita H. Inos
- Benusto R. Karpat
- Esteven M. King
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- Jesus P. Mainas
- Paul A. Mangiona
- James M. Mendiola
- Aniceto H. Mundo
- Felicidad T. Ogumoro
- Karl T. Reyes
- Joaquin A. Tenorio
- Francisco Tomokane
- William S. Torres
- Ramon G. Vilagomez
- Ignacio Villanueva

MEMORANDUM

TO : Attorney General *TIM*

FROM : Chairman, Committee on Finance and Other Matters

SUBJECT: Delegate Proposal No. 186-85.

The introducer of the subject proposal has expressed concern that current practice may be in violation of, or at least inconsistent with, Sections 701, 702, and 704 (a) and the annual appropriations acts of the United States Congress. Particularly at issue is the language of Covenant Section 704 (a), which reads "(a) Funds provided under Section 702 not obligated or expended by the Government of the Northern Mariana Islands during any fiscal year will remain available for obligation or expenditure by that Government in subsequent fiscal years for the purposes for which the funds were appropriated." (emphasis added) The question has been raised whether the action of the Commonwealth of the Northern Mariana Islands Legislature in appropriating Covenant Section 702 funds is appropriation as improper reappropriation of funds already appropriated by a higher authority, the United States Federal Government. It was noted that the Commonwealth of the Northern Mariana Islands is required to make a detailed budget submission to the United States Congress each year. Would it be correct to say that appropriation by the United States Congress is based upon that budget submission, and it is therefore illegal to use those funds in any other way?

Please expedite your opinion so the Committee can finalize action on the proposal.

Thank you for your assistance.

  
Lorenzo I. DL. Guerrero

xc: Con-Con President

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A PROPOSAL

To add a new Subsection 5(d) to Section 5 of Article II relative to limiting the authority of the legislature on appropriations.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Section 1. A new subsection (d) is hereby added to Section 5 of Article II of the Northern Marianas Constitution relating to authority of the legislature on Appropriations to read as follows:

Section 5: Enactment of Legislation.

"(d) The legislature shall not appropriate funds provided

under Section 702 of Article VII of the Covenant to Establish a

Commonwealth of the Northern Mariana Islands in Political Union

with the United States of America."

Date: 6/25/85 Offered by:

Delegate Jesus P. Mathas, Saipan

Delegate Alonzo Idiosmar, Saipan

Delegate Lorenzo I. Guerrero, Saipan

Delegate David L. Agitol, Saipan

Delegate Karl T. Reyes, Saipan

Delegate William S. Torres, Saipan

Delegate Joaquin A. Tenorio, Saipan

Delegate Francisco Tomokane, Saipan

Delegate Ramon G. Vilagomez, Saipan

Delegate Ignacio Villanueva, Saipan

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