



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

Phone: 6195/6284/6618

MEMORANDUM

To: Chairman, Committee on FOM
From: Legal Counsel
Subject: Legal Opinion No. 30, requested July 7, 1985
Date: July 9, 1985

Delegate proposals 51 and 52 add the words "section or part" to the appropriations veto authority of the governor. I understand that the proposals intent to clarify the meaning of the existing language that permits the governor to veto "a bill or item." (See Article II, Section 7(a)).


There has been confusion concerning the scope of the governor's item veto authority, and the issue has not been clarified by the Constitutional Analysis or the courts. I do not believe the additional words "section or part" will clarify the confusion. The word part is as ambiguous as the word item. If the committee desires to resolve the confusion, a better approach would be to add a sentence to Section 7(a) that defined the word item to include any section, subsection, or paragraph of an appropriation bill. The definition could also settle the issue raised by delegate proposal 211, that is whether or not the governor can veto administrative provisions included in an appropriations bill.

If the committee desires to grant the governor the authority to veto administrative provisions, it can do so with the following language: "An item of an appropriation bill includes any section, subsection, or paragraph of the bill, including any administrative provision of the bill."

If the committee desires not to grant the governor the authority to veto administrative provisions, the last phrase can be changed to read "excluding any administrative provisions of the bill."

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In determining what changes to make, I recommend the committee solicit the views of the legislature and governor's office as to the appropriate policy decision that should be made. It is legal to do nothing or to adopt either suggested change. Your decision should be based on what you feel is appropriate public policy


JOEL J. BERGSMA
CHIEF LEGAL COUNSEL

cc: Convention President
Legal Counsel