

**HOUSE OF REPRESENTATIVES
OF THE COMMONWEALTH OF
THE NORTHERN MARIANA
ISLANDS**

vs.

**THE SENATE OF THE
COMMONWEALTH OF THE
NORTHERN MARIANA
ISLANDS**

**Civil Action No. 87-669
Commonwealth Trial Court**

Decided December 9, 1987

**1. Constitutional Law -
Construction of Constitution**
Constitutional interpretation is the
responsibility of the court.

**2. Constitution (NMI) -
Legislative Budget Ceiling**
In adopting Amendment 9 the people of
the Commonwealth mandated that the
legislative budget should be divided
equally between the House of
Representatives and the Senate. NMI
Const., Art. II, §16.

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH TRIAL COURT

HOUSE OF REPRESENTATIVES OF)
THE COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS,)

CIVIL ACTION NO. 87-669

Plaintiff,)

vs.)

OPINION AND ORDER

THE SENATE OF THE)
COMMONWEALTH OF THE NORTHERN)
MARIANA ISLANDS,)

Defendant.)

I.

FACTS

Amendment 9 to the Commonwealth Constitution provides for a ceiling of \$2,800,000.00 on the annual budget for the Commonwealth Legislature. The Legislature is divided into two Houses, the Senate and the House of Representatives. There are nine members of the Senate and 15 members of the House. All members of the Legislature receive salaries of \$30,000 per annum. Accordingly, annual salary expenditures for the elected officials serving in the House amount to \$450,000 while the Senate expends only \$270,000.

Plaintiff, the House of Representatives, has petitioned this court for declaratory relief as to how the legislative budget should be divided. Plaintiff contends that because the

1 House has more members than the Senate, dividing the
2 legislative budget equally between the two Houses violates the
3 Equal Protection Clause of the Commonwealth Constitution
4 (Article I, Section 6) as the House is left with less money for
5 operating expenses than the Senate by virtue of the fact that
6 the House must pay out more money in salaries. Plaintiff
7 further contends that the language of Amendment 9 is ambiguous,
8 specifically that the wording "divided equally" is subject to
9 varying interpretations. Plaintiff has petitioned this court
10 to declare that the proper method for dividing the legislative
11 budget would be to, first, deduct all of the legislative
12 members' salaries and then equally divide the balance ensuring
13 that both Houses had equal operating budgets.

14 Defendant Senate contends that Amendment 9 is clear on its
15 face in that the words "divided equally" mean just that; that
16 the 2.8 million legislative budget should be divided so as to
17 give 1.4 million to each house of the Legislature.

18 II.

19 JURISDICTION

20 Plaintiff has petitioned this court for declaratory relief
21 as to the meaning of Amendment 9 to the Commonwealth
22 Constitution. In doing so plaintiff has sought a judicial
23 interpretation of the Commonwealth Constitution.

24 [] Constitutional interpretation is the responsibility of the
25 court. Elrod v. Burns, (1976) 427 U.S. 347, 353, 49 L.Ed.2d

1 547, 96 S.Ct. 2673, 2679; Baker v. Carr, (1962) 369 U.S. 196,
2 211, 7 L.Ed.2d 663, 82 S.Ct. 691, 706.

3 As the relief sought in this case calls for an
4 interpretation of the Commonwealth Constitution, the court
5 finds jurisdiction in this case to be present and proper.

6 III.

7 DISCUSSION

8 Amendment 9 to the Commonwealth Constitution establishes a
9 ceiling on the budget of the Legislature. Subsection a) of
10 Amendment 9 reads as follows:

11 a) Appropriations, or obligations and
12 expenditures, for the operations and
13 activities of the legislature may not exceed
14 two million eight hundred thousand dollars
15 in any fiscal year. This ceiling on the
16 legislative budget shall be divided equally
17 between the Senate and the House of
18 Representatives. (emphasis added)

19 Plaintiff argues that the words "divided equally" in
20 Amendment 9 are ambiguous and unclear. In support of this
21 proposition, plaintiff cites numerous dictionary definitions of
22 the words "equal" and "divide." Plaintiff also brought forth
23 witnesses who, as members of the House, testified there has
24 been an ongoing dispute as to how the \$2.8 million legislative
25 budget should be divided.

1 After plaintiff had completed its presentation of the
2 evidence, defendant moved for dismissal of this action under
3 Com.R.Civ.Pro., Rule 41(b), on the grounds that plaintiff
4 failed to show any right to the relief requested.

5 Amendment 9 clearly states that the "legislative budget
6 shall be divided equally between the Senate and the House of
7 Representatives."

8 In recommending Amendment 9 to the Constitutional
9 Convention the Committee on Finance and Other Matters addressed
10 the issue of how the legislative budget should be divided.
11 Their Committee Recommendation No. 24 is before this court as
12 Joint Exhibit No. 1. Committee Recommendation No. 24 reads, in
13 pertinent part, as follows:
14

15 "With respect to the question of
16 apportionment of the ceiling between the two
17 houses, your Committee determined that the best
18 approach is to allocate the ceiling equally
19 between the two houses. We feel it would be
20 unrealistic to leave it up to the legislature to
21 decide how the ceiling is to be divided, since
22 doing so could easily lead to unnecessary
23 political fights between the two houses. This
24 view was also supported by the Director of
25 Finance. Various views were expressed as to the
proportion each house should receive. Although
the House of Representatives has more members
than the Senate, your Committee feels that the
equal distribution is the fairest approach
because 1) both houses must support central
administrative, clerical, and professional
staffs, 2) both houses have similar fixed
expenses for building maintenance and
representation in regional organizations and
before the U.S. government, 3) both houses have

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2 approximately the same number of committees, 4)
3 both houses must act on the same legislation, and
4 5) each member of the Senate represents, and must
5 keep in touch with, a larger number of
6 constituents." Report to the Convention, by the
7 Committee on Finance and Other Matters, Committee
8 Recommendation No. 24.

9
10 Thus, it is obvious not only from the wording of
11 Amendment 9 but from the above cited committee recommendation
12 that the intent of Amendment 9 is that the budget will be
13 divided equally between the House of Representatives and the
14 Senate. This is what Amendment 9 says on its face and this is
15 what it clearly means.

16 This court finds no ambiguity in the term "divided equally"
17 as used in Amendment 9. This language is perfectly clear.
18 Committee Report No. 24 recognized that there might be disputes
19 between the two legislative houses as to how to apportion the
20 budget and declares that the fairest approach is to divide the
21 budget down the middle.

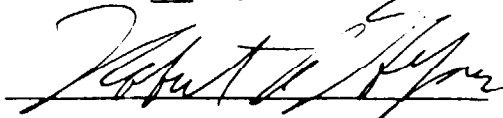
22 [2] In this case, the primary issue is what Amendment 9
23 states. In adopting Amendment 9 the people of the Commonwealth
24 have mandated that the legislative budget should be divided
25 equally between the House of Representatives and the Senate.

Plaintiff's argument that the language of Amendment 9 is
ambiguous is not supported by the evidence presented. Further,
plaintiff's witnesses offered no testimony which would cast any
doubt upon the meaning of Amendment 9.

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Based upon the foregoing facts and the law of this Commonwealth, this court finds that plaintiff has shown no right to the relief requested and hereby dismisses this action pursuant to Com.R.Civ.Pro., Rule 41(b).

Dated at Saipan, CM, this 9th day of December, 1987.



Robert A. Hefner, Chief Judge