

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

Officers

Herman T. Guerrero, President
Vicente M. Calvo, 1st Vice President
David M. Cing, 2nd Vice President
Maria T. Pangelinan, 3rd Vice President
William B. Nabors, Convention Secretary
Juan T. Lizama, Floor Leader

REPORT TO THE CONVENTION BY THE
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Members

Lorenzo I. Deleon Guerrero
Alonzo Iglisomar
David L. Igitol
Rita H. Inos
Benusto R. Kalpat
Estevan M. King
Luis M. Limes
Jesus P. Mafnas
Paul A. Manglona
James M. Mendiola
Aniceto H. Mundo
Felicidad T. Ogunoro
Karl T. Reyes
Joaquin A. Tenorio
Francisco Tomokane
William S. Torres
Ramon G. Villagomez
Ignacio Villanueva

Subject: Committee Recommendation No. 44

Your Committee on Governmental Institutions recommends that the Convention meeting in Committee of the Whole adopt the attached proposed Constitutional amendment with respect to the emergency powers of the Governor.

Your Committee's proposed amendment would require the term "other calamity" in the existing Constitutional provision granting emergency powers to the Governor to be defined by law.

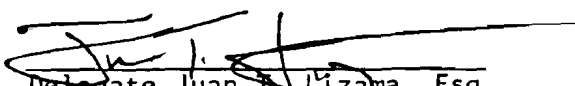
Your Committee finds that past experience has shown that the current Constitutional provision is too broad and invites abuses. With skillful use of language, almost anything can be considered a "calamity" or a potential calamity justifying use of emergency power. Your Committee believes that having this term defined by law will prevent abuses while still providing sufficient flexibility to ensure that the Governor will be able to invoke emergency powers in a time of genuine necessity.

In the absence of a statute defining "other calamity", the Governor's emergency powers would be limited to cases of invasion, civil disturbance, and natural disaster. Your Committee notes that these are the three conditions that require immediate, urgent action by the chief executive, and it is either impossible or there is insufficient time to consult with the legislature. These three conditions are the ones that historically served as the basis for granting emergency powers to the Governor. The proposed amendment would permit the legislature to extend the conditions under which the Governor could use his emergency powers. This assures that the Constitutional provisions would not be too restrictive.


Delegate Proposals: Your Committee considered seven Delegate Proposals, all seeking to further define or restrict the Governor's emergency powers, Delegate Proposals Nos. 79-85, 102-85, 140-85, 179-85, 244-85, 245-85, and 271-85. Your Committee feels that the language of the attached recommendation best addresses the concern without being too rigid. One proposal had to be rejected because it sought to grant authority which is prohibited by the Covenant.

Therefore, your Committee strongly urges all delegates to support the attached Committee Recommendation.

Respectfully submitted,



Delegate Juan T. Lizama, Esq.
Chairman




Delegate Jesus P. Mafias
Vice-Chairman



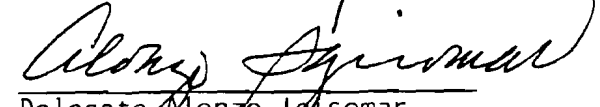
Delegate Felicidad T. Ogumoro
Member

Delegate Benusto R. Kaipat
Member

Delegate Vicente M. Calvo
Member



Delegate David M. Cing
Member



Delegate Monzo Imsomar
Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article III, Section 10 relating to the
Governor's emergency powers

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth
of the Northern Mariana Islands Constitution and Public Law No. 4-30, the
Constitution of the Commonwealth of the Northern Mariana Islands is amended
to read as follows:

1 I. Effective upon ratification, Section 10 of Article III
2 is amended to read:

3 "Section 10. Emergency Powers. The governor may declare
4 a state of emergency in the case of invasion, civil disturbance,
5 natural disaster or, as provided by law, other calamity and may
6 mobilize available resources to respond to that emergency."

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Committee on Government
Institutions

*Adopted by the
Vote of the Whole
7/14/85*

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1 1. Effective upon ratification, Section 10 of Article III is amended
2 to read:

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4 a state of emergency in the case of invasion, civil disturbance,
5 natural disaster or (as provided by law,) other calamity and may
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15 ADOPTED, AS AMENDED, BY THE COMMITTEE OF THE WHOLE AND THE CONVENTION
16 ON JULY 14, 1985.
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7/15/85

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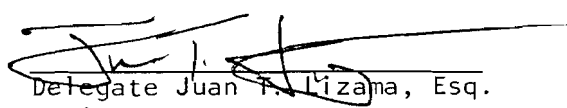
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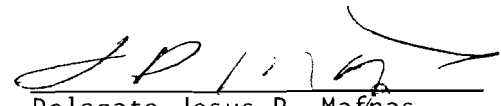
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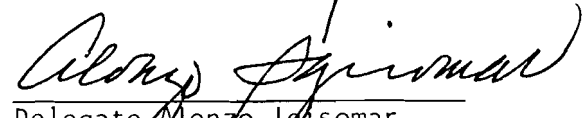
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