



# LAW REVISION COMMISSION

Commonwealth of the Northern Mariana Islands

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## MEMORANDUM

TO: Deanne Siemer and Howard Willens

FROM: Sam Thompson

SUBJECT: Suggested Style Modifications to 1995 Constitutional Convention Amendments

DATE: October 4, 1995

## INTRODUCTION

Modifications are of two types, indicated by two types of ink. Changes I consider essential are indicated in fuschia felt-tip (■). Non-essential but recommended changes are indicated in red ball-point (—). (Your changes are indicated in blue ink.)

First, an observation concerning a potentially substantive matter:

**And/Or Distinction.** *See* article III, section 16(a). I'm sure you're quite familiar with the legal significance (exclusiveness v. inclusiveness) of the use of these terms. In this case, the choice could be significant.

## EXPLANATION

### Essential Modifications

In addition to several atypical suggestions noted in the text, I believe the following modifications are necessary:

**Covenant Citations.** To be consistent, a full citation is needed, including a citation to the appropriate Covenant article.

**Cross-References.** To be consistent and to avoid ambiguity, when referring to another section within the same article, "of this article" should be added after the reference to the section. On a related matter, when referring in a subsection to a requirement specified in that subsection, to be consistent use the form "of this subsection" rather than "of this subsection (a)"; this is the preferred form in Washington State and some other jurisdictions.

**Headings.** To be consistent, all headings should be followed by an underlined period. Do you intend that the headings be italicized? If not, consider taking out the underlining. I note that

the heads were italicized in the Constitution reprinted with the 1977 GEORGETOWN LAW REVIEW article.

**Hyphens.** In several cases, hyphens should be added in references to numbers and certain compound terms for consistency and to avoid ambiguity.

**Schedule on Transitional and Related Matters.** In several cases, "the amended" should be added, where appropriate; this avoids ambiguity in references to amended or prior provisions of a section.

**Sub-Subsections.** Under the form used in the Commonwealth Code, sub-subsections are separated and indented to clearly indicate that they are components of a subsection; in addition, the first word of the sub-subsection is capitalized. Compare article III, section 9(a) and article VI, section (7)(b).

### **Non-Essential Modifications**

In addition to several atypical suggestions noted in the text, the following modifications are non-essential but strongly recommended:

**Headings for Sections in Articles XV-XVII.** I believe that headings should be specified for these sections; I've made recommendations. These sections should have headings because it is entirely possible that additional sections will later be added to the articles; it's best to specify the headings now rather than later. In any event, all sections should have headings (see photocopy of single-section articles from Washington State Constitution, attached).

**Internal Subsection References.** *See, e.g.,* article II, section 4(b). I believe that the form I suggest removes any ambiguity.

**Mwaar.** *See* article XIX, sections 2 and 3. In current sections, this word includes diacritical marks ("mwáár"). According to the *Carolinian-English Dictionary*, diacritical marks are appropriate (see photocopy, attached). However, some Carolinians apparently feel the marks aren't necessary. Perhaps the Chamorro-Carolinian Language Policy Commission should be consulted (it's within the Department of Community and Cultural Affairs).

**Parentheses Around Letter Subsections.** Under the form used in the Commonwealth Code, letter subsection designations include two parentheses--(a), (b), etc. In the amendments, two parentheses are already included in sub-subsection designations--(1), (2), etc.

**Sub-Subsection Designations in Article III, Section 20(d).** To enhance clarity, I recommend that the clauses in this subsection be separated and specified as sub-subsections.

**These/Those.** For clarity and precision, I often prefer "those" to "these."

attachment

granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisal to exceed one hundred dollars (\$100) per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

§ 5 **Investment of permanent common school fund.** The permanent common school fund of this state may be invested as authorized by law. [AMENDMENT 44, 1965 ex.s. Senate Joint Resolution No. 22, part 2, p 2817. Approved November 8, 1966.]

**Amendment 1 (1894)—Art. 16 § 5 INVESTMENT OF SCHOOL FUND—***None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds.* [AMENDMENT 1, 1893 p 9 § 1. Approved November, 1894.]

**Original text—Art. 16 § 5 INVESTMENT OF PERMANENT SCHOOL FUND—***None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county or municipal bonds.*

Funds for support of education: Art. 9 § 3.

## Article XVII TIDE LANDS

§ 1 **Declaration of state ownership.** The state of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

Harbors and tide waters: Art. 15.

§ 2 **Disclaimer of certain lands.** The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: *Provided*, the same is not impeached for fraud.

## Article XVIII STATE SEAL

§ 1 **Seal of the state.** The seal of the State of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889."

Custody of seal: Art. 3 § 18.

State seal: RCW 1.20.080.

## Article XIX EXEMPTIONS

§ 1 **Exemptions—Homesteads, etc.** The legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

## Article XX

### PUBLIC HEALTH AND VITAL STATISTICS

§ 1 **Board of health and bureau of vital statistics.** There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the legislature may direct.

§ 2 **Regulations concerning medicine, surgery and pharmacy.** The legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

## Article XXI

### WATER AND WATER RIGHTS

§ 1 **Public use of water.** The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

## Article XXII

### LEGISLATIVE APPORTIONMENT

§ 1 **Senatorial apportionment** Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district and be entitled to one senator; the counties of Klickitat, and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district,

and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

Districts and apportionment: Chapter 44.07B RCW.

§ 2 **Apportionment of representatives.** Until otherwise provided by law the representatives shall be divided among the several counties of the state in the following manner; the county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the

mwááliyás

plate is chipped. 2. To break a landslide. TAN: mwékk.

To be sour, tart. TAN: mwall, mwáalle, trichi vi. To be (so much so that it burns the wallettig.

vi. To be enough, sufficient; said of food or drink that is, or of irritating behavior, or of mweel. Stop. That's enough. E tarabwaagho. Stop working.

MWÁÁLI [POC \*(ta-ŋgmaqane)]

Inflected mwááliil, mwáálel. —mwáálellap MWÁÁLE, LLAPA. Sister's oldest brother or father's oldest son. Related lap. TAN:

—mwáálelól vi. To reach (les). Synonym mwááletá. —m. n. Penis; manliness, masculinity. (usage: respect) Synonym mwáál kkemwuul n. Gentle (of address). (usage: common)

resaumwar.

vi. To be lost (on land, as on lost at sea). E.g. Aa mwáával. He got lost in the forest. lilól.

of mwááliilól.

To be a show-off, to be arrogant. 2. To be a Don Juan, to be successful with many women and

MWÁÁLE, SCHOO n. A man who is successful. Related mwáál, schoo. YALIYA (or mwáliyáli) vi. To

verse in a quiet, respectful fashion or sickbed, in church. Related kkapas.

ords, conversation, speech. In-áy, mwáliyómw, mwáliyál, mwáiyeer. Related mwáliili. Syn-

AM] (TAN) vi. 1. To be notorious or mischievous things; to be a 2. To tell mocking jokes, make es over the head of an innocent ay practical jokes; to do nasty áliyas.

M] vi. 1. To be notorious for the hievious things one does; to be a Synonym mwóscho. 2. To tell , make fun; to tell jokes over the

# FROM CAROLINIAN-ENGLISH ACTIVELY

mwááliyál

head of an innocent listener, to play practical jokes; to do nasty tricks. Compare mangaraay. TAN: mwááliyáh.

mwááliyál (or mwááliyél) vi. To be dizzy, light-headed; (figuratively) to be confused.

mwáliyáli Variant of mwáliili.

mwááliyél Variant of mwááliyál.

mwámweschigh n. Sp. of edible bottom-dwelling fish.

mwáán MWÁÁN [POC \*(ta-ŋgmaqane)] (TAN, LX) n. Man, male. See mwáál.

mwááng MWÁÁNGI vi. 1. To be upset or impatient; to be excited from hearing of important news or events. 2. To be annoyed, impatient, especially from waiting. 3. To be physically strained and aching. E.g. Aa mwááng saghúráy. My back is strained. Compare waa-mwey. —mwáángilól vi. To be annoyed, frustrated, fed up.

mwángil (or mwengil) vi. To spoil, become bad (of food).

mwáár MWÁÁRE n. Lei, typically the traditional Micronesian head garland; more generally, anything worn around the head or neck. Related mware-.

mwárigar (or mwárigar) n. Basket, made of coconut leaves, used for cooking fish in the earth oven.

Mwáárigar (or Mwáárigar) n. A constellation: the Pleiades. Compare mwárigar.

mwárigar Variant of mwárigar.

Mwáárigar Variant of Mwáárigar.

mwáát Variant of mwaat.

mwei- v. Root form for adopt and adoption.

—mweimwey MWEIMWEYI n, vi. 1. Adopted children. E.g. Layúl mweimwey - his adopted child. 2. To temporarily foster a child.

—mweiti MWEI, -TI, -A<sup>3</sup> (or mwéiti) vi. To adopt a child. Inflected mweitiilól.

mweifengáll MWEI, FENGÁLLI vi. To put things together, to come together in a group. Inflected mweifengáli.

mmweigh vi. To be stingy, to be notorious for lacking generosity, selfish. Dial. wóppwut.

mweilól vi. To be out of season (of fruit). E.g. Aa mweilól mangga. Mangoes are out of season.

mweimwey n Sp. of bird.

mweisefáng MWEI, SEFÁNGI vi. 1. To separate (as with married people); to separate different types of objects from one another. 2. To be

frayed, parted, broken (of a rope, esp. one with many strands). Inflected mweisefángi (vi). Related amwey, mmwey.

mweisilól Variant of mwoisilól.

mweiti vi. To break something, part it, snap it (of rope, string, cable, etc.). E.g. Juan aa mweitiilól ghoomwa. Juan broke the rubber band. Related mmwey.

mweito MWEI, -TOO vi. To come together. E.g. Aramas re mweito reel imwal máá. The people have come together at the mortuary.

mweive Variant of mwoiwe.

mmwel<sup>1</sup> vi. Always takes third person singular subject pronoun. To be able, capable. E.g. E-se mmwel bwe Maria ebwe féeri tarabwaagho leeimw. Maria is not able to do the work at home. Related emmwel. Dial. teefúrh.

mmwel<sup>2</sup> Variant of mmwál.

mweel n. Line leading to pulley attached to lower boom on a sailing canoe; used to adjust the set of the sail.

mwenilól (TAN) vi. To languish, mope because of someone's absence. Synonym ereeramwey.

mwengerenger (or mwongerenger, mwongaranger) vi. To have a rough surface, as sandpaper or the bark of a tree. Compare mwolaala.

mwengeya- (or mwéngeya) n. Sibling or cousin of the opposite sex; for a man, his mwengeyal would be female, for a woman the mwengeyal would be male. Inflected mwengeyey, mwengeyómw, mwengeyal, mwengeyeer. Compare bwii.

mwengil Variant of mwángil.

mwerá (or mwérá) vi. To habitually eat at other people's houses, to be a moocher (this is said to be an insult when said seriously about adults, but is not considered a particularly bad thing for children to do around the village). Inflected mwerákkesch. TAN: mworá. —mwerákkesch (or mworákkiisch, mwérakkesch) n.

Person who habitually eats at the homes of others; a moocher. TAN: mworakkirh.

mweesilól Variant of mwoisilól.

mweesor n. Guettarda speciosa, sp. of small tree with sweet-smelling blossoms that bloom in the morning. TAN: mwohor.

mwschel (or mwuschel) v. To want, wish, hope for, desire, be willing. E.g. I mwschel ló ghuubwul I want to go to a party. TAN: mwerhen. —mwscheleyá vi. 1. To be greedy, covetous, to request other people's belongings, or to beg goods in a store. 2. To be