

DRAFT ORGANIC ACT

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1969

(To be inserted after SEC. 109 (d).)

SEC 110 No law shall be enacted except by bill. Every bill passed by the Congress shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the Congress within ten days (Sundays excepted) after it shall have been presented to him. If he does not return it within such period, it shall be a law in like manner as if he had signed it, unless Congress by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law.

When a bill is returned by the Governor to the Congress with his objections, the Congress shall enter his objections at large on its journal and may proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress agree to pass it, it shall be sent to the Governor, and shall become law.

If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions

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thereof, while approving the other items, parts or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

SEC. 111 For the purpose of representation in the Congress, Micronesia is divided into six Districts, as provided in this Act.

The Senate shall consist of twelve members, who shall be known as "Senators", of which each District shall elect two.

The House of Representatives shall consist of twenty-one members, who shall be known as "Representatives", and who shall be elected from single member election districts of approximately equal population, except that each District shall be entitled to at least two Representatives.

Election districts shall be reapportioned by the Congress of Micronesia every 10 years on the basis of population. The first reapportionment of the currently existing election districts shall be made in 1971.

SEC. 112 In order to be eligible to election as a member of the Congress a person shall:

(a) be a citizen of the United States and have resided in Micronesia for at least five years;

(b) have attained the age of twenty-five years at the time of his election; and

(c) have been a bona fide resident of the District from which he is elected for at least one year next preceding his election.

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony by any court of the Trust Territory or Micronesia or any court of the United States, shall sit in the Congress unless the person so convicted has been pardoned or has had restored to him his civil rights in Micronesia.

SEC. 113 The franchise shall be vested in those persons who have resided in Micronesia for at least one year, who are citizens of the United States and are eighteen years of age or over. Additional qualifications, not inconsistent with section 103 (m) of this Act, may be prescribed by the Congress.

SEC. 114 General elections shall be held biennially in each even numbered year on the first Tuesday following the first Monday in November. All elections shall be held in

accordance with such procedures as this Act and the laws of Micronesia may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective districts.

SEC. 115 Each Senator shall hold office for a term of four years. Each Representative shall hold office for a term of two years.

The terms of all members of the Congress shall commence at noon on the third day of January following their election, except as otherwise provided by law.

SEC. 116 Whenever, prior to six months before the date of the next general election, a vacancy occurs in either house of the Congress of Micronesia, the Governor shall call a special election to fill such vacancy. In case of a vacancy occurring within six months of the next general election, no special election shall be held and the Governor may fill such vacancy by appointment.

SEC. 117 Any person employed by any branch of the Government of Micronesia, or any political subdivision thereof, shall be accorded leave without pay, for a period not to exceed 30 days prior to and including the day of the election,

for the purpose of seeking election to the Congress. If any person is elected, he shall resign from his employment with the Government of Micronesia or any political subdivision thereof, prior to the date upon which his term of office commences.

No person serving as a member of the legislative body of any political subdivision of the Government of Micronesia shall be eligible, while so serving, to serve as a member of the Congress of Micronesia.

No member of the Congress shall receive any compensation, other than that provided for in this Act, from the Government of Micronesia or any political subdivision thereof.

SEC. 118 No member of the Congress shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Congress during such term.

SEC. 119 There shall be a regular session of the Congress held in each year at such time and for such duration as may be prescribed by the laws of Micronesia, except that until such provision is made, the Congress shall convene on

the second Monday in July and continue for not to exceed 45 consecutive calendar days.

The Governor may call special sessions for such period of time and at such time and place, as in his opinion the public interest may require. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the Congress while in such session.

SEC. 120 Each House shall be the sole judge of the election and qualifications of the members; shall adopt rules for its own proceedings appropriate to legislative bodies and, with the concurrence of two thirds of the total number of members of which it is composed, may expel any member for the causes established by the Congress of Micronesia.

SEC. 121 No member of the Congress of Micronesia shall be held to answer before any tribunal other than the Congress for any speech or debate in the Congress, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress and in going to and from the same.

SEC. 122 Neither House may adjourn for more than three consecutive days nor may either House adjourn sine die without the concurrence of the other House.

SEC. 123 The Governor shall cause resolutions and laws to be published within thirty days after they become law and shall make provision for their distribution to public officials and sale to the public.

SEC. 124 (a) A majority of the members of each House shall constitute a quorum of such House for the transaction of business. A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

(b) All legislative proceedings shall be conducted in the English language: Provided, That knowledge of the English language shall not be a qualification for membership in the Congress. Nothing herein shall limit the right of a member to use his native language if he lacks fluency in English, and the Congress shall provide for interpretation into English in such cases.

(c) Each House shall keep a journal of its proceedings, and publish the same in English.

(d) The business of the Congress, and of the Committee of the Whole, shall be transacted openly and not in secret session.

SEC. 125 Each member of the Congress shall receive an annual salary, travel and such other allowances as may be prescribed by the laws of Micronesia.

SEC. 126 Every member of the Congress of Micronesia and all officers of the Government of Micronesia shall take the following oath or affirmation: "I solemnly (swear) (in the presence of Almighty God) (affirm) that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Micronesia and the laws of Micronesia, and that I will conscientiously and impartially discharge my duties as a member of the Congress of Micronesia (or as an officer of the Government of Micronesia)."

SEC. 127 The members of the Congress holding office on the effective date of this Act shall continue to serve until the first general election is held pursuant to section 113 of this Act, except that Senators who were elected at the last general election prior to the effective date of this Act shall continue to serve until the expiration of their four-year terms.

SEC. 128 The House of Representatives shall have exclusive power to initiate impeachment proceedings and, with the concurrence of two thirds of the total number of members of which it is composed, to bring an indictment. The Senate shall have exclusive power to try and to decide impeachment cases, and in meeting for such purposes the Senators shall act in the name of the people and under oath or affirmation. No judgment of conviction in an impeachment trial shall be pronounced without the concurrence of three fourths of the total number of members of which the Senate is composed, and the judgment shall be limited to removal from office. The person impeached, however, may be liable and subject to indictment, trial, judgment and punishment according to law. The causes of impeachment shall be treason, bribery, other felonies, and misdemeanors involving moral turpitude. The Chief Justice of the Supreme Court shall preside at the impeachment trial of the Governor.

The two houses may conduct impeachment proceedings in their regular or special sessions. The presiding officers of the two Houses, upon written request of two thirds of the total number of members of which the House of Representatives is composed, must convene them to deal with such proceedings.

(a, sub) Community

Sec. 140. Effective after the date of this Act, no privately or ~~tribally~~ owned real property or use rights in such property in the districts of Micronesia may be transferred, sold or alienated (leased for terms of 10 years or more) to non-residents¹ of Micronesia unless such transfer, sale, or lease or alienation is first approved in writing by the majority vote of a Commission to be especially established for that purpose in accordance with the laws of Micronesia, provided however that this does limit the right of the United States to acquire property or interests in property by purchase, (condemnation or otherwise).

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as may be negotiated between the parties concerned.

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SEC. 140 (a) The title to all property, real and personal, owned by the Government of the Trust Territory, and all interests including rights of use in property held by the Government of the Trust Territory, are hereby transferred to the Government of Micronesia, except that whatever right, title, or interest the Government of the Trust Territory has in particular tracts of tidelands, submerged lands, or filled lands in or adjacent to the islands of Micronesia are hereby conveyed to the United States and shall be administered in accordance with terms of Public Law 88-183 (77 Stat. 338), which is hereby amended to include where appropriate "Micronesia." The term "tidelands, submerged lands, or filled lands" shall have the meaning ascribed to it in Section 1 (a) of Public Law 88-183 (77 Stat. 338), but shall not include any such lands which by local or customary laws or rights are currently held in private or communal ownership.

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(b) Nothing in this ^{Act}~~section~~ shall impair the existing agreements between the Trust Territory Government and the United States Government or any agency or department thereunder regarding land-use and retention, and the Government of Micronesia takes title to all such land as set forth in Section (a) above subject to such agreements as stated.

(c) The United States Government shall have the right to take ~~land~~ ^{land} or any interest in ~~land~~ ^{land} including any temporary use for public purposes in Micronesia in accordance with condemnation

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procedures established under United States Federal laws. Except
in ~~the~~ cases as determined by the President of the United States,
these procedures shall not be used until the need for such use ^{of the law}

has first been reviewed with a commission established by the Con- ^{UP.}
gress ^{in accordance with the laws of Micronesia} of Micronesia. In the event the commission does not approve

the need for the taking by the United States or does not act
within a reasonable period of time, the United States ^{ATTORNEY-GENERAL} ~~Attorney~~ ^{of the}
~~Attorney~~ may then submit the proposed taking ^{with the advice} to the President of
the United States for final determination. ^{news of the}
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(d) Effective as of the date of this Act, no privately
or communally owned real property or use rights in such property
in Micronesia may be transferred, sold, alienated, or leased for
a term in excess of ten years, to non-residents or corporations
|| owned or controlled by non-residents of Micronesia unless such
transfer, sale, alienation, or lease is first approved in writing
by the majority vote of a Commission to be especially established
for that purpose in accordance with the laws of Micronesia, pro-
vided, however, that this does not limit the right of the United
States Government to acquire property or use of property by pur-
chase or exchange as may be negotiated between the parties con-
cerned.

Sec. ____ (a) The following sections of the Tariff Act of 1930, as amended, are hereby amended by inserting "Micronesia," immediately after "Johnston Island," each place it appears therein:

(1) That part of section 1 which precedes schedule 1 (19 U.S.C., sec. 1001).

(2) That part of section 201 which precedes schedule 16 (19 U.S.C., sec. 1201).

(3) Section 401 (k) (19 U.S.C., sec 1401 (k)).

(4) Section 557 (a) (19 U. S. C., sec. 1557 (a)).

(5) Section 562 (19 U.S.C., sec. 1562),

(b) Section 401 (a) of the Anti-Smuggling Act, as amended (19 U.S.C., sec. 1709(a)), is hereby amended by inserting "Micronesia," immediately after "Johnston Island,".

(c) Sections 542, 544, and 545 of title 18 of the United States Code are hereby amended by inserting "Micronesia," immediately after "Johnston Island," each place it appears therein.

(d) The amendments made by this section shall take effect on the day following the effective date of this Act.

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SEC. _____ The breadth of the territorial sea adjacent to the respective islands of Micronesia shall be the same as that recognized by the United States in its international relationships. All laws and treaties of the United States of general application concerning the rights of persons and foreign nations in the territorial sea, the exclusive fisheries zone, the contiguous zone, the high seas, and the sea bed and the subsoil thereof shall be applicable to Micronesia.

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Borman

Section - Micronesia

- Public*
- a. The United States Government, through its agencies or departments, shall have the right to take land or any interest in land, including any temporary use ~~in land or interest in land~~, for ~~its~~ use in Micronesia in accordance with condemnation procedures established under United States ~~Federal~~ laws. Except in cases (~~of emergency~~) as determined by the President of the United States, these procedures shall not be used until the need for such use has first been reviewed with a ~~consultative~~ commission established by the Congress of Micronesia. In the event the ~~consultative~~ commission does not approve the need for the taking by the United States, or does not act within a reasonable period of time (~~within 90 days~~), the United States District Attorney may then submit the proposed taking to the President of the United States for final determination.

(c) The Governor and the Lt. Governor of Micronesia, and members of their immediate staffs, shall have the status of officers and employees of the United States. Effective two years from the effective date of this Act, no other employees of the Government of Micronesia shall have the status of Federal employees. Except as herein provided, the Federal status of each employee of the Government of the Trust Territory, shall cease either upon the termination of his transportation agreement in effect on the effective date of this Act, or two years after the effective date of this Act, whichever occurs first.

The Governor of Micronesia may appoint or remove any officer or employee of the Government of Micronesia whose appointment is not otherwise provided for, in this Act or other law.

SEC. 140.a The title to all property, real and personal, owned by the Government of the Trust Territory, and all interests in property, held by the Government of the Trust Territory, are hereby transferred to the Government of Micronesia, except that whatever right, title, or interest the Government of the Trust Territory has in particular tracts of tidelands, submerged lands, or filled lands

Sec. 140. Effective after the date of this Act, no privately or tribally owned real property or use rights in such property in the districts of Micronesia may be transferred, sold or alienated to non-residents of Micronesia unless such transfer, sale or alienation is first approved in writing by the majority vote of a Commission to be especially established for that purpose in accordance with the laws of Micronesia.

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Comments

Explanatory notes

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140. b. Nothing in this section shall impair the existing agreements between the Trust Territory Government and the United States Government or any agency or department thereunder regarding land-use and retention, and the Government of Micronesia takes title to all such land as set forth in Section a. above subject to such agreements as stated.

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Section _____ *is to* take
The United States Government shall have the right to acquire land

for public use in Micronesia in accordance with federal condemnation procedures; provided that, except in the case of a national emergency declared by the President, such procedures shall not be used until the need for such land has been reviewed and established by a commission set up by the Congress of Micronesia. In the event the commission does not approve the proposed taking by the United States, the need for the proposed taking may be appealed to the President for final determination.

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