

(HICOM DISAPPROVES HD 3)

SAIPAN, FEB. 22 (MNS)---TRUST TERRITORY HIGH COMMISSIONER EDWARD E. JOHNSTON HAS DISAPPROVED A BILL PASSED EARLIER THIS MONTH BY THE CONGRESS OF MICRONESIA THAT WAS DESIGNED TO CURB THE PRACTICE OF NON-CITIZENS USING A MICRONESIAN SPOUSE OR ADOPTED CHILD AS A "FRONT" TO AVOID COMPLIANCE WITH FOREIGN BUSINESS PERMIT REGULATIONS (HD 3).

THE ACTION CAME FRIDAY AFTERNOON (FEB. 22), ON THE FINAL DAY OF THE TEN-DAY PERIOD GIVEN TO THE HICOM TO REVIEW AND ACT ON THE BILL. OF THE TWO BILLS OFFICIALLY TRANSMITTED TO THE SIGNED INTO LAW, AND THE OTHER DISAPPROVED.

IN A LETTER TO THE CONGRESSIONAL LEADERSHIP EXPLAINING HIS ACTIONS, HIGH COMMISSIONER JOHNSTON SAYS: "WE FEEL THAT THIS ACT IS DISCRIMINATORY AGAINST MICRONESIANS WHO HAVE MARRIED OR BEEN ADOPTED BY NON-TRUST TERRITORY CITIZENS AND ARE NOW BEING SUBJECTED TO RULES AND REGULATIONS NOT IN EFFECT AT THE TIME OF THEIR MARRIAGE AND/OR ADOPTION. IN OUR OPINION, IT IS UNFAIR AND UNJUST TO SUBMIT THESE MICRONESIAN CITIZENS TO ECONOMIC REGULATIONS AND DISCRIMINATORY PRACTICES WHICH DO NOT APPLY TO THEIR FELLOW CITIZENS. WE ARE, IN FACT, ADVISED BY THE ATTORNEY GENERAL'S OFFICE THAT THIS LAW, IF ENACTED, COULD WELL BE SET ASIDE BY THE COURTS AS BEING ILLEGAL WHEN REVIEWED FROM THE STANDPOINT OF 'EQUAL PROTECTION OF THE LAW'."

THE HICOM SAYS THE ADMINISTRATION ALSO FOUND OBJECTIONABLE A PORTION OF THE PROPOSED LAW WHICH DEFINES ANY CORPORATION, COMPANY OR ASSOCIATION IN WHICH A PERSON NOT A TT CITIZEN OWNS ANY INTEREST AS A "NONCITIZEN" FOR PURPOSES OF THE ACT. "THIS PROVISION WOULD TEND TO ACT ADVERSELY AGAINST THIRD PARTY MICRONESIAN CORPORATION WITHOUT THEIR HAVING ANY REGRESS," THE HICOM LETTER STATES.

THE DISAPPROVAL LETTER CONCLUDES: "THE EXECUTIVE BRANCH OF THE TRUST TERRITORY GOVERNMENT FULLY RECOGNIZES THAT A PROBLEM DOES EXIST IN THE AREA OF ECONOMIC ACTIVITY TOWARD WHICH THIS BILL WAS DIRECTED. WE FEEL, HOWEVER, THAT THERE ARE BETTER WAYS TO SOLVE THE PROBLEM WITHOUT HAVING TO DISCRIMINATE IN ANY MANNER AGAINST MICRONESIAN CITIZENS."

UNDER TERMS OF SECRETARIAL ORDER 2918, THE CONGRESS OF MICRONESIA MAY NOW RECONSIDER THE VETOED BILL IF IT CHOOSES TO DO SO, AND IF RE-PASSED BY A TWO-THIRDS MAJORITY OF BOTH HOUSES, THE LEGISLATION WOULD BE RETURNED ONCE AGAIN TO THE HIGH COMMISSIONER. SHOULD HE STILL DISAPPROVE OF THE BILL, A FINAL DECISION ON ITS DISPOSITION WOULD BE UP TO THE SECRETARY OF THE INTERIOR.

(SENATORS VOTE VETO OVERRIDE)

SAIPAN, FEB. 22 (MNS)---THE SENATE TOOK AN HISTORIC VOTE TO OVERRIDE A VETO OF THE HIGH COMMISSIONER FRIDAY (FEB. 22), IN ONE OF THE PRINCIPAL ACTIONS OF THE 40TH DAY OF THE CURRENT CONGRESS OF MICRONESIA SESSION ON SAIPAN.

ACTION ON RECOMMENDATION OF ITS COMMITTEE ON RESOURCES AND DEVELOPMENT, CHAIRED BY SENATOR AMATA KABUA (MARSHALLS), THE SENATORS VOTED UNANIMOUSLY TO REPASS A BILL RELATING TO ADMIRALTY AND MARITIME AFFAIRS (SB 94). BASICALLY, THE BILL ESTABLISHED A PROCEDURE TO MAKE MICRONESIA A COUNTRY OF REGISTRY FOR SHIPS, AND WAS DESIGNED BOTH TO GENERATE SUBSTANTIAL REVENUE FOR THE TERRITORY, AND TO ENCOURAGE THE FORMATION OF MICRONESIAN COMMERCIAL SHIPPING COMPANIES.

THE BILL PASSED DURING THE FIRST REGULAR SESSION OF THE FIFTH CONGRESS, ON FEBRUARY 26, 1973. IT WAS DISAPPROVED BY THE HIGH COMMISSIONER ON APRIL 20 OF THAT YEAR, LARGELY ON THE GROUNDS THAT RAPIDLY MOVING DEVELOPMENTS IN INTERNATIONAL SHIPPING LAW MADE ENACTMENT OF THE LEGISLATION UNWISE AT THAT PARTICULAR STAGE.

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POINTING OUT THAT THE BILL WAS THE RESULT OF A JOINT EFFORT OF THE CONGRESS AND THE ADMINISTRATION, AND WAS SUPPORTED BY THE DIVISION OF TRANSPORTATION, THE R AND D COMMITTEE REPORT FURTHER POINTS OUT THAT THE ADMINISTRATION HAD AMPLE OPPORTUNITY TO MAKE ANY OBJECTIONS IT MIGHT HAVE KNOWN DURING THE COURSE OF CONSIDERATION OF THE BILL, AND DID NOT DO SO. THE MEASURE NOW GOES TO THE HOUSE, WHERE A TWO-THIRDS MAJORITY WILL ALSO BE NEEDED IN ORDER TO SEND THE LEGISLATION BACK TO THE HIGH COMMISSIONER.

ONCE THE HICOM RECEIVES A BILL THAT HAS BEEN RE-PASSED OVER HIS VETO, HE HAS TWENTY DAYS IN WHICH TO RECONSIDER THE MEASURE. IF HE FINDS HE STILL CANNOT APPROVE OF IT, HE SENDS THE BILL ON TO SECRETARY OF THE INTERIOR ROGERS C.S. MORTON, WHO HAS ANOTHER SIXTY DAYS TO CONSIDER THE LEGISLATION. IF THE INTERIOR SECRETARY APPROVES OF IT, IT BECOMES LAW. IF HE DOES NO, THE BILL DOES NOT BECOME LAW AND NO FURTHER LEGISLATIVE ACTION ON THE MEASURE BY THE CONGRESS OF MICRONESIA IS POSSIBLE.

IN OTHER CONGRESSIONAL ACTION AS THE LAWMAKERS COMPLETED THE SIXTH FULL WEEK OF THEIR SESSION, THE HOUSE OF REPRESENTATIVES PASSED AND SENT TO THE HIGH COMMISSIONER THE FOURTH BILL TO COME OUT OF THE SESSION. IT IS A MEASURE TO REQUIRE THE APPROVAL OF DISTRICT PLANNING COMMISSIONS BEFORE ANY PUBLIC OR PRIVATE LAND CAN BE LEASED TO A NON-CITIZEN (HB 135). PRESENTLY THE LAW REQUIRES ONLY THAT THE ADVICE AND OPINIONS OF THE PLANNING COMMISSIONS BE SOUGHT IN SUCH MATTERS, BUT THERE IS NO REQUIREMENT THAT THEIR RECOMMENDATIONS BE FOLLOWED. THE BILL, INTRODUCED BY REPRESENTATIVE HERMAN GUERRERO (MARIANAS), IS AN OUTGROWTH OF A SITUATION ON SAIPAN, WHERE LAND FOR A HOTEL PROJECT WAS LEASED DESPITE THE OBJECTIONS OF THE PLANNING COMMISSION INVOLVED. THE MARIANAS CONGRESSMAN WAS A PRINCIPAL PLAINTIFF IN A LAWSUIT WHICH SOUGHT TO HALT CONSTRUCTION OF THAT HOTEL, THE SAIPAN CONTINENTAL.

THE HOUSE AND SENATE EACH PASSED ONE ADDITIONAL BILL ON SECOND READING DURING THEIR FRIDAY AFTERNOON SESSIONS, AND SENT THE MEASURES TO THE OTHER CHAMBER FOR FURTHER CONSIDERATION. PASSED IN THE SENATE WAS A BILL CARRIES A SENATE DRAFT WHICH MUST NOW BE ADOPTED BY THE HOUSE BEFORE THE MEASURE CAN BE SENT TO THE HICOM. HOUSE MEMBERS PASSED A \$50,000 DOLLAR APPROPRIATION BILL TO DEFRAY EXPENSES OF THE CONGRESS OF MICRONESIA GENERAL ELECTION ON NOVEMBER 5, THIS YEAR (SB 221). THE HOUSE HAS REDUCED THE AMOUNT OF THE APPROPRIATION FROM \$60,000 TO \$50,000, SO THIS BILL, TOO, MUST BE RETURNED FOR FURTHER ACTION BEFORE IT CAN BE SENT TO THE HICOM.

ON THE RESOLUTION DALENDAR IN THE HOUSE, MEMBERS ADOPTED A SENATE MEASURE WARNING THE DISTRICT ECONOMIC DEVELOPMENT BOARDS TO EXERCISE GREAT CARE IN GRANTING FOREIGN BUSINESS PERMITS IN VIEW OF RECENT POLICY CHANGES ANNOUNCED BY THE SECRETARY OF INTERIOR (SJR 82), THUS COMPLETING FINAL ACTION ON THIS MEASURE, THREE HOUSE JOINT RESOLUTIONS WERE ALSO ADOPTED, AND SENT TO THE SENATE. THEY ARE: A MEASURE ASKING THE SECRETARY OF INTERIOR TO AMEND SECRETARIAL ORDER 2902 TO REQUIRE THE APPROVAL OF THE CONGRESS BEFORE ANY FRANCHISE AGREEMENT FOR AIR OR SEA TRANSPORTATION MAY BE ENTERED INTO (HJR 97); A MEASURE ASKING THAT FEDERAL FUNDS BE INCLUDED IN THE FY 1975 GUGGET TO BEGIN CONSTRUCTION OF THE NEW CAMPUS OF THE COMMUNITY COLLEGE OF MICRONESIA IN PONAPE (HJR 93); AND A RESOLUTION REQUESTING THE DIRECTOR OF RESOURCES AND DEVELOPMENT TO ESTABLISH AN AGRICULTURAL SUBSTATION ON FEFEEN ISLAND, IN THE TRUK LAGOON (HJR 55).

IN THE SENATE, THE ONLY ACTION ON FRIDAY'S RESOLUTION CALENDAR WAS ADOPTION OF A JOINT RESOLUTION EXPRESSING SYMPATHY AND CONDOLENCES TO THE FAMILY OF THE LATE LEWI DAVID OF PONAPE,

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WHO PASSED AWAY RECENTLY (SJR 103). DAVID WAS THE ADOPTIVE FATHER OF SENATOR BAILEY OLTER.

IN THE SENATE THE PRIMARY ACTION FRIDAY WAS A LENGTHY FLOOR DEBATE ON CERTAIN PROVISIONS OF THE BILL RELATING TO THE TRUST TERRITORY SALARY PLAN (SB 276). ACTION ON THIS BILL HAD BEEN DEFERRED, IN THE ONLY ACTIVITY AT THE THURSDAY AFTERNOON SESSION OF THE SENATE, AND FRIDAY THE SENATORS DEFERRED ACTION ON THE MEASURE AGAIN, THIS TIME UNTIL MONDAY.

THE BILL IS SORT OF AN OMNIBUS BILL, COVERING SEVERAL ASPECTS OF GOVERNMENT EMPLOYEE SALARIES AND REGULATIONS. AMONG ITS PROVISIONS, AS AMENDED IN SENATE COMMITTEE, ARE SECTIONS TO REDUCE THE MAXIMUM SALARY THAT MAY BE PAID TO MICRONESIAN GOVERNMENT EMPLOYEES, TO PROVIDE FOR CONGRESS ADVICE AND CONSENT ON THE POSITIONS OF CERTAIN DIVISION CHIEFS, TO PROVIDE FOR ROTATION OF DISTRICT ADMINISTRATORS AMONG ALL THE DISTRICTS.

TO EXTEND THE PRESENT SALARY PLAN -- THE MAIN PURPOSE OF THE BILL -- AND TO REDUCE THE NUMBER OF PAID HOLIDAYS TO WHICH GOVERNMENT EMPLOYEES ARE ENTITLED TO FOUR, NEW YEAR'S DAY, MICRONESIA DAY, UNITED NATIONS DAY, AND CHRISTMAS DAY.

IT WAS THIS LATTER PROVISION THAT GERATED MOST OF THE COMMENT ON THE FLOOR. MARIANAS SENATOR OLYMPIO BORJA SAID HE WOULD BE FORCED TO VOTE "NO" ON THE BILL IF THIS PROVISION REMAINS UNCHANGED. SENATOR ANDON ANARAICH (TRUK), WHOSE COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS WORKED ON THE BILL, REPLIED THAT MOST OF THE HOLIDAYS PRESENTLY CELEBRATED IN MICRONESIA, SUCH AS COLUMBUS DAY AND INDEPENDENCE DAY, HAVE LITTLE OR NO RELEVANCE TO MICRONESIA. SENATOR AMBILOS IEHSI (PONAPE) SAID HE THINKS THE FOUR HOLIDAYS PROVIDED IN THE BILL ARE "SUFFICIENT".

OTHER FLOOR COMMENT ON THE BILL CONCERNED THE LEVELS OF GOVERNMENT SALARIES, WHETHER OR NOT THE SALARY REDUCTIONS IN THE BILL APPLY TO CONGRESS EMPLOYEES AS WELL AS TO EMPLOYEES OF THE EXECUTIVE BRANCH (THEY DO NOT), AND WHETHER THE CONGRESS SHOULD FORMULATE SOME COMPREHENSIVE, BASIC POLICY WITH REGARD TO SALARY LEVELS AND OTHER TYPES OF COMPENSATION. FINALLY, IT WAS DETERMINED THAT CONSIDERABLY MORE THINKING ON THIS BILL WILL BE NECESSARY, AND ACTION ON IT WAS DEFERRED. SENATOR LAZARUS SALII (PALAU), SUGGESTED THAT THE SENATE MEET AS A COMMITTEE OF THE WHOLE, PROBABLY FOLLOWING THE SESSION ON SUNDAY, TO RESOLVE THEIR DIFFERENCES ON THE SALARY BILL.

FOURTEEN NEW BILLS WERE INTRODUCED AT FRIDAY'S SENATE SESSION. ELEVEN OF THEM ARE APPROPRIATION BILLS, AS FOLLOWS: \$10,000 FOR TRAVEL EXPENSES OF MEMBERS OF THE JOINT COMMITTEE ON FUTURE STATUS TO INVESTIGATE THE POSSIBILITIES OF ECONOMIC AND DEVELOPMENTAL ASSISTANCE FROM COUNTRIES IN THE PACIFIC REGION (SB321); \$10,000 FOR EQUIPMENT FOR THE SAIPAN FARMER'S MARKET (SB 323); \$24,000 FOR GENERATING EQUIPMENT FOR ROTA, IN THE MARIANAS (SB 324); \$100,000 FOR HOMESTEAD IMPROVEMENT AT SUGAR KING, ON SAIPAN, IN THE MARIANAS (SB 325); \$60,000 FOR AGRICULTURAL AND ROAD-BUILDING EQUIPMENT FOR THE MARIANAS (SB 326); \$176,000 FOR HOMESTEAD IMPROVEMENT ON ROTA (SB327); \$15,000 FOR EQUIPMENT AND SUPPLIES FOR NON-PUBLIC SCHOOLS IN THE MARIANAS (SB 328); \$100,000 TO CREATE A MARIANAS POULTRY PRODUCTION LOAN FUND (SB329); \$375,000 FOR PUBLIC PROJECTS IN PONAPE DISTRICT (SB 330); \$100,000 FOR AN AGRICULTURE AND MARICULTURE PRODUCTION REVOLVING FUND FOR THE MARIANAS (SB 331); AND \$522,000 FOR VARIOUS PUBLIC PROJECTS IN THE MARIANAS (SB 332).

BILLS INTRODUCED WHICH ARE NOT APPROPRIATION BILLS INCLUDE: A MEASURE TO PROVIDE FOR THE PRESERVATION, DEVELOPMENT AND MAINTENANCE OF ARCHEOLOGICAL SITES, ARTIFACTS, OBJECTS AND PROPERTY DISCOVERED AT THE ULIBOT AND FAUBA EXCAVATION

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SITES ON TOL ISLAND IN THE TRUK LAGOON (SB 319); A BILL TO REQUIRE THAT ADMINISTRATION OF THE MARINE RESOURCES LOAN FUND AT THE DISTRICT LEVEL BE DONE BY THE DISTRICT FISHING AUTHORITIES (SB 320); AND A MEASURE TO CREATE BOARDS OF TRUSTEES OF THE COMMUNITY COLLEGE OF MICRONESIA AND THE MICRONESIAN OCCUPATIONAL CENTER (SB 322).

NEW RESOLUTIONS INTRODUCED FRIDAY INCLUDE: A REQUEST TO THE UNITED STATES AND PAPUA NEW GUINEA GOVERNMENTS THAT THEY COOPERATE IN SEEKING TO ESTABLISH A NORTH-SOUTH COMMERCIAL AIR ROUTE BETWEEN PAPUA NEW GUINEA AND THE TRUST TERRITORY 'SJR 104); A MEASURE EXPRESSING DESIRE AND SUPPORT FOR THE EXPERIMENTAL GENERATION OF ELECTRICITY BY THE VARIANCE IN THE SEA WATER TEMPERATURE AND INVITING THE APPROPRIATE INSTITUTES IN JAPAN AND THE U.S. TO CONDUCT SUCH EXPERIMENTS IN MICRONESIA 'SJR 105); A RESOLUTION EXTENDING THANKS TO THE SECRETARY OF INTERIOR FOR HIS EFFORTS IN OBTAINING A REDUCTION IN MEDICAL REFERRAL RATES TO MILITARY HOSPITALS FOR TT PATIENTS 'SJR 106); AND A MEASURE COMMENDING THE EDITOR AND STAFF OF MARIANAS VARIETY, A SAIPAN WEEKLY NEWSPAPER, FOR SETTING AN EXCELLENT EXAMPLE OF WHAT A GOOD LOCAL NEWSPAPER SHOULD BE 'S(SJR 107).

IN THE HOUSE, FOUR BILLS AND FOUR JOINT RESOLUTIONS WERE INTRODUCED. THE NEW BILLS ARE: A BILL TO MAKE CHANGES IN THE TT CODE CONCERNING THE NATIONALITY OF CHILDREN BORN OUTSIDE THE TT TO PARENTS ONE OF WHOM IS A CITIZEN OF THE TRUST TERRITORY, (HB 328); A MEASURE PROPOSING TO REDUCE THE FEE FOR ISSUANCE OF IDENTIFICATION CARDS UNDER THE TT WEAPONS CONTROL ACT, (HB 329); AN APPROPRIATION MEASURE IN THE AMOUNT OF \$522,000 FOR VARIOUS PURPOSES FOR THE MARIANAS DISTRICT, (HB 330); AND A MEASURE TO APPROPRIATE \$1,465,000 FOR PUBLIC IMPROVEMENT PROJECTS, PROGRAMS, AND SERVICES FOR TRUK DISTRICT, (BH 331).

THE RESOLUTIONS ARE: A JOINT RESOLUTION CONFIRMING THE NOMINATION OF JOSEPH W. READLES, JR., AS DIRECTOR OF TRANSPORTATION AND COMMUNICATIONS, (HJR 122); A RESOLUTION URGING THE HICOM AND THE DEFENSE DEPARTMENT TO TAKE IMMEDIATE STEPS TO REVIEW THE LEASE AGREEMENTS OF KWAJALEIN ISLAND, CARLOS ISLAND, AND OTHER ISLANDS IN THE KWAJALEIN ATOLL WHICH WERE INCLUDED IN THE 1964 KWAJALEIN LEASE AGREEMENT, (HJR 123); A MEASURE COMMENDING FRANCISCO F. CHONG FOR HIS SERVICES AS DISTAD REP, ON TINIAN ISLAND IN THE MARIANAS, (HJR 124); AND A RESOLUTION DIRECTING AND AUTHORIZING THE SENATE PRESIDENT AND HOUSE SPEAKER TO INVESTIGATE AND MAKE SUCH PLANS AS MAY BE APPROPRIATE TO COMMEMORATE THE TENTH ANNIVERSARY OF THE ESTABLISHMENT OF THE CONGRESS OF MICRONESIA AND REPORT THEIR FINDINGS AND RECOMMENDATIONS TO THE FIRST REGULAR SESSION OF THE SIXTH CONGRESS OF MICRONESIA IN JANUARY, 1975, (HJR 125).

PALAU REPRESENTATIVE TIMOTHY OLKERIIL TOOK THE FLOOR OF THE HOUSE FRIDAY NIGHT TO CLARIFY AND APPARENT MISUNDERSTANDING OF THE REASONS WHY THE PALAU DELEGATION SUPPORTS THE POSITION OF A LOOSE FEDERATION OF GOVERNMENT.

AND MARIANAS CONGRESSMAN FELIPE ATALIG CALLED THE ATTENTION OF HIS COLLEAGUES TO THE FACT THAT THE EMPLOYEES OF TRANSPAC COMPLETED THEIR LAST DAY ON THE JOB FRIDAY EVENING (FEB 22). ATALIG SAID HE ATTENDED AN EMPLOYEES MEETING WITH THE RECEIVER, DAVID M. SABLAN, THURSDAY AND WAS TOLD THAT THE EMPLOYEES LAST DAY ON THE JOB WAS FRIDAY. HE ALSO EXPRESSED HIS CONCERN FOR THE CREWMEN ON THE M/V LOTTE REITH, A TRANSPAC SHIP ON HER WAY TO DELIVER CARGO TO THE OTHER DISTRICTS. TRANSPAC IS PRESENTLY IN RECEIVERSHIP, AFTER BEING DECLARED INSOLVENT BY THE GOVERNMENT LAST WEEK.

BOTH HOUSES OF THE CONGRESS ARE IN RECESS UNTIL LATE SATURDAY AFTERNOON. (NOTE TO EDITORS AND NEWS DIRECTORS:

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MNS WILL COMBINE THE SATURDAY AND SUNDAY ACTIVITIES OF THE  
CONGRESS INTO A SINGLE WEEKEND DISPATCH, TIMED TO REACH YOU  
EARLY MONDAY MORNING, FEBRUARY 25.)

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