

(CONGRESS 45TH DAY)

SAIPAN, FEB. 23 (MNS)---WITH FOUR DAYS REMAINING IN THE CURRENT CONGRESS OF MICRONESIA SESSION, THE SENATE VOTED THURSDAY (FEB. 23) TO OVERRIDE THE HIGH COMMISSIONER'S VETO OF A MEASURE RELATING TO THE DEFINITION OF A NONCITIZEN IN MICRONESIA (HB NO. 3). THE MEASURE 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. THE HOUSE OF REPRESENTATIVES VOTED ON MONDAY (FEB. 25) TO OVERRIDE THE VETO ON THE MEASURE BY HIGH COMMISSIONER EDWARD E. JOHNSTON LAST FRIDAY (FEB. 22).

IN HIS VETO MESSAGE, THE HICOM HAD INDICATED THAT THE BILL WAS DISCRIMINATORY AGAINST MICRONESIANS WHO HAVE MARRIED OR BEEN ADOPTED BY NON-TT CITIZENS. HE ALSO SAID THE LAW, IF ENACTED, COULD WELL BE SET ASIDE BY THE COURTS AS BEING ILLEGAL WHEN VIEWED FROM THE STANDPOINT OF "EQUAL PROTECTION OF THE LAW."

THE HOUSE OF REPRESENTATIVES, WHICH ORIGINATED THIS LEGISLATION, REJECTED THIS REASONING, AND BY ITS VOTE THURSDAY THE SENATE AGREED, THEREBY SENDING THE BILL BACK TO THE HIGH COMMISSIONER FOR RECONSIDERATION.

THE VOTE IN THE SENATE WAS A CLOSE ONE, HOWEVER. SENATOR ROMAN TMETUHL (PALAU) SPOKE AGAINST THE MOTION TO OVERRIDE. HE SAID HE "DOES NOT SEE WHAT IS WRONG" WITH NON-MICRONESIANS WHO MARRY OR ADOPT MICRONESIANS GOING INTO BUSINESS HERE. THE SENATOR POINTED OUT THAT THEY STILL CANNOT OWN LAND, WHICH IS AN IMPORTANT SAFEGUARD.

"THIS LEGISLATION IS INCONSEQUENTIAL," SENATOR TMETUHL CONCLUDED. "IT MAY BE WELL INTENDED" IN MEANING TO PROTECT MICRONESIAN INTERESTS, HE SAID, "BUT IT DOES NOT DO THAT." THE SENATOR FROM PALAU SUGGESTED THAT, ON THE CONTRARY, THE MEASURE MAY BE "DETRIMENTAL TO THE DEVELOPMENT OF OUR ECONOMY."

HIS REMARKS WERE SECONDED BY SENATOR JOHN MANGEFEL (YAP), AND WITH ONLY NINE SENATORS PRESENT IN THE CHAMBER IT BEGAN TO LOOK AS THOUGH THE VETO OVERRIDE MIGHT FAIL, SINCE EIGHT VOTES (A TWO-THIRDS MAJORITY OF THE 12 SENATORS) ARE NECESSARY TO OVERRIDE. BUT AT THE LAST MINUTE TWO ADDITIONAL SENATORS TOOK THEIR SEATS, AND THE FINAL ROLL CALL WAS EIGHT IN FAVOR OF OVERRIDING, AND THREE AGAINST.

THE BILL WILL NOW GO BACK TO THE HIGH COMMISSIONER FOR ANOTHER TWENTY DAYS OF RE-CONSIDERATION. IF HE FINDS HE STILL CANNOT APPROVE OF IT, IT WILL BE SENT TO THE INTERIOR SECRETARY, WHO WILL HAVE THE FINAL SAY.

THE VOTE THURSDAY, COMING ON THE HEELS OF A VETO TO OVERRIDE THE VETO OF THE ADMIRALTY AND MARITIME LAW (SR 94) EARLIER THIS WEEK, MARKS AN UNPRECEDENTED STEP BY THE CONGRESS OF MICRONESIA. IT IS THE FIRST TIME IN MORE THAN FOUR YEARS THAT A VETO HAS BEEN OVERRIDDEN, AND NEVER IN THE HISTORY OF THE CONGRESS HAVE TWO SUCH VOTES COME DURING THE SAME SESSION.

THERE WERE THREE OTHER MEASURES THAT PASSED FINAL READING IN THE SENATE AND WILL BE SENT TO THE HOUSE. THEY ARE: A MEASURE RELATING TO DISTRICT LAND OFFICES AND DISTRICT LAND TITLE OFFICER BY SUBSTITUTING 'DIVISION OF LANDS AND SURVEYS AND CHIEF OF DIVISION OF LANDS AND SURVEYS' FOR THE PHRASE 'LAND AND CLAIMS ADMINISTRATOR' IN VARIOUS PLACES IN THE TWO RELEVANT PROVISIONS OF THE IT CODE (SB 235); A MEASURE TO ALLOW DISTRICT ADMINISTRATORS TO LOWER MOTOR VEHICLE SPEED LIMITS IN PARTICULARLY HAZARDOUS AREAS AND TO HELP IN CONSERVING FUEL DURING CRISIS (SR NO. 247); AND A BILL TO "EXPAND AND TIGHTEN UP THE PROVISIONS OF THE FOREIGN INVESTORS BUSINESS PERMIT ACT IN RESPONSE TO THE NEW 'OPEN DOOR' POLICY OF THE ADMINISTERING AUTHORITY AS TO FOREIGN INVESTMENT IN MICRONESIA" (SB NO. 277).

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THERE WAS ONLY MEASURE INTRODUCED IN THE SENATE THURSDAY. THIS BILL CALLS FOR THE ESTABLISHMENT AND CHARTERING OF THE "DISTRICT GOVERNMENT OF THE MARSHALL ISLANDS DISTRICT: TO PRESCRIBE, DELINEATE, AND SET FORTH ITS AUTHORITIES AND FUNCTIONS; TO PROVIDE FOR A REPUBLICAN GOVERNMENT; TO PROVIDE FOR THE CALLING OF A CHARTER COMMISSION, SPECIFY ITS DUTIES AND FUNCTIONS, AND TO REQUIRE SUBMISSION OF A DISTRICT CHARTER." (SB 341).

THE HOUSE OF REPRESENTATIVES, IN A THREE HOUR MEETING THURSDAY, PASSED A TOTAL OF SIX HOUSE BILLS AND ADOPTED TWO HOUSE JOINT RESOLUTIONS, SENDING THEM TO THE SENATE FOR FURTHER ACTION.

THEY ARE: A BILL TO EXEMPT NON-PUBLIC SCHOOLS FROM THE EXCISE TAX OF FIVE CENTS PER GALLON ON GASOLINE AND DIESEL FUEL, (HB 277); A MEASURE TO PROVIDE FOR THE CONSERVATION OF LOBSTERS, (HB 313); A SIMILAR MEASURE FOR THE CONSERVATION AND PROTECTION OF COCONUT CRABS, (HB 321); A BILL TO PROHIBIT ILLEGAL AND UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS BY AN OFFICER OR EMPLOYEE OF ANY BRANCH OF THE TT GOVERNMENT, (HB 159); LEGISLATION TO PROHIBIT THE PAYMENT OF EDUCATIONAL ALLOWANCES TO TRUST TERRITORY GOVERNMENT CONTRACT EMPLOYEES FOR EDUCATION OF THEIR DEPENDENTS EITHER INSIDE THE TRUST TERRITORY OR ABROAD, (HB 264); AND A MEASURE TO REPEAL A PORTION OF PUBLIC LAW 4C-68 (APPROPRIATING \$250,000 FOR PROJECTS IN THE MARSHALLS) WHICH REQUIRES MATCHING OF FUNDS BY THE MARSHALL ISLANDS NITIJELA, (HB 293).

MARSHALLS CONGRESSMAN CHARLES DOMNICK IN MAKING AN ORAL REPORT TO THE HOUSE, EXPLAINED THAT SOME PROJECTS IN THE MARSHALLS DISTRICT HAVE BEEN SITTING IDLE BECAUSE OF THE REQUIREMENT THAT THE NITIJELA MATCH THE FUNDS BEFORE ANY MONEY IS TO BE EXPENDED. THE BILL, IF PASSED, WOULD REMOVE THAT REQUIREMENT. REPRESENTATIVE EYAP SILK (MARSHALLS) ADDED THAT THE NITIJELA IS NOT ABLE TO PROVIDE THAT AMOUNT OF MONEY TO MATCH THE FUNDS. THE MEASURE PASSED UNANIMOUSLY.

YAP CONGRESSMAN LUKE TMAN MADE A MOTION TO WITHDRAW A BILL WHICH CALLS FOR A CONSTITUTIONAL CONVENTION FOR MICRONESIA (SB 36) FROM THE COMMITTEE ON JUDICIARY AND GOVERNMENTAL RELATIONS WHERE IT HAS BEEN SITTING SINCE LAST YEAR. THE MOTION CARRIED, PLACING THE BILL ON THE CALENDAR, WHERE IT WAS PASSED ON FIRST READING. THE BILL PASSED THE SENATE LAST YEAR BUT DUE TO LACK OF FUNDS, THE MEASURE FAILED TO PASS THE HOUSE. EARLIER THIS YEAR, THE U.S. CONGRESS PASSED A SUPPLEMENTAL APPROPRIATION FOR THE TRUST TERRITORY WHICH INCLUDES \$453,000 FOR THE CONSTITUTIONAL CONVENTION. THE BILL STILL MUST PASS SECOND READING OF THE HOUSE BEFORE IT GOES TO THE HIGH COMMISSIONER.

TWO HOUSE JOINT RESOLUTIONS WERE ADOPTED. THEY ARE: A RESOLUTION AUTHORIZING THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF THE CONGRESS OF MICRONESIA TO SELECT TWO MEMBERS OF THE CONGRESS TO ATTEND THE 1974 SOUTH PACIFIC FORUM AS OBSERVERS, (HJR 119); AND A RESOLUTION REQUESTING THE U.S. CONGRESS TO ENACT LEGISLATION APPROPRIATING \$70 MILLION FOR CAPITAL IMPROVEMENT OPERATIONS PROGRAMS OF THE TRUST TERRITORY FOR FY 1975, (HJR 120).

ONE BILL WAS INTRODUCED AT THE CLOSING OF THURSDAY'S HOUSE SESSION. IT IS A BILL TO EMPOWER THE MAGISTRATE OF THE MUNICIPALITY FOR WHICH MONEY WAS APPROPRIATED UNDER PUBLIC LAW 4C-54 (\$300,000 FOR VARIOUS PROJECTS IN PALAU) TO EXPEND THE MONEY FOR THOSE PROJECTS, (HB 341).

AN INTERESTING ANNOUNCEMENT WAS MADE AT THE CLOSE OF THURSDAY'S SENATE SESSION, ONE WHICH MIGHT EXPLAIN WHY THE CONGRESS OF MICRONESIA SEEMS TO MANY OBSERVERS TO BE MOVING UNUSUALLY SLOWLY THIS SESSION. SENATOR BAILEY OLTER (PONAPE), CHAIRMAN OF THE SENATE WAYS AND MEANS COMMITTEE, ANNOUNCED THAT FOLLOWING A JOINT MEETING WITH THE HOUSE APPROPRIATIONS COMMITTEE, IT HAS BEEN DECIDED NOT TO ENACT ANY DISTRICT FUNDING BILLS DURING THIS SESSION. THIS IS BEING DONE, SAID SENATOR OLTER, IN THE HOPE THAT THE LEADERSHIP WILL ASK

FOR A SPECIAL SESSION THIS SUMMER" AT WHICH SUCH BILLS
COULD BE CONSIDERED.

SINCE THE FUNDING OF VARIOUS DISTRICT PROJECTS
COMPRISES A LARGE BODY OF LEGISLATION, AND SINCE SUCH BILLS
NORMALLY FORM THE BULK OF THE LAST-MINUTE ACTION OF A
CONGRESS SESSION, IT MAY BE THAT THIS SESSION'S OUTPUT
WILL NOT BE AS GREAT AS HAD BEEN EARLIER EXPECTED. AT ANY
RATE, SENATOR OLTER'S ANNOUNCEMENT MADE IT CLEAR THAT
MANY MEMBERS OF BOTH HOUSES ANTICIPATE A SPECIAL SESSION
THIS SUMMER.

THE SENATE AND HOUSE WILL BOTH MEET AGAIN FRIDAY
AFTERNOON, THE END OF THE EIGHTH FULL WEEK OF THE CURRENT
SESSION, AND THE 47TH SESSION DAY.