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February 4, 1974

James E. White, Esq.
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Saipan, Mariana Islands 96950

Dear Jim:

Adrian De Graffenried told me on Friday that the Chairman has introduced in the Congress of Micronesia the draft land legislation which we sent on January 23.

There are a number of changes -- many technical, but some substantive -- which we believe could profitably be made in the draft before the Congress acts on it. A list of suggested changes is enclosed. We did not make up or send you such a list before because we did not realize that the draft might be introduced.

Would you send us a copy of the bill as it was introduced (we are particularly interested in which version of section 6(4) was used), and let us know which if any of the enclosed suggested changes the Chairman decides to make.

We still have not been given a copy of the Trust Territory version of the land legislation. Indeed, Adrian told me that the introduction of a land bill by the Chairman might delay the introduction of the Trust Territory's version. As noted, we will be in touch as soon as possible after we analyze the Trust Territory's version.

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James E. White, Esq.

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February 4, 1974

What was the reaction to the introduction of the bill?
Hope it was good and that your efforts are successful.

Sincerely,

Michael S. Helfer

cc: Senator Edward DLG Pangelinan

bcc: H. Willens
P. J. Mode
E. O'Hara

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February 4, 1974

SUGGESTED CHANGES IN THE JANUARY 22, 1974, DRAFT OF THE
PUBLIC LAND TRANSFER ACT OF 1974

<u>Page/Line</u>	<u>Change</u>	<u>Explanation</u>
p. 1, 1.8	strike the entire line and insert in its place the following: "its district to hold title and other interests in public lands and other lands within that"	technical change based on language used in sections 5 and 6
p. 1, 1.11	insert between "establish" and "adjudicatory" the following: "or to designate"	technical change based on the change on p. 3, 1.16
p. 1, 1.14	strike "permanently" and insert in its place the following: "irrevocably"	clarifies intent of legislation
p. 2, between 11.21 and 22	insert the following new subsection: "(5) All references to the 'Trust Territory Code' refer to the 1970 revision, supplemented by Supplement No. 1, 1973."	technical change to clarify references; reflects the fact that 1973 Session laws were not consulted
p. 3, 1.2	strike the entire line and insert in its place the following: "title to or any other interest in public lands or other lands in trust for the people of the"	technical change based on language used in sections 5 and 6
p. 3, 1.16	insert between "body" and "to" the following: ", or to designate the district Land Commission as an adjudicatory body,"	carries out policy of permitting district to designate Land Commission as adjudicatory body; Interior apparently prefers separate funding for new adjudicatory bodies

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<u>Page/Line</u>	<u>Change</u>	<u>Explanation</u>
p. 3, 1.19	strike "ever endeavor" and insert in its place the following: "be empowered"	technical change which clarifies intent of the original version
p. 4, 1.5	strike the entire line and insert in its place the following: "of an adjudicatory body established pursuant to subsection (2) hereof, which may include tradi-"	technical change based on the change on p. 3, 1.16; assures that procedures only apply to newly established bodies, not to designated Land Commissions
p. 4, 1.7	strike "however"	word not needed
p. 4, 1.14	insert between "hereof" and "to" the following: "or the district government or both"	permits both legal entity and district government to exercise eminent domain; TT version apparently will permit one or the other, not both
p. 4, 1.24	insert between "convey" and "to" the following: "or cause to be conveyed"	technical change guards against possibility that High Commissioner may not have control of certain land and may have to direct another government official, like the Attorney General, to convey
p. 5, 1.12	insert between "convey" and "any" the following: "or cause to be conveyed"	based on change on p. 4, 1.24
p. 5, 1.13	insert between "entities" and the colon the following: "until the conditions herein set forth are satisfied"	clarifies intent of section
p. 5, 1.15	strike "actively used" and insert in its place the following: "reasonably found by the High Commissioner to be in active use"	substantive change which provides basis for judicial review of High Commissioner's decision

<u>Page/Line</u>	<u>Change</u>	<u>Explanation</u>
p. 5, 1.20	strike "immediately" and insert in its place the following: "in accordance with section 8"	technical change to avoid conflict with section 8 which gives the High Commissioner 60 days to transfer land
p. 5, 1.25	insert between "be" and "needed" the following: "reasonably"	like the change on p. 5, 1.15
p. 6, 11.5 and 6	strike "immediately" and insert in its place the following: "in accordance with section 8"	like the change on p. 5, 1.20
p. 6, 1.7	insert between "longer" and "needed" the following: "reasonably"	like the change on p. 5, 1.15 and p. 5, 1.25
p. 6, 1.11	strike the colon and insert in its place a comma	typographical error
p. 6, 1.16	strike "immediately"; insert between "transferred" and "to" the following: "in accordance with section 8"	like the change on p. 5, 1.20
p. 7, 1.11	strike the entire line and insert in its place: "shall not convey or caused to be conveyed any interest in public land or in other"	technical change to conform with the language used in sections 5 and 6 and the change on p. 4, 1.24
p. 7, 1.13	insert between "agree" and "or" the following: "to,"	technical
p. 8, 11.22 to 24	strike existing language and insert in its place the following: "Islands, including the right to receive rents, royalties and other similar payments, in and to all public lands and other lands not required to be reserved by section 6 in a district to that district's legal entity or entities created or designated pursuant to section 4(1)"	technical change based on the wording of section 5

<u>Page/Line</u>	<u>Change</u>	<u>Explanation</u>
p. 9, 1.5	insert between "any" and "land" the following: "interest in"	technical change to conform to language in section 6
p. 9, 1.7	strike "such land"; strike "it"; insert between "conveyed" and "to" the following: "such interest"	technical
p. 10, 1.12	strike "adjudicatory" and insert in its place the following: "adjudicatory"	typographical error
p. 12, 11.6 and 7	strike "the Chief of Lands and Surveys shall complete"	substantive change which will permit more flexibility in administration of cadastral program
p. 12, 1.10	insert between "lands" and the semi-colon the following: "shall be completed"	based on the change on p. 12, 11.6 and 7