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MEMORANDUM

TO: Director, OTSP. May 11, 1977

FROM: Howard N. Mantel 

SUBJECT: Role of Office of Legislative Counsel in Law Revision

There is a critical piece of work confronting the new Commonwealth government in which the legal staff of the present Legislature can play an immediate and creative role. One phase of the IPA assignment is to develop a legislative program. With the special guidance of Mr. Atalig, we are preparing a table of contents of a proposed Commonwealth Code of Laws and a summary of existing laws that will comprise the substance of the Code, drawing heavily on the Trust Territory Code, the Mariana Islands District Code, and parts of the municipal codes. We are also drafting legislation to meet constitutional requirements, including codes of conduct for members of the legislative and executive branches; rules for the operation and structure of the Legislature; possible rules of judicial behavior for the Commonwealth Trial Court; a public corporations control act; a budget process act; administrative and contract procedures and control acts; and related laws. After a consensus is achieved on the form of the new government, we will draft enabling legislation creating the departments, agencies and offices of the Commonwealth.

There remains a larger and complex agenda of substantive law that must be enacted or re-enacted with modifications over the next several years. It cannot be completed before the Commonwealth government takes office. A range of subject areas and issues are involved, some technical, some substantive: consumer protection laws, maritime laws, immigration and naturalization laws, customs and tax laws, juvenile protection laws, criminal laws, criminal and civil procedure, business and not for profit incorporation laws, laws affecting the mentally ill and retarded, public and vehicle safety laws, inter alia.

A significant law revision activity should be undertaken by the Commonwealth government. The purpose is to assure that the new Commonwealth Code fully reflects constitutional requirements, the need and resources of the people of the Northern Mariana Islands, and incisive values of American jurisprudence. It is a highly technical,

Director, OTSP
Page 2
May 11, 1977

not a political activity. Some of this work may be assigned to the Attorney General and to the legal staff of the Legislature. For other parts of the work, it may be feasible to utilize specialists through contractual services.

I strongly urge that the process begin as soon as possible.

The present Legislature employs qualified attorneys. They have important on-going responsibilities in assisting the Speaker, committee chairmen, and members in the orderly transaction of the legislative business. Let me urge, however, that to the maximum extent feasible, law revision assignments now be given to the attorneys, in selected areas, to maximize this pool of talent that they represent. Such assignments should start at once and be conducted as a major transition activity.

I would be glad to review priority areas with the Speaker or Legislative Counsel; and may confer further on this matter with Howard Willens when I return to the mainland.

Howard N. Mantel

HNM:es