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RE: EASE: 146-66

TWENTY FIVE BILLS SIGNED INTO LAW

Saipan, Mariana Islands, Trust Territory of the Pacific Islands, Sept. 6 . . . Twenty five out of the 29 measures passed by the Congress of Micronesia during its Second Regular and Special Sessions were signed into law on September 2 and 3 by High Commissioner W.R. Norwood. Four measures are still under consideration by his office.

The High Commissioner stated that these laws were to him the expression of the substantial amount of work, effort, debate, and decision which the Congress had put into its legislative program for this year and that he was impressed that the members of the Congress as a whole were thinking generally of the needs of the Territory as a whole.

A short description of each law follows:

Public Law (PL) 2-1 established a Land Commission in each district to proceed on a systematic geographical basis to accomplish promptly the registration of as much of the land as practical, and provides, among other things, the procedures by which the determination and registration of title to land would be accomplished.

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PL 2-2 authorizes a Civil Service system for the Executive Branch of the Territory Government, based on the time-honored principles of appointment according to merit and fitness; non-discrimination with respect to race, religion and sex; freedom from partisan political influence; protection from arbitrary removal, downgrade and other adverse actions through a system of tenure and job protection rights, and provision for leave and other employee benefits.

PL 2-3 established the Office of the Legislative Counsel and sets forth its functions.

PL 2-4 amends Section 246 of the Trust Territory Code to make explicit the responsibility of the Insular Constabulary to provide bailiffs for District Court sittings away from the courthouse in cases where an outlying municipality is unable to provide adequate bailiff service.

PL 2-5 prohibits the use of the terms "Congress and "Legislature" by municipal governments.

PL 2-6 amends Section 815(b) of the Code to make unlawful negligent and reckless driving. The purpose of the amendment is to make clear the seriousness of reckless driving in the sense in which that word is most commonly used in the United States, and to create a separate offence for merely driving in a negligent manner that would not ordinarily be called reckless.

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PL 2-7 provides for a second Associate Justice of the High Court.

PL 2-8 amends Section 125 of the Code to provide that special judges for murder cases tried by jury in the Trial Division of the High Court shall participate only on the question of sentence. The purpose of the amendment is to remove a conflict between Section 125 and PL 1-7 which provides for trial by jury in certain criminal cases. The present language of Section 125 expressly places the responsibility for finding of fact in murder cases upon the Presiding Judge and the Special Judges of the High Court. Public Law 1-7, however, implies that where a jury has been authorized, the jury shall decide on the facts and the guilt or innocence of the accused, and removes this responsibility from the judges.

PL 2-9 amends Section 957 of the Code pertaining to Deeds of Conveyance. The purpose of the law is to shorten the period for obtaining a deed for homesteaded land from 5 to 3 years.

PL 2-10 provides for an undertaking to keep the peace. The proposed law was drafted by the former Code Revision Working Committee and submitted to the First Regular Session of the Congress where it did not receive final action. Passed by the Second Regular Session, the basic purpose of the law is to give the courts and the public an additional device for keeping the peace, i.e. a \$100 bond for a 6-month period.

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PL 2-11 requires that rules and regulations intended to have the force and effect of law, issued on or after October 1, 1966, by administrative authorities, must be filed with the Clerk of Courts for each district before taking effect as laws in that district. Formerly it was difficult to discover what administrative regulations were in effect at any given time since no uniform promulgation was required.

PL 2-12 amends Section 577 of the Code pertaining to mandatory school attendance, changing the entering age from 7 to 6 and the compulsory attendance age from 13 to 14.

PL 2-13 amends Section 463 of the Trust Territory Code which pertains to the disposition of arrested persons by policemen. The amendment changes the description of the time within which a policeman must bring an arrested person before a court or an official authorized to issue a warrant. The words "without unnecessary delay" are substituted for the existing language "as soon as practicable" and for the existing time-limit of seven days. "Without unnecessary delay" are the words used in the corresponding portion of the U.S. Federal Rules of Criminal Procedure, namely, Rule 5(a). It is hoped that removing the maximum limitation of seven days and using

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the wording of the Federal rule will impress upon police authorities their duty to bring arrested persons promptly before a court or an official authorized to issue a warrant.

PL 2-14 provides clear and definite authorization for the execution of wills in accordance with common practice in the United States in addition to any other methods provided for by local customary or written law in the Territory.

PL 2-15 effects technical changes in certain sections of the Code of the Territory. These changes were recommended by a Committee on the Code established by PL 1-3, and do not change the substantive law of the Code, which consists of legal rights and principles.

PL 2-16 provides for election of the members of the Congress of Micronesia.

PL 2-17 concerns the post differential of the Legislative Counsel for FY 1967.

Public Laws 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, and 2-25 are appropriations for the operating expenses of the Congress, its committees and its staffs during FY 1967 and FY 1968. A total of \$353,980 is appropriated for FY 1967 for the Senate, the House of Representatives, and the Office of the Legislative Counsel, including amounts for any special sessions and attendance at meeting outside

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the Trust Territory. Some \$346,500 has been appropriated for these purposes for FY 1968.

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