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AN ACT

To repeal Section 203 of Title 5 of the Trust Territory Code, relating to selection of temporary justices of the High Court, to enact a new Section 203 in lieu thereof, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1       Section 1. Section 203 of Title 5 of the Trust Territory Code, as  
2 it applies in and to the Federated States of Micronesia, is repealed  
3 effective March 1, 1980.

4       Section 2. A new Section 203 of Title 5 of the Trust Territory Code  
5 is enacted to read as follows:

6               "Section 203. Temporary Judges.

7               (1) The Chief Justice of the High Court may assign tempo-  
8 rary judges, selected from a panel of temporary judges established  
9 pursuant to this Section, to fill vacancies and otherwise sit in  
10 the Appellate Division of the High Court or to hold sessions of  
11 the Trial Division of the High Court.

12              (2) The Chief Justice shall submit to the President of the  
13 Federated States of Micronesia the names of at least five and  
14 not more than seven persons qualified to serve as temporary judges,  
15 together with such information relating to their qualifications  
16 as he deems advisable. The President shall immediately transmit  
17 each nomination to the Speaker of the Congress of the Federated  
18 States of Micronesia for approval or disapproval by Congress.

19              (3) A nominee who has been approved shall be a member of  
20 the panel of temporary judges for a period of two years from the  
21 date of his approval. Every effort shall be made to maintain  
22 at least three judges on the panel of temporary judges at all



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1 times. From time to time, the Chief Justice may submit addi-  
2 tional nominations in the manner provided for in this Section  
3 whenever necessary to maintain an adequate number of temporary  
4 judges on the panel.

5 (4) Approval of a nomination shall be by resolution of the  
6 Congress, except that when Congress is not in session, the  
7 Speaker of the Congress may submit the nomination to a committee  
8 authorized by the Congress to act for and on its behalf in  
9 approving nominations during such periods. If a state is not  
10 represented in the voting for any appointment by such committee,  
11 an absent member from that state shall designate a member from  
12 his state delegation to act in his stead. A nomination that is  
13 not approved or disapproved within ninety days of transmittal to  
14 Congress shall be deemed approved.


15 (5) Effective March 1, 1980, no temporary judge may be  
16 assigned to any case arising out of the Federated States of Micro-  
17 nesia who has not been nominated, approved, and assigned pursuant  
18 to this Section, and no judgment or other order shall be valid if  
19 a temporary judge who has not been so nominated, approved, and  
20 assigned either issues or participates in the issuance of any  
21 such judgment or other order on or after March 1, 1980. A case  
22 arises out of the Federated States of Micronesia if the case is  
23 or has been brought in a district which now lies within the  
24 Federated States of Micronesia."

25 Section 3. This act shall take effect on December 15, 1979, except



1 that Section 1 of this act, and Subsection (1) of Section 203, as set  
2 forth in Section 2 of this act, shall take effect on March 1, 1980.

3  
4  
5 November 20, 1979

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9 Tosiwo Nakayama  
President  
Federated States of Micronesia