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A BILL FOR AN ACT

To further amend title 32 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-21, 5-54, 5-109, 5-134, and 6-36, by amending sections 411, 412, 413, 414, 415, 422 and 426 for the purpose of deleting references to the Trust Territory and officials of the Trust Territory and inserting in lieu thereof the Federated States of Micronesia and officials thereof, and for other purposes.

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

1 Section 1. Section 411 of title 32 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 411. Appointment - Term - Removal - Reporting of
4 change of status.

5 (1) The ~~High Commissioner~~ President may in his
6 discretion appoint and commission such numbers of notaries
7 public for the ~~Trust Territory~~ Federated States of
8 Micronesia as he shall deem necessary for the public good
9 and convenience.

10 (2) The term of office of a notary public shall be
11 two years from the date of his commission, unless sooner
12 removed by the ~~High Commissioner~~ President on recommen-
13 dation of the Attorney General made on findings of cause
14 after due hearing; provided, that after due hearing the
15 commission of a notary public may be revoked by the
16 ~~High Commissioner~~ President in any case where any change
17 shall occur in such notary's office, occupation, or
18 employment which in the judgment of the ~~High Commissioner~~
19 President renders the holding of such commission no longer
20 necessary for the public good and convenience.

21 (3) Each notary shall, upon any change in his office,
22 occupation, or employment, forthwith report the same to the
23 Attorney General."

24 Section 2. Section 412 of title 32 of the Code of the Federated
25 States of Micronesia is hereby amended to read as follows:

1 "Section 412. Rules and regulations.

2 (1) The Attorney General, with the approval of the
3 ~~High Commissioner~~ President, shall have power to prescribe
4 such rules and regulations having the force and effect of
5 law as he may deem advisable concerning the appointment and
6 duties of notaries public and the administration of this
7 chapter.

8 (2) The Attorney General shall file a copy of such
9 rules and regulations with each ~~district~~ State Clerk of
10 Courts."

11 Section 3. Section 413 of title 32 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 413. Application; Qualifications; Oath.

14 (1) Except as otherwise provided in this chapter,
15 application for a commission as notary public for the ~~Trust~~
16 ~~Territory~~ Federated States of Micronesia shall be submitted
17 to the Attorney General and must be accompanied by two
18 letters of recommendation.

19 (2) Every person appointed a notary public must be,
20 at the time of his appointment, of good character, at least
21 twenty-five years of age, and a permanent resident of the
22 ~~Trust Territory~~ Federated States of Micronesia, who has
23 resided in it for at least three years. ~~or a United States~~
24 ~~citizen, resident in the Trust Territory and employed by the~~
25 ~~United States Government or by a contractor engaged in work~~

1 ~~for the United States Government in the Trust Territory~~

2 (3) Every person appointed a notary public shall,
3 before acting in that capacity, take and subscribe an oath
4 for the faithful discharge of his duties, which oath may be
5 taken before a ~~District Administrator~~ Governor, a judge, a
6 Clerk of Courts, or other official authorized to administer
7 oaths. This oath shall be executed in duplicate. The
8 original shall be filed in the Office of the Attorney
9 General and a duplicate original filed in the Office of the
10 Clerk of Courts for the ~~district of districts~~ State or
11 States in which said notary shall be acting."

12 Section 4. Section 414 of title 32 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 414. Filing and certification of commission, seal,
15 and signature.

16 (1) It shall be the duty of each person appointed and
17 commissioned a notary public under the provisions of this
18 chapter to forthwith file a literal or photostatic copy of
19 his commission, an impression of his seal, and a specimen
20 of his official signature with the Clerk of Courts of each
21 ~~district~~ State for and in which he decides to act.

22 Thereafter, such Clerk, when so requested, shall certify to
23 the official character and acts of any such notary public
24 whose commission, impression of seal, and specimen of
25 official signature is filed in his office.

1 (2) The Clerk of Courts of each ~~district~~ State shall
2 charge and receive a fee of one dollar for filing a copy of
3 a commission and a fee of twenty-five cents for filing each
4 certificate of authentication."

5 Section 5. Section 415 of title 32 of the Code of the Federated
6 States of Micronesia is hereby amended to read as follows:

7 "Section 415. Official bond; Appointment of agent for
8 service of process.

9 (1) Each notary public forthwith and before entering
10 upon the duties of his office may, at the discretion of the
11 ~~High Commissioner~~ President, be required to execute at his
12 own expense, an official surety bond in a sum not exceeding
13 \$1,000.

14 (2) The obligee of each bond shall be the ~~Trust~~
15 ~~Territory~~ Federated States of Micronesia and the condition
16 contained therein shall be that the notary public will
17 well, truly, and faithfully perform all the duties of his
18 office which are then and may thereafter be required,
19 prescribed, or defined by law or by any rule or regulation
20 made under the expressed or implied authority of any law of
21 the ~~Trust Territory~~ Federated States of Micronesia, and all
22 duties and acts are undertaken, assumed, or performed by
23 the notary public by virtue or color of his office.

24 (3) The surety on any such bond shall be a surety
25 company approved by the ~~High Commissioner~~ President.

1 (4) The notary public by accepting his commission,
2 and the surety company by issuing the bond, thereby agree
3 and appoint the ~~Disttict Administrator of any disttict~~
4 Governor of any State in which the notary public performs
5 any official act as his agent to accept service of process
6 on his behalf for any purpose.

7 (5) After approval, the bond shall be deposited and
8 kept in the Office of the Attorney General, who will certify
9 to the Clerk of Courts in the ~~disttict~~ State in which the
10 notary public is commissioned that the bond has been
11 accepted and filed in proper form."

12 Section 6. Section 422 of title 32 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 422. Seal.

15 (1) Every notary public shall constantly keep a seal
16 of office, which may be a rubber stamp or impression seal,
17 whereon shall be engraved his name, and the words 'Notary
18 Public' and '~~Trust Territory of the Pacific Islands~~
19 Federated States of Micronesia.' He shall authenticate
20 all of his official acts, attestations, certificates, and
21 instruments therewith.

22 (2) Upon resignation, death, expiration of term of
23 office without reappointment, removal from or abandonment
24 of office, or change in residence from the ~~Trust Territory~~
25 Federated States of Micronesia, he shall immediately

1 deliver his seal to the Attorney General, who shall deface
2 or destroy the same. By failing for sixty days to comply
3 with the above requirement, the notary public, his executor
4 or administrator, shall forfeit to the ~~Trust Territory~~
5 Federated States of Micronesia not more than \$200, in the
6 discretion of the Court, to be recovered in an action to be
7 brought by the Attorney General on behalf of the ~~Trust~~
8 ~~Territory~~ Federated States of Micronesia."

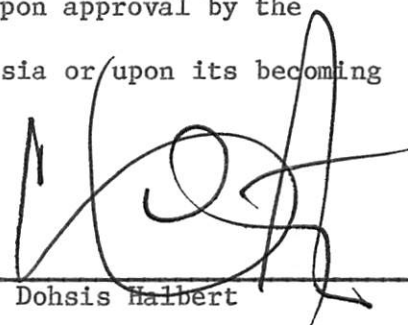
9 Section 7. Section 426 of title 32 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 426. Certain notaries not entitled to fees. A
12 notary public who is also a paid employee of the ~~United~~
13 ~~States of the Government of the Trust Territory, or of any~~
14 ~~district administration,~~ National Government of the
15 Federated States of Micronesia or any State government and
16 is permitted to perform services as a notary public during
17 the working hours for which he is paid by one of these
18 ~~g~~overnments, shall not be entitled to demand or receive any
19 fees for services performed as notary public during such
20 hours or for such services performed at any other time
21 which are in connection with or in aid of his regular
22 employment."

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1 Section 8. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: 5-16-90

Introduced by: 

Dohsis Halbert

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