

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the High Commissioner
Saipan, Mariana Islands

EXECUTIVE ORDER NO. 96

Subject: Amendment of the Code of the Trust Territory to provide for the
Establishment of a Trust Territory Legislature

1. Pursuant to the provisions of Section 28 of the Code of the Trust Territory of the Pacific Islands, such Code is hereby amended by the insertion of the following new chapter:

CHAPTER 3A

THE LEGISLATURE

Sec. 51 Organization of Legislature. The Legislature of Trust Territory of the Pacific Islands shall be known as the "Congress of Micronesia" and shall consist of two Houses, the House of Delegates and the General Assembly. The two Houses shall sit separately except as otherwise provided herein.

When the Congress shall convene, each House shall organize by the election of one of its number as presiding officer and such presiding officer shall be designated by the title of "President, House of Delegates," or "Speaker of the General Assembly," as the case may be. When the Congress meets in joint session, the Speaker of the General Assembly shall preside.

Sec. 52. Legislative Power. The legislative power of the Congress of Micronesia shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with

- (a) treaties or international agreements of the United States;
- (b) laws of the United States applicable to the Trust Territory; or
- (c) sections 1 through 12 of the Code of the Trust Territory.

No law shall be passed by the Congress imposing any tax upon property of the United States or property of the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed higher than the property of residents. No import or export levies shall be imposed on goods transported between or among the Districts of the Trust Territory, as described in Section 39 of this Code, and the levy of duties on goods imported into the Trust Territory is hereby reserved to the Congress of Micronesia and the High Commissioner. No export duty

duty shall be imposed on goods produced or processed in the Trust Territory.

The Congress shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity or franchise. No divorce shall be granted by the Congress nor shall it legalize gambling or lotteries.

Sec. 53. Legislative Powers of the High Commissioner. At the opening of a legislative session and at any time thereafter the High Commissioner may submit to the Congress and recommend the enactment of legislation.

In the event that the High Commissioner has submitted to the Congress proposed legislation which he has designated as urgent, and the Congress has failed to pass the same in its original form or an amended form acceptable to the High Commissioner at the session at which it was submitted, the High Commissioner may himself, with the approval of the Secretary of the Interior, promulgate such legislation as law: Provided, such designation as urgent shall be made no later than seven days prior to the end of the session.

Nothing contained herein shall prohibit the High Commissioner from promulgating laws when the Congress is not in session: Provided, he determines that an emergency condition exists and the public interest requires such emergency promulgation.

Sec. 54. Budget. Prior to his submission of the annual budget of the Trust Territory to the Secretary of the Interior, the High Commissioner shall submit a preliminary budget plan to the Congress of Micronesia in joint session for its review and recommendations. Legislation enacted by the Congress of Micronesia requiring the expenditure of funds other than as budgeted shall include revenue measures to provide the needed funds.

Sec. 55. Membership. For the purpose of representation in the Congress, the Trust Territory is divided into six Districts as described in Section 39 of this Code.

The House of Delegates shall consist of twelve members, who shall be known as "Delegates," of which each District shall elect two.

The General Assembly shall consist of twenty-one members, who shall be known as "Assemblymen", elected from each District as follows:

In the Mariana Islands District, three;

In the Marshall Islands District, four;

In the Palau District, three;

In the Ponape District, four;

In the Truk District, five;

In the Yap District, two.

Each of the six Administrative Districts shall be subdivided initially into single member election districts of approximately equal population, in such manner as the High Commissioner shall determine, and each such election district shall elect one of the Assemblymen to which the Administrative District is entitled. Future subdivisions shall be established by law.

Assemblymen shall be reapportioned every 10 years on the basis of population, but each District shall be entitled to at least two Assemblymen regardless of population. The first such reapportionment shall be made in 1971.

Sec. 56. Qualification of Legislators. In order to be eligible to election as a member of the Congress a person shall:

(a) be a citizen of the Trust Territory for at least five years;

(b) have attained the age of twenty-five years at the time of his election; and

(c) have been a bona fide resident of the District as described in Section 39 of the Code for at least one year next preceding his election.

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony, shall sit in the Congress, unless the person so convicted has been pardoned and has had restored to him his civil rights.

Sec. 57. Franchise. The franchise shall be vested in residents of the Trust Territory who are citizens of the Trust Territory and eighteen years of age or over. Additional qualifications may be prescribed by the Congress:

Provided, that no property, language, or income qualification shall ever be imposed or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, ancestry, sex or religious belief.

Sec. 58. General elections. General elections shall be held biennially in each even numbered year on the first Tuesday following the first Monday in November. Legislators shall be chosen by secret ballot of the qualified electors of their respective districts.

Sec. 59. Term of office. Each Delegate shall hold office for a term of four years: PROVIDED, however, that of the Delegates elected at the first general election one from each District shall hold office for two years only, and the determination of which Delegate shall serve the short term shall be made by drawing lots.

Assemblymen shall each hold office for a term of two years. The terms of all members of the Congress shall commence at noon on the third day of January following their election, except as otherwise provided by law.

Sec. 60. Disqualifications of government officers and employees.

No person holding a position in the Headquarters, or as a Judge, or holding a position as a Department Head, Assistant Department Head or Activity Head with a District Administration shall be eligible for election to the Congress, or to hold the position of a member of the Congress while holding said office: Provided, effective at the time of the third election to the Congress such disqualification shall extend to persons serving as members of District legislatures and to compensated officials of municipalities.

Sec. 61. Legislative sessions. There shall be a regular session of the Congress held in each year beginning on the second Monday of March and continuing for not to exceed 30 consecutive calendar days. Each such regular session shall be held at the seat of the government of the Trust Territory.

The High Commissioner may call special sessions at any time or place when in his opinion the public interest may require it, but no special session shall continue longer than seven calendar days and the aggregate of such special sessions may not exceed twenty-one days in any calendar year. No legislation shall be considered at any special session other than that specified in the call therefore or in any special message by the High Commissioner to the Congress while in such session.

Sec. 62. Enacting clause. The enacting clause of all bills shall be: "Be it enacted by the Congress of Micronesia," and no law shall be enacted except by bill. All legislative proceedings shall be conducted in the English language. Bills may originate in either House, and may be amended or altered or rejected by the other.

Sec. 63. Veto by the High Commissioner. Every bill passed by the Congress shall, before it becomes a law, be presented to the High Commissioner. If the High Commissioner approved the bill, he shall sign it. If the High Commissioner disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the Congress within ten consecutive calendar days after it shall have been presented to him. If the High Commissioner does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Congress by adjournment prevents its return, in which case it shall be a law if signed by the High Commissioner within thirty days after it shall have been presented to him; otherwise it shall not be a law.

If any bill presented to the High Commissioner should contain several items of appropriation of money, he may object to one or more of such items, or any part or parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the item or items, part or parts thereof, to which he objects, and the item or items, part or parts thereof, so objected to shall not take effect.

Sec. 64. Adjournment. Neither House may adjourn for more than two consecutive days nor may either House adjourn sine die without the concurrence of the other House.

Sec. 65. Legislative Counsel. No later than 30 days prior to each regular session, the High Commissioner shall designate a Legislative Counsel to assist and advise the Legislature.

Sec. 66. Publication of Laws. The High Commissioner shall make provision for publishing laws and resolutions within thirty days after the close of each session and for their distribution to public officials and sale to the public.

Sec. 67. Procedure.

(a) Quorum. A majority of the number of members of each House shall constitute a quorum of such house for the transaction of business. A

smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

(b) Reading of bills - Passage. A bill in order to become a law shall pass two readings in each House, on separate days, the final passage of which in each House shall be by a majority vote of all the members present and voting, which vote shall be taken by yeas and nays and entered upon the journal.

(c) Title. Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) Certification of bills from one House to the other. Every bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and sent to the other House for consideration.

(e) Amendment and revisions by reference. No law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section or subsection as amended, shall be re-enacted and published at full length.

(f) Journal. Each House shall keep a journal of its proceedings, and publish the same in English.

(g) Public sessions. The business of the Congress, and of the Committee of the Whole, shall be transacted openly and not in secret session.

(h) Procedural authority. The Congress shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

Sec. 68. Immunity. No member of the Legislature shall be held to answer before any tribunal other than the Legislature for any speech or debate in the legislature, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the

sessions of the legislature and in going to and from the same.

Sec. 69. Compensation. Each member of the Congress shall be paid \$16 for each day the Congress is in session, regular or special. Compensation at this daily rate shall be paid for each day the member is in a travel status to and from each session: Provided, the travel is performed by the most expeditious and direct means. Compensation shall be paid for days when travel is delayed for reasons beyond the control of the member. Transportation and per diem at the standard Trust Territory Government rate shall be allowed. Travel shall be provided by the Trust Territory at the most direct and expeditious means.

Sec. 70. Appointment to new offices. No member of the legislature shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created, or the salary or emoluments of which have been increased, during such term.

Sec. 71. Vacancies. Whenever, prior to six months before the date of the next general election, a vacancy occurs, the High Commissioner shall call a special election to fill such vacancy. In case of a vacancy occurring within six months of the next general election, no special election shall be held and the District Administrator of the District wherein such vacancy arose may fill such vacancy by appointment.

Sec. 72. Conversion into a unicameral body. At its fifth regular session following the effective date of this Chapter, the Congress shall convene in joint session to consider whether the bicameral legislature should be continued or whether the legislature should be converted into a unicameral body. The final recommendation to the High Commissioner shall be adopted by yea and nay votes and the recommendation shall be submitted to the High Commissioner.

Sec. 73. Effective Date. The provisions of this Chapter shall become effective July 1, 1964, with elections for members of the Congress of Micronesia to be held on Tuesday, November 3, 1964: Provided, District and municipal import and export duties, if any, in effect July 1, 1964, may continue in effect until July 1, 1965, unless sooner reduced or repealed by the District Legislature or municipality concerned and, Provided further, no such District import or export duty may be increased above its July 1, 1964, rate.