

Jul. 2, 1977

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COMMITTEE REPORT NO. _____
Comm. on Administration,
Style, and Arrangement

Honorable Edwel H. Santos
Convention Chairman
Charter Convention, First Session, 1977
July 12, 1977

Dear Convention Chairman:

Re: Proposed Tentative Draft Charter

Your Committee on Administration, Style, and Arrangement requests permission to submit this progress report:

At the present time, sixteen Committee Proposals have been referred to the Style Committee, cumulatively comprising most all of the subjects which will probably be included in the Ponape District Charter. Your Committee has examined them, incorporated all amendments, and placed their contents in logical sequence, the duplicated copy of which is attached to this report and titled "Tentative Draft, Proposed Ponape District Charter."

In one case, C.P. 14, C.D. 2, your Committee modified section 4 of Title VI so as to implement the intention of the Convention. In that section provision is made for the legislature to resolve a tie vote for Governor or Lieutenant Governor, should that event occur. The language added makes it clear that the newly elected legislature will be the one to resolve the tie vote.

As it is the intention of the Convention that the members fully discuss the contents of the various Proposals with the people of their municipalities during the recess, there may be additions to and modifications of the language of the Proposals made after the reconvening of the Convention, all incorporating the peoples' expressed desires. In addition, during the recess, your Committee will further study the contents of these Proposals with the purpose of identifying inconsistencies and ambiguities, of discovering subject matter gaps, and of achieving greater felicity and consistency of language.

Respectfully submitted,

/s/ J. E. Eland

/s/ Hilary Conrad

/s/ Kasiano Joseph

/s/ Torry Charley

/s/ Itor A. Harris

/s/ Natchuo Fredrick

/s/ Welden Welbert

/s/ Salter Etse

/s/ Simon Ham

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Tentative Draft

PROPOSED PONAPE DISTRICT CHARTER

1 PREAMBLE

2 WE, THE PEOPLE OF THE PONAPE DISTRICT, exercising our inherent rights,
3 do through our representatives hereby establish this Charter for the self-
4 government of the Ponape District.

5 With this Charter, we affirm our common wish to live together in
6 peace and harmony, to preserve our heritage, and to promote our general
7 welfare. (CP 9).

3 ARTICLE I. TERRITORY

9 Section 1. Ponape District is comprised of all those islands of the
10 Trust Territory of the Pacific Islands constituting Ponape District
11 immediately prior to the effective date of this Charter; the territorial seas
12 of those islands to a limit of twelve miles measured outward from appropriate
13 baselines, the seabed, subsoil, water column, insular or continental
14 shelves, and airspace over such land and water; and any other territory or
15 waters belonging to Ponape District by historic right, custom or legal
16 title. Jurisdiction over the economic resources of Ponape District extends
17 to a marine space of 200 miles measured outward from those baselines
18 utilized in determining the territorial seas of Ponape District; PROVIDED,
19 that marine boundaries between Ponape District and other legal entities shall
20 be determined by law, applying the principle of equidistance.

21 Subject to vested rights, all marine and aquatic areas, including
22 the territorial seas, submerged lands, tidal lands, filled lands, lagoons and
23 reefs below the ordinary high water mark, and permanently flowing rivers and
24 streams, their beds, subsoils and airspace, are the property of the
25 Government of Ponape District to be managed and controlled in the manner
26 prescribed by law. (CP 5).

27 Section 2. Territory may be added to the Ponape District with the
28 affirmative vote of the inhabitants of the area and upon approval by law,
29 PROVIDED, that a three-fourths majority of the District Legislature concur,
30 and thereafter ratified by referendum of the qualified voters of Ponape

1 District. Upon the addition of territory, the boundaries of the District
2 shall be expanded accordingly. (CP 5).

3 ARTICLE II. CIVIL RIGHTS

4 Section 1. No law shall be enacted nor government action taken in
5 Ponape District respecting the establishment of religion, or prohibiting the
6 free exercise thereof, or abridging the freedom of speech, or of the press;
7 or the right of the people to peaceably assemble, and to petition the
8 Government for a redress of grievances. (CP 7).

9 Section 2. Neither slavery nor involuntary servitude, except as a
10 punishment for crime whereof the party shall have been duly convicted, shall
11 exist in Ponape District. (CP 7).

12 Section 3. The rights of the people to be secure in their persons,
13 houses, papers and effects, against unreasonable searches and seizures, shall
14 not be violated, and no warrants shall issue but upon probable cause,
15 supported by oath or affirmation, and particularly describing the place to
16 be searched and the persons or things to be seized. (CP 3).

17 Section 4. No person shall be deprived of life, liberty or property,
18 without due process of law; nor shall private property be taken for public
19 use without just compensation; nor shall any person be subject for the same
20 offense to be twice put in jeopardy of life or limb; nor shall any person
21 be compelled in any criminal case to be a witness against himself. In all
22 prosecutions the accused shall enjoy the right to a speedy public trial; to
23 be informed of the nature and cause of the accusation; to be confronted with
24 the witnesses against him; to have compulsory process for obtaining witnesses
25 in his favor, and to have the assistance of counsel for his defense. (CP 3).

26 Section 5. No bill of attainder or ex post facto law shall be
27 enacted. (CP 3).

28 Section 6. No law impairing the obligations of contracts shall be
29 enacted. (CP 3).

30 Section 7. Excessive bail shall not be required, nor excessive fines

1 imposed, nor cruel and unusual punishments inflicted. (CP 3).

2 Section 8. No crime under the laws of Ponape District shall be
3 punishable by death. (CP 8).

4 Section 9. No law shall be enacted which discriminates against any
5 person on account of race, sex, language or religion; nor shall the equal
6 protection of the laws be denied. (CP 6).

7 Section 10. Subject only to the requirement of public order and
8 security, the inhabitants of Ponape District shall be accorded freedom of
9 migration and movement within the District. (CP 6).

10 Section 11. No person shall be imprisoned solely for failure to
11 discharge a contractual obligation. (CP 6).

12 Section 12. The privilege of the writ of habeas corpus shall not
13 be suspended, unless, when in cases of rebellion or invasion or imminent danger
14 thereof, the public safety shall require it. (CP 6).

15 Section 13. No soldier shall, in time of peace, be quartered in any
16 house without the consent of the owner, nor in time of war but in a manner
17 to be prescribed by law. (CP 6).

18 ARTICLE III. TRADITIONAL RIGHTS

19 Section 1. The role or function of a traditional leader as recognized
20 by custom and tradition is unaffected by this Charter. A traditional leader
21 by statute may be recognized, honored, and given formal or functional roles
22 at the District and local levels of government. (CP 10).

23 Section 2. Traditions in Ponape District may be protected by statute.
24 If the statute is challenged as violative of the provisions in Article II,
25 the courts in determining whether a compelling social purpose exists for the
26 Governmental action shall consider protection of Micronesian tradition.
27 (CP 10).

28 ARTICLE IV. SUFFRAGE AND ELECTIONS

29 Section 1. A citizen of the Trust Territory of the Pacific Islands
30 who has attained the age of 18 years, has legally resided in Ponape District

1 for a period of not less than three years immediately preceding the date of
2 election, has been a legal resident of the electoral precinct for a period of
3 not less than one year immediately preceding the date of election, and is
4 not under a criminal sentence at the time of election shall be qualified to
5 vote in District elections. Other qualifications may be prescribed by law.
6 (CP 11, C.D.2).

7 Section 2. Voter registration and the conduct of elections shall
8 be provided for by law. Secrecy of voting shall be preserved. (CP 11, C.D.2).

9 Section 3. General elections shall be held on the second Friday of
10 November, 1979, and every four years thereafter. In the event of inability
11 to hold the election due to natural disaster or other comparable reason,
12 the Governor may proclaim a later election date, not later than 30 days
13 thereafter. Special elections may be held as provided by law. (CP 11, C.D.2).

14 ARTICLE V. LEGISLATURE

15 Section 1. The legislative power of the District Government is vested
16 in the Ponape District Legislature and shall extend to all rightful subjects
17 of legislation not inconsistent with this Charter. (CP 14, C.D.2).

18 Section 2. The Legislature shall be composed of 20 members, elected
19 every four years. The terms of the members shall commence on the third day
20 of January following their election, except for legislators elected or
21 appointed to fill vacancies. (CP 14, C.D.2).

22 Section 3. There shall be eleven electoral precincts in Ponape District
23 as follows: Kapingamarangi, Kitti, Kolonia, Madolenihmw, Mokil, Nett,
24 Ngatik, Nukuoro, Pingelap, Sokehs, and Uh.

25 Until reapportionment, members of the Ponape District Legislature shall
26 be elected as follows: Kapingamarangi, Mokil, Ngatik, Nukuoro, and Pingelap
27 shall each be entitled to one representative; Kolonia, Nett, and Uh shall
28 each have two representatives; and Kitti, Madolenihmw, and Sokehs shall each
29 have three representatives.

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1 Reapportionment on a population basis shall take place before the
2 general election for each Legislature which follows the publication of the
3 results of an official population census taken by the Trust Territory
4 Government, or by the Ponape District. (CP 14, C.D.2).

5 Section 4. When a vacancy in the Legislature occurs, the Legislature,
6 or an authorized Committee thereof, subject to appeal to the Legislature by
7 any person showing cause, shall after determining that a vacancy exists,
8 forward a notice of vacancy to the Governor and the Chief Executive of the
9 municipality or town in which the vacancy occurs. The Governor shall call a
10 special election to fill the vacancy for the unexpired term. Meanwhile,
11 the Chief Executive of such municipality or town, with the advice and consent
12 of the municipal or town council, shall appoint a temporary member to the
13 Legislature who shall serve until the Election Commissioner has certified the
14 results of the special election and the member-elect has sufficient time to
15 present his credentials to the Legislature. In the case that a vacancy occurs
16 within one year of the next general election, the notice shall only be
17 directed to the Chief Executive of the municipality or town in which the
18 vacancy occurs, who shall fill the vacancy by appointment, with the advice
19 and consent of the council. The term of office of a person who becomes a
20 Legislator through special election or appointment commences at the time he
21 presents his credentials for the purpose of being seated. (CP 14, C.D.2).

22 Section 5. No person shall be eligible to serve as a member of the
23 Legislature unless he is at least 25 years of age at the time his term of
24 office commences; a citizen of the Trust Territory of the Pacific Islands;
25 has actually resided in Ponape District for a cumulative period of not less
26 than 10 years; has legally resided in Ponape District for a period of at
27 least three years immediately preceding his election or appointment; has not
28 voted in any Congressional or District Legislature election of any other
29 District of the Trust Territory of the Pacific Islands for a period of at
30 least three years immediately preceding his election or appointment; and

1 has been a legal resident of his electoral precinct for a period of not less
2 than one year immediately preceding his election or appointment. (CP14, C.D.2).

3 Section 6. A person convicted of a felony shall not be eligible to
4 serve as a member of the Legislature unless he has received a pardon
5 restoring his civil rights. (CP 14, C.D.2).

6 Section 7. No member of the Legislature shall hold another public
7 office in, or be employed by, or receive compensation or other remuneration
8 from the Executive or Judicial Branch of the Government of the Trust
9 Territory or any political subdivision thereof, including a municipality, or
10 any agency or division of the United States Government, or any non-profit
11 organization whose financing comes principally from public monies.

12 Nothing in this Section prohibits any member of the Legislature from
13 participating as a member of a governing or policy board of any governmental,
14 quasi-governmental, or non-profit commission, board, organization or
15 association; nor prohibits the member from receiving his necessary expenses
16 and the difference between his regular daily Legislature compensation and
17 the higher daily compensation for service in such body. (CP 14, C.D.2).

18 Section 8. No member of the Legislature shall, during the term for
19 which he is elected or appointed, be elected or appointed to any public office
20 or employment which has been created or the emoluments of which have been
21 increased by specific legislative act during such term.

22 A member of the Legislature may not engage in any activity which
23 conflicts with the proper discharge of his duties. The Legislature may
24 prescribe further restrictions. (CP 14, C.D.2).

25 Section 9. The member of the Legislature shall receive annual salaries
26 and allowances reasonably related to expenses, as prescribed by law. Any
27 law increasing salaries shall not apply to the Legislature that enacted it,
28 nor until after one general election has occurred between the passage of the
29 law and its taking effect.

30 A commission on legislative salary, which shall be appointed by the

1 Chief Executive of the District every four years, shall submit to the
2 Legislature its recommendations for a salary plan, and then dissolve.
3 (CP 14, C.D.2).

4 Section 10. Members of the Legislature shall in all cases, except
5 felony or breach of the peace, be privileged from arrest during, and while
6 going to and from sessions or committee meetings of the Legislature. A
7 member answers only to the Legislature for his statements in the Legislature
8 or a committee thereof. (CP 14, C.D.2).

9 Section 11. The Legislature shall convene on the second Mondays of
10 January, May, and September each year in Regular Session, if possible, which
11 Sessions shall not continue in excess of 40 consecutive calendar days.
12 (CP 14, C.D.2).

13 Section 12. A Special Session of the Legislature may be convened
14 either by the Governor, which proceedings shall be confined to the subjects
15 stated in the convening call, or by the Speaker of the Legislature upon a
16 petition of one-third of its members. (CP 14, C.D.2).

17 Section 13. The Legislature shall be the sole judge of the elections
18 and qualifications of its members, may discipline a member, and, by an
19 affirmative vote of three-fourths of its members, may suspend or expel a
20 member.

21 Upon the petition to recall a member signed by one-third of the total
22 number of registered voters in his electoral precinct, the Governor shall
23 call a special recall election. A Legislator shall be recalled upon a
24 majority vote of the total number of registered voters in his electoral
25 precinct.

26 Upon a vacancy occurring under this Section, it shall be filled as
27 provided by Section 4. (CP 14, C.D.2).

28 Section 14. The Legislature shall choose its own officers, determine
29 its own rules of procedure, and keep and publish a journal. (CP 14, C.D.2).

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2 Section 15. As incidents of its legislative authority, the Legislature
3 and its committee duly authorized may conduct investigations, hold public
4 hearings, subpoena witnesses and documents, and administer oaths. The rules
5 of the Legislature shall provide for the enforcement of the contempt power,
6 and other incidents of the Legislative authority. (CP 14, C.D.2).

7 Section 16. Three-fourths of the members of the Legislature shall
8 constitute a quorum. A smaller number than a quorum may adjourn from day to
9 day, and may compel the attendance of absent members in such manner and under
10 such penalties as the Legislature may provide, including the withholding of
11 salary. The final passage of a bill or resolution shall require the affirmative
12 vote of a majority of the members, entered on the journal. (CP 14, C.D.2).

13 Section 17. No law may be passed except by bill. Each law shall
14 embrace but one subject, which shall be expressed in its title. A provision
15 outside the subject expressed in the title is void.

16 A law may not be amended or revised by reference to its title only.
17 The law as revised or section as amended shall be published and reenacted at
18 full length.

19 The enacting clause of a bill shall be: "Be it enacted by the Ponape
20 District Legislature." (CP 14, C.D.2).

21 Section 18. To become law, a bill shall pass two readings on separate
22 days. The first reading may be on the day of introduction.

23 Any bill pending at the final adjournment of a Regular Session shall
24 carry over with the same status to the next Regular Session, but in no event
25 beyond the term for which the members have been elected.

26 Bills disapproved by the Governor and returned to the Legislature require
27 only one reading to override his veto.

28 A resolution may be adopted on the same day it is introduced. (CP 14, C.D.2).

29 Section 19. Every bill which has passed the Legislature shall be
30 certified by the Speaker and the Clerk and presented to the Governor. If

1 the Governor approves the bill, he shall sign it and it becomes law. If he
2 does not approve the bill, he shall return it with his objections to the
3 Legislature. The Governor may veto any specific item or items in any bill
4 which appropriates money for specific purposes by striking out or reducing
5 the same, but he may veto other bills only as a whole.

6 The Governor has ten calendar days to consider bills presented to him
7 ten or more days before adjournment sine die of the Legislature. He shall
8 have thirty calendar days after presented to him to consider bills presented
9 to him less than ten days before such adjournment, or after adjournment. Any
10 bill neither signed nor returned on or before the time specified shall
11 become law in like manner as if the Governor had signed it. (CP 14, C.D.2).

12 Section 20. Upon the receipt of a veto message from the Governor, the
13 Legislature may reconsider the vetoed bill, or the item or items vetoed, and
14 again vote upon the bill, item or items vetoed. If approved by a two-thirds
15 majority of the entire membership, the same shall become law.

16 If the receipt of the veto message is within the last ten days of the
17 Session during which the bill was passed, or during a recess of the Legis-
18 lature, the bill, item, or items so vetoed may be reconsidered at the next
19 subsequent Session. (CP 14, C.D.2).

20 Section 21. Resolutions which are directed to the Governor shall be
21 answered in writing by him, or his authorized representative, not later
22 than thirty days after receipt of the resolution. If action is requested of
23 the Governor, the answer shall include a progress statement or the reasons
24 why such action is not feasible. (CP 14, C.D.2).

25 Section 22. After each Regular Session the Legislature shall have
26 the bills and resolutions passed at that session published in English and one
27 or more vernaculars of the District. (CP 14, C.D.2).

28 Section 23. The Governor, Lieutenant Governor, or a Justice of the
29 District Court may be impeached for conviction of a felony, misfeasance,

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1 malfeasance, or neglect of duty in office, or serious misconduct in election
2 to office. The Legislature may exercise the power of impeachment by
3 resolution of impeachment adopted by a three-fourths vote of the members.

4 Upon the adoption of a resolution of impeachment of the Governor or
5 Lieutenant Governor, a notice of impeachment shall be forthwith served by the
6 Clerk of the Legislature upon the Chief Justice of the District Court, who
7 shall call a session of the District Court to meet within 15 days after such
8 notice to try the impeachment.

9 Upon adoption of a resolution of impeachment of a Justice of the District
10 Court, a notice of impeachment shall be forthwith served by the Clerk of the
11 Legislature upon the Governor, who shall convene a special tribunal as
12 prescribed by law to meet within 30 days at the Capital, to sit as a Court
13 to try the impeachment, which Court shall organize by electing one of its
14 members to preside.

15 A conviction of impeachment shall require the concurrence of two-thirds
16 of the members of the District Court or special tribunal.

17 Judgments in cases of impeachment shall not extend beyond removal from
18 office and disqualification to hold and enjoy any office of honor, trust and
19 profit under the District Government, but a person so convicted may neverthe-
20 less be liable and subject to indictment, trial, judgment and punishment
21 according to the law.

22 No officer shall exercise his official duties after he has been
23 impeached and notified thereof, until he has been acquitted. (CP 14, C.D.2).

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ARTICLE VI. EXECUTIVE

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2 Section 1. The executive power of the Ponape District Government
3 is vested in the Governor. He shall be elected by the qualified voters of the
4 Ponape District at the general election. (CP 14, C.D. 2)

5 Section 2. A person is ineligible to become Governor unless he is at
6 least 32 years of age, a citizen of the Ponape District for at least 32 years,
7 has resided in the District for at least 10 years cumulatively, and is a
8 registered voter in the District. A person convicted of a felony is ineligible
9 to serve, unless he has received a pardon restoring his civil rights.
10 (CP 14, C.D.2)

11 Section 3. There shall be a Lieutenant Governor who shall have the
12 same qualifications as the Governor. He shall be elected at the same time,
13 for the same term, and in the same manner as the Governor. He shall perform
14 such duties as may be prescribed by law and as may be delegated to him by
15 the Governor. (CP 14, C.D. 2)

16 Section 4. Nominations for the office of Governor and the office of
17 Lieutenant Governor shall be by petitions signed by qualified voters, as
18 provided for by law. In the event no candidate for the office of Governor
19 or Lieutenant Governor receives a majority of votes cast, a run-off election
20 shall be held between the two candidates for that office receiving the
21 highest number of votes in the general election. Tied elections shall be
22 resolved in the manner provided by law, except that if there are only two
23 candidates running, a tied vote shall be decided by the new Legislature
24 after organizing.

25 The terms of Governor and Lieutenant Governor shall begin at noon on
26 _____ following their election, and shall end four years thereafter.
27 (CP 14, C.D.2)

28 Section 5. When the office of the Governor is vacant, the Lieutenant
29 Governor shall become Governor. In the absence of the Governor from the
30 District, or if he is unable to exercise his powers and perform his duties,

1 during his absence or disability such powers and duties shall devolve upon
2 the Lieutenant Governor.

3 When the office of Lieutenant Governor is vacant, or in the event of the
4 absence or disability of both Governor and Lieutenant Governor, such powers
5 and duties shall devolve upon such officers as may be provided by law.
6 (CP14, C.D.2.)

7 Section 6. The Governor and Lieutenant Governor shall receive salaries
8 which may not be increased or reduced during their terms, except by general
9 law applying to all salaried officers of the District, and in the same
10 percentage. (CP 14, C.D.2)

11 Section 7. The Governor is responsible for the faithful execution of the
12 provisions of this Charter and of the laws. (CP 14, C.D.2)

13 Section 8. The Governor may grant reprieves, commutations and pardons,
14 after conviction, for offenses other than impeachment, subject to regulation
15 by law. (CP 14, C.D. 2)

16 Section 9. The Governor shall communicate to the Legislature at the begin
17 ing of each session on the condition of the District, and may do so at other
18 times. He may in like manner recommend measures he deems desirable. (CP14,CP

19 Section 10. Until otherwise provided by law, there shall be six depart-
20 ments, all under the supervision of the Governor. A single director shall be
21 the executive head of a department. Directors shall be appointed by the
22 Governor with the advice and consent of the Legislature, and shall serve at
23 the pleasure of the Governor, except that if the removal of the chief legal
24 officer of the District occurs prior to the termination of the term for
25 which the Governor was elected, it shall be subject to the advice and consent
26 of the Legislature.

27 All executive and administrative offices and instrumentalities of the
28 District shall be allocated among the departments. The Executive Branch,
29 or any part thereof, may be reorganized by statute, or by the Governor with
30 the consent of the Legislature expressed by a resolution adopted at the

1 session at which the reorganization plan is submitted. (CP 14, C.D.2)

2 Section 11. If required to preserve public peace, health or safety,
3 at a time of extreme emergency caused by civil disturbance, natural disaster,
4 or immediate threat of war or insurrection, the Governor may declare a state
5 of emergency and issue appropriate decrees.

6 A declaration of emergency may not impair the power of the judiciary,
7 except that the declaration shall be free from judicial interference for
8 thirty days after it is first issued. A declaration of emergency may
9 impair a civil right to the extent actually required for the preservation of
10 peace, health or safety.

11 Within thirty days after the declaration of emergency, the Legislature
12 shall convene at the call of the Speaker or the Governor to consider
13 revocation, amendment or extension of the declaration. Unless it expires
14 by its own terms, is revoked or extended, a declaration of emergency is
15 effective for thirty days. (CP 14, C.D.2)

16 ARTICLE VII. JUDICIARY

17 Section 1. The judicial power of the District Government is vested
18 in a District Court, and such inferior courts and conciliatory bodies as
19 may be established by law. No administrative agency or body shall be
20 given final judicial authority. (CP 13, C.D.1)

21 Section 2. The District Court is a court of record and the highest
22 court of the District. It shall consist of a Chief Justice and two
23 Associate Justices, who shall be appointed by the Governor with the advice
24 and consent of the Legislature. (CP 13, C.D.1)

25 Section 3. Justices shall serve for a term of 8 years, unless physically
26 or mentally incapacitated to serve, or otherwise removed for cause after
27 hearing. The procedure for determining incapacity, and removal for cause,
28 shall be provided by law. While the Chief Justice is absent or unable to
29 perform his duties, or there is a vacancy in the office, the eldest Associate
30 Justice shall serve as Acting Chief Justice. (CP 13, C.D.1)

1 Section 4. No person shall be eligible to serve as a Justice of the
2 District Court unless he is at least 35 years of age. A person convicted
3 of a felony is ineligible to serve, unless he has received a pardon restoring
4 his civil rights. (CP 13, C.D.1)

5 Section 5. Compensation of justices, judges of inferior courts, and
6 members of conciliatory bodies shall be prescribed by law. Compensation may
7 not be diminished during their terms of office, except by general law applying
8 to all salaried officers of the District, and in the same percentage.
9 (CP 13, C.D.1)

10 Section 6. Until otherwise provided by law, the District Court shall
11 have jurisdiction under the existing laws of the Trust Territory applicable to
12 District Courts of unchartered Districts, and appeals shall be to the High
13 Court of the Trust Territory. When meeting as a trial court, single Justices
14 may hold sessions of the District Court, as assigned by the Chief Justice.

15 The District Court shall establish rules of procedure and evidence for
16 the courts of the District, which shall have the force and effect of law,
17 and rules governing the administration of the judiciary.

18 The Chief Justice shall serve as the administrative head of the judicial
19 system, and with the approval of the Associate Justices, may appoint an
20 administrative officer to serve at his pleasure to supervise the administration
21 of the judiciary. (CP 13, C.D.1)

22 ARTICLE VIII. FINANCE

23 Section 1. The District Government shall have the power to impose
24 and collect all categories of taxes. All tax revenues and other receipts
25 shall be paid into the General Fund, except as provided by law. (CP 2, C.D.1)

26 Section 2. The District Government may incur indebtedness, as authorized
27 by law, but not to exceed at any time the average annual level of district
28 revenues collected locally during the preceeding three fiscal years. The
29 Legislature shall annually appropriate monies sufficient to retire on schedule
30 any existing indebtedness owed by the District Government.

1 The provisions of this section shall not be applicable to indebtedness
2 incurred for a public project where the only security for such indebtedness
3 is the revenues to be generated by the project. (CP 2, C.D.1)

4 Section 3. The Governor shall annually prepare and submit to the
5 Legislature a budget setting forth a complete plan of proposed expenditures,
6 anticipated revenues and other receipts of the District Government for
7 the ensuing one year fiscal period, as well as such other information as the
8 Legislature may by law require. No appropriation bill except those rec-
9 ommended by the Governor for immediate passage, or to cover the costs of the
10 Legislature shall be enacted until the bill appropriating money for the
11 budget is enacted. (CP 2, C.D.1)

12 Section 4. Provisions for the control of the rate of expenditures of
13 appropriated District monies, and for the reduction of such expenditures
14 when revenues are deemed insufficient to meet proposed expenditures during
15 a given fiscal period, shall be provided by law. (CP 2, C.D.1)

16 Section 5. A District Auditor shall be appointed by majority vote of
17 the Legislature to serve for a term of four years and until a successor is
18 appointed. The Legislature, by a two-thirds majority vote, may remove the
19 Auditor from office at any time. With the authority to contract privately
20 to augment the capabilities of his office, the District Auditor shall be
21 responsible for conducting post-audits of all transactions and of all accounts
22 kept by or for all District departments, offices, agencies and instrumentalities
23 certifying to the accuracy of all financial statements issued by the respective
24 accounting officers, and reporting his findings and recommendations to the
25 Legislature. The Auditor shall make such additional reports and provide
26 such additional information as the Legislature may require. (CP 2, C.D.1)

27 ARTICLE IX. LOCAL GOVERNMENT

28 Section 1. Municipalities and towns existing on the effective date
29 of this Charter shall continue to exercise their powers and functions as
30 then provided by law. (CP 14, C.D.2)

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ARTICLE X. GENERAL PROVISIONS

Section 1. The capital of the Ponape District Government shall be established by statute. (CP 1, C.D.1)

Section 2. There shall be no taking of private property for public purpose without just compensation. The Legislature by general statute shall provide for the exercise of the power of eminent domain by the Governor, but shall reserve the right to annul the action of the Governor, by resolution adopted within 60 days after the Governor's decision to condemn. (CP1, C.D.1)

Section 3. The Ponape District Government shall take every step reasonable and necessary to provide education, health care, and legal services. (CP 1, C.D.1)

Section 4. The Legislature may enact laws respecting persons organizing for the purpose of collective bargaining. (CP 16)

Section 5. All able-bodied adult residents of Ponape District shall comprise the Ponape District Defense Corps, established for the purpose of maintaining peace and order in times of crisis or natural disaster, and furnishing services in the promotion of public projects and programs in the District. The District Legislature may provide by law for:

- (1) The organization and mobilization of the Corps;
- (2) The maintenance of an active branch of the Corps; and
- (3) The mandatory furnishing of full-time service for a cumulative period not to exceed two years per individual. (CP 4)

ARTICLE XI. AMENDMENT

Section 1. The Legislature may propose amendments to or revise the Charter by adopting the same in the manner required for legislation, by a two-thirds majority vote of the members on final reading. No proposal for amendment or revision of the Charter is subject to veto by the Governor.

Upon adoption, the proposed amendments or revision shall be published as provided by law, and submitted to a vote of the electorate at the next General Election, unless required to be submitted at a Special Election

1 called prior thereto. The amendments or revision shall be effective only
2 if approved by a majority of all the votes tallied thereon. (CP 12)

3 ARTICLE XII. TRANSITION

4 Section 1. This Charter shall take effect upon its adoption by the
5 Congress of Micronesia and its approval by the High Commissioner. (CP 15)

6 Section 2. For the duration of the Trusteeship Agreement, the
7 powers and duties of the Ponape District Government as granted, permitted
8 or required under this Charter shall be deemed limited or expanded, as
9 necessary, to comply with the Charter of the United Nations, the Trusteeship
10 Agreement, and applicable orders of the President of the United States
11 or the Secretary of the Interior. (CP 15)

12 Section 3. All district laws and municipal ordinances in force in
13 Ponape District on the effective date of this Charter and consistent
14 herewith shall continue in force until they expire by their own limitation,
15 are amended, superseded or repealed. (CP 15)

16 Section 4. All officers holding office on the effective date of this
17 Charter shall continue to perform the duties of their offices in a manner
18 consistent with this Charter until they are succeeded by officers of the
19 Chartered District Government. (CP 15)

20 Section 5. A writ, action, suit, proceeding, civil or criminal
21 liability, prosecution, judgment, sentence, order, decree, appeal, cause
22 of action, defense, contract, claim, demand, title or right shall continue
23 unaffected, and the Chartered District Government shall be the legal successor
24 to the unchartered District Government in these matters. (CP 15)

25 Section 6. When an interest in property held by the Government of
26 the Trust Territory of the Pacific Islands and attributable to Ponape District
27 is to be transferred to the Ponape Chartered District Government, it shall be
28 accomplished in accordance with agreements reached between the High
29 Commissioner and the District Government concerning designation of the
30 property to be affected and procedures to be followed in implementing the

1 transfer. (CP 15)

2 Section 7. The Legislature shall, by law, establish procedures to
3 ensure a smooth and orderly transition from administrative district govern-
4 ment to the Chartered Ponape District Government. (CP 15)

5 Section 8. Until otherwise provided by the rules of the Legislature:

6 1) The officers of the Legislature shall consist of the Speaker,
7 Vice-Speaker, and the Parliamentarian, all of whom shall be elected by the
8 members of the Legislature at its first Regular Session of every even-numbered
9 year.

10 2) When a vacancy occurs in the office of the Speaker, the Vice-
11 Speaker shall become the Speaker. When the office of the Vice-Speaker or the
12 Parliamentarian is vacant, it shall be filled for the remainder of the
13 unexpired term in the same manner as it was originally filled.

14 3) The Chairman of the Standing Committees of the Legislature
15 shall be elected at the same Session and within a reasonable time after the
16 Speaker is elected, and prior to the appointment of Committee members. No
17 Legislator may be chairman of two or more Standing Committees at any one time.

18 4) Each Legislator shall present his credentials in the form of
19 a statement of certification of election from the Election Commissioner of
20 Ponape District authenticating his election, or a certified letter of appoint-
21 ment by the appointing officer. At the beginning of the first Regular Session
22 of every year which immediately follows an election year, an oath of office
23 shall be administered to all elected members at the same time by a judge
24 invited for that purpose. The Speaker may also administer the oath of office
25 to any newly elected or appointed member after the regular day of taking of
26 oath of office. Legislators elected or appointed to fill vacancies shall be
27 administered the oath during the same Session as their election or appointment,
28 or if the Legislature is not in Session, at the next Session following their
29 election or appointment.

30 5) There shall be four Standing Committees of the Legislature to be

1 known as: The Committee on Ways and Means; The Committee on Education,
2 Health and Social Matters; The Committee on Resources and Development; and
3 the Committee on Judiciary and Governmental Relations. Members of the
4 Standing Committees shall be appointed by the Speaker following the election
5 of the Chairmen, but no Legislator may be appointed to be a member of more than
6 three Standing Committees at any one time. The Speaker, with the advice and
7 consent of the Legislature, may establish special committees and members to
8 carry out special assignments of the Legislature. (CP 14, C.D.2)

9 Section 9. The provisions of Section 8 of Article V shall not prohibit
10 a member of the first Legislature under this Charter from holding any office
11 created during his term. (CP 14, C.D.2)

12 Section 10. Until otherwise provided by law, the Governor shall be
13 personally and legally responsible to the High Commissioner for the adminis-
14 tration of programs, projects, and activities of the Trust Territory Govern-
15 ment, including any appropriation, apportionment, re-apportionment or allotment
16 of funds of the United States Congress, the Congress of Micronesia, the
17 Legislature, or from any other source. (CP 14, C.D.2)

18 Section 11. Until otherwise provided, the Departments of Education,
19 Health Services, and Public Works shall retain their present functions,
20 powers, and duties; the Department of Resources and Development shall include
21 the Division of Agriculture, Forestry, Lands and Surveys (including the Land
22 Commission and Land Management), Labor, Marine Resources (including the
23 Ponape Fishing Authority), Economic Development, and Tourism; the Department
24 of Legal Affairs shall include the Office of District Attorney, Public Safety,
25 and Immigration, and the District Attorney shall be director of the Department;
26 and the Department of Revenue and Administration shall include the Revenue
27 Office, Treasury Office, Finance and Accounting Office, Budget Office,
28 Personnel Office, Planning Office, Procurement and Supply Office, Public
29 Affairs, and Transportation and Communications.

30 Allocation of any executive office, department or instrumentality by

1 this Charter includes any office or program subordinate to it, and any board
2 or commission advisory to it, or with quasi-legislative or quasi-judicial
3 powers specifically linked to it, or which is attached to it for adminis-
4 trative servicing. (CP 14, C.D.2)

5 Section 12. Until the election of the first Governor and Lieutenant
6 Governor, the District Administrator shall serve as Acting Governor , and
7 the Deputy District Administrator shall serve as Acting Lieutenant Governor.
8 In the event of a vacancy in the office of Acting Governor or Acting
9 Lieutenant Governor prior to such election, the position shall be filled
10 by appointment of the High Commissioner, with the advice and consent of the
11 Legislature. (CP 14, C.D.2)

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13 Date: July 12, 1977.

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