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SEVENTH CONGRESS OF MICRONESIA
FIRST SPECIAL SESSION, 1977

THE SENATE
A Bill For An Act

Establishing a Truk District Government, granting a charter thereto, and for other purposes.

INTRODUCED BY SENATOR Nick Bossy

Date Introduced: August 19, 1977

First Reading in the Senate: August 20, 1977

Referred to: Judiciary and Governmental Operations

Standing Committee Report No: 7-159 (S.D.1)

Date Adopted: August 20, 1977

Second Reading in the Senate: August 25, 1977


First Reading in the House: August 26, 1977

Referred to: Judiciary and Governmental Relations

Standing Committee Report No: 7-161 (H.D.1)

Date Adopted: August 29, 1977

Second Reading in the House: August 29, 1977


F. Sabo Ulechong
Clerk of the Senate

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Congress of Micronesia

KOLONIA PONAPE · EASTERN CAROLINE ISLANDS 96941

SENATE

PRESIDENT

Tosiwo Nakayama

KOSRAE DISTRICT

Hiroshi Ismael

Joab Sigrah

MARSHALLS DISTRICT

Amata Kabua

Wilfred Kendall

PALAU DISTRICT

Kaleb Udui

Roman Tmetuchi

PONAPE DISTRICT

Ambilos Iehsi

Bailey Oltar

TRUK DISTRICT

Nick Bossy

Tosiwo Nakayama

YAP DISTRICT

John A. Mangefel

Petrus Tun

HOUSE OF REPRESENTATIVES

SPEAKER

Bethwel Henry

KOSRAE DISTRICT

Kasuo Isisaki

MARSHALLS DISTRICT

Ataji Balos

Chuji Chutaro

John R. Heine

Ekpap Silk

Ruben R. Zackhras

PALAU DISTRICT

Polycarp Basilus

Kuniwo Nakamura

Isidoro Rudimch

PONAPE DISTRICT

Kikuo L. Apis

Edgar Edwards

Bethwel Henry

Daro Weital

TRUK

Lambert N. Aafin

Julio M. Akapito

Chiro Albert

Sasauo Haruo

Kalisto Refalopei

Raymond Setik

Hans Wilander

YAP DISTRICT

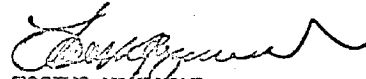
John R. Haglegam

Luke M. Tman

S.B. NO. 7-120, S.D.1, H.D.1

THE SENATE OF THE CONGRESS OF MICRONESIA

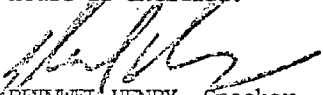
We hereby certify that the following Bill passed Second and Final Reading in the Senate of the Congress of Micronesia, Seventh Congress, First Special Session, 1977, on the 25th day of August, 1977, by a majority vote of all members to which the Senate is entitled.

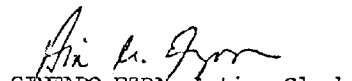

TOSIWO NAKAYAMA
President of the Senate

F. SABO ULECHONG
Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF MICRONESIA

We hereby certify that the following Bill passed Second and Final Reading in the House of Representatives of the Congress of Micronesia, Seventh Congress, First Special Session, 1977, on the 29th day of August, 1977, by a majority vote of all members to which the House is entitled.


BETHWEL HENRY, Speaker
House of Representatives


SINTARO EZRA, Acting Clerk
House of Representatives

AN ACT

Establishing a Truk District Government, granting a charter thereto, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. Pursuant to Public Law 6-130, as amended, there
2 is hereby established a Truk District Government according to the
3 terms of the following charter which is hereby granted to it:

4 "CHARTER FOR THE TRUK DISTRICT GOVERNMENT

5 The purpose of this Charter is to grant a greater degree
6 of self-government of the people of Truk District in promoting
7 their general welfare pursuant to the United Nations Charter and
8 Trusteeship Agreement.

9 ARTICLE I

10 Bill of Rights

11 Section 1. No law shall deny or impair freedom of speech
12 or of the press, or the right of the people to peaceably assemble
13 and to petition the District Government for a redress of grievances.

14 Section 2. No law shall be enacted respecting an
15 establishment of religion or prohibiting the free exercise thereof,
16 except that assistance may be provided to parochial schools for
17 nonreligious purposes.

18 Section 3. The right of the people to be secured in
19 their persons, houses, papers, and effects, against unreasonable
20 search, seizure or invasion of privacy, shall not be violated,
21 and no warrant shall issue, but upon probable cause, supported
22 by oath or affirmation, and particularly describing the place

1 to be searched and the persons or things to be seized.

2 Section 4. No person shall be deprived of life, liberty,
3 or property, without due process of law, or be denied the equal
4 protection of the laws, or be denied the enjoyment of his civil
5 rights, or be discriminated against in the exercise thereof, on
6 account of race, sex, religion, language, ancestry, or national origin.

7 Section 5. In all criminal prosecutions, the accused
8 shall enjoy the right to a speedy public trial, to be informed
9 of the nature and cause of the accusation, to be confronted with
10 the witnesses in his favor, and to have the assistance of counsel
11 for his defense.

12 Section 6. No persons shall be compelled in any criminal
13 case to be a witness against himself, or against a member of his
14 family as prescribed by law, or be twice put in jeopardy for the same
15 offense.

16 Section 7. Excessive bail shall not be required, nor
17 excessive fines imposed, nor cruel and unusual punishment
18 inflicted.

19 Section 8. Capital punishment shall be prohibited.

20 Section 9. The writ of habeas corpus shall be granted
21 without delay, and the privilege of the writ of habeas corpus
22 shall not be suspended, except by the Governor and then only when
23 the public safety requires it in the case of war, rebellion,
24 insurrection or invasion.

25 Section 10. No bill of attainder, ex post facto law,

1 or law impairing the obligations of contract shall be enacted.

2 Section 11. Subject only to the requirements of
3 public order and security, no law shall be enacted to restrict
4 the freedom of movement and migration.

5 Section 12. Neither slavery nor involuntary servitude,
6 except as punishment for crime, shall exist in Truk District.

7 Section 13. There shall be no imprisonment for debt.

8 Section 14. Free elementary education shall be
9 provided in Truk District.

10 Section 15. No soldier shall, in time of peace, be
11 quartered in any house without the consent of the owner, nor
12 in time of war, except in a manner prescribed by law.

13 Section 16. There shall be no taking of private property
14 for a public purpose until authorized and prescribed by general
15 law pursuant to this section. The general law shall provide
16 for just compensation, good faith negotiations for lease or
17 purchase prior to a taking, the manner of the taking, and may
18 prescribe further conditions and requirements.

19 Section 17. Due recognition shall be given to traditions
20 and customs in providing a system of law, and nothing in this
21 Article shall be construed to limit or invalidate any recognized
22 tradition or custom, except as otherwise provided by law.

23 Section 18. The enumeration of certain rights in this
24 Charter shall not be construed to impair or deny other rights
25 of the people.

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ARTICLE II

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Suffrage and Elections

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Section 1. A citizen of the Trust Territory of the Pacific Islands who has attained the age of eighteen years and is registered to vote in Truk District shall be qualified to vote in district elections.

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Section 2. The Legislature shall prescribe a minimum period of residence and the method of voting at elections, and shall provide for voter registration, disqualification for conviction of crimes, and disqualification for mental incompetence or insanity. Secrecy of voting shall be preserved.

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Section 3. General elections shall be held on the second Tuesday in March every four years; provided in the event of a natural disaster or other Act of God, the effect of which precludes holding the election on the foregoing date, the Governor may proclaim a later election to be held within sixty days. Special elections may be held in accordance with law.

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Section 4. Contested elections shall be determined by the District Court in such manner as may be prescribed by law.

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Section 5. A plurality of votes given at an election by the people, shall constitute a choice, where not otherwise provided by this Chapter.

Section 6. A new election shall be ordered by the Governor if two or more candidates have the highest and an equal number of votes, except in cases specially provided for by this

1 Charter. The election shall be limited to the candidates receiving
2 the equal and highest number of votes.

3 ARTICLE III

4 The Legislature

5 Section 1. The legislative power of the District
6 Government is vested in the Legislature. Such power shall extend
7 to all rightful subjects of legislation not inconsistent with
8 this Charter, the United Nations Charter and Trusteeship Agreement,
9 and applicable orders of the President of the United States and
10 the Secretary of the United States Department of the Interior.

11 Section 2. The Legislature shall be composed of twenty-
12 eight members, who shall be elected by the qualified voters
13 of the respective election districts.

14 Section 3. Members of the Legislature shall be elected
15 from election districts and in the numbers shown in Article XI
16 of this Charter.

17 Section 4. The members of the Legislature shall be
18 elected of a general election. The term of office shall be four
19 years commencing on the first Monday in May following the general
20 election.

21 Section 5. Any vacancy in the Legislature shall be
22 filled for the unexpired term by special election, except that
23 an unexpired term of less than one year shall be filled by
24 appointment by the Governor.

25 Section 6. No person shall be eligible to serve as a

1 member of the Legislature unless he is at least thirty years of
2 age, has been a citizen of the Trust Territory of the Pacific
3 Islands for at least ten years, and a resident of Truk District
4 for at least five years and of the election district from which
5 elected for at least one year immediately preceding filing for
6 office, and is a qualified voter of the election district from
7 which he seeks to be elected.

8 Section 7. A person convicted of a felony shall not
9 be eligible to serve as a member of the Legislature unless the
10 person so convicted has received a pardon restoring his civil
11 rights.

12 Section 8. No member of the Legislature shall hold
13 another public office, or employment, nor shall he, after his
14 term for which he is elected or appointed, be elected or appointed
15 to any public office, or employment, which shall have been
16 created, or the emoluments whereof shall have been increased, by
17 legislative act during such term. The term "public office", for
18 purposes of this section, shall not include notaries public,
19 officers of emergency organizations for civilian defense or
20 disaster relief, or an office created by the Congress of Micro-
21 nesia or the Legislature which specifically provides for a member
22 of the Legislature to hold such office.

23 A member of the Legislature may not engage in any
24 activity which conflicts with the proper discharge of his duties.
25 The Legislature may prescribe further disqualifications.

1 This section shall not apply to employment by or
2 election to a constitutional convention or commission.

3 Section 9. No member of the Legislature shall be held
4 to answer before any other tribunal for any statement made or
5 action taken in the exercise of his legislative functions, and
6 members of the Legislature shall, in all cases except felony
7 or breach of the peace, be privileged from arrest during their
8 attendance at sessions or committee meetings of the Legislature,
9 and in going to and returning from the same.

10 Section 10. The members of the Legislature shall receive
11 annual salaries as prescribed by law. Until otherwise provided
12 by law, the salary of each member of the Legislature shall be five
13 thousand dollars a year; provided that the Speaker of the
14 Legislature shall receive a salary of seven thousand dollars a
15 year. No law increasing salaries shall take effect until after
16 the end of the term for which the members voting thereon were
17 elected.

18 Section 11. The Legislature shall convene annually in
19 regular session at 9:30 a.m. on the first Monday in May, but
20 the month and day may be changed by law.

21 At the written request or vote of two-thirds of the
22 members of the Legislature, the Speaker of the Legislature shall
23 convene the Legislature in special session. The Governor may
24 convene the Legislature in a special session. At a special session
25 convened by the Governor, legislation shall be limited to subjects

1 designated in his proclamation convening the session or to
2 subjects presented by him.

3 Regular sessions shall be limited to a period of
4 forty days, and special sessions shall be limited to a period of
5 fifteen days. Any session may be extended a total of not more
6 than fifteen days. Such extension shall be granted by the Speaker
7 of the Legislature at the vote of two-thirds of the members of
8 the Legislature or may be proclaimed by the Governor.

9 Any session may be recessed by a vote of a majority
10 of the members of the Legislature. Any days in recess pursuant to
11 such vote shall be excluded in computing the number of days in
12 any session.

13 Section 12. The Legislature may adjourn sine die during
14 any session by majority of the members of the Legislature.

15 Section 13. The Legislature shall be the judge of the
16 qualifications of its members and shall have, for misconduct,
17 disorderly behavior or neglect of duty of any member, power to
18 punish such member by censure or, upon a two-thirds vote of the
19 members, by suspension or expulsion of such member.

20 The Legislature shall choose its own officers,
21 determine the rules of its proceedings and keep a journal. The
22 Legislature shall have and exercise all the authority and
23 attributes inherent in Legislative assemblies, including the
24 power to institute and conduct investigations, issue subpoenas to
25 witnesses and other concerned parties, and administer oaths.

1 Section 14. Two-thirds of the members of the
2 Legislature shall constitute a quorum for the conduct of ordinary
3 business of which quorum a majority vote shall suffice; but the
4 final passage of a bill or resolution shall require the vote of
5 a majority of the members and entered upon its journal. A smaller
6 number than a quorum may adjourn from day to day and may compel
7 the attendance of absent members in such manner and under such
8 penalties as the Legislature may provide.

9 Section 15. No law shall be passed except by bill.
10 Each law shall embrace but one subject, which shall be expressed
11 in its title. No law or section of the law shall be amended or
12 revised by reference to its title only, but in every instance
13 such amendment or revision of the law or section thereof shall
14 be published at full length and in its entirety as amended or
15 revised. The enacting clause of each law shall be, "Be it
16 enacted by the Legislature of Truk District."

17 Section 16. No bill shall become law unless it shall
18 pass two readings in the Legislature on separate days. No bill
19 shall pass final reading unless printed copies of the bill in the
20 form to be passed shall have been made available to the members of
21 the Legislature for at least twenty-four hours.

22 Section 17. Every bill which shall have passed the
23 Legislature shall be certified by the Speaker and Chief Clerk of
24 the Legislature and shall thereupon be presented to the Governor.
25 If the Governor approves the bill, he shall sign it and it shall

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

6 The Governor shall have ten days to consider bills
7 presented to him ten or more days before adjournment of the
8 Legislature sine die, and if any bill is neither signed nor returned
9 by the Governor within that time, it shall become law in like manner
10 as if he had signed it.

11 The Governor shall have thirty days, after adjourn-
12 ment of the Legislature sine die, to consider bills presented to
13 him less than ten days before such adjournment, or presented after
14 adjournment, and any such bill shall become law on the thirtieth
15 day if it is neither signed nor returned on or before that day.

16 Section 18. Upon the receipt of a veto message from the
17 Governor, the Legislature may proceed to reconsider the vetoed
18 bill, or the item or items vetoed, and again vote upon such bill,
19 such item or items. If after such reconsideration such bill,
20 item or items, shall be approved by a two-thirds vote of the
21 members of the Legislature on one reading, the same shall become
22 law.

23 If upon receipt of the veto message from the
24 Governor, the Legislature is not in session or recess, the Legislature
25 may reconsider the vetoed bill in the next general or special session.

1 A vetoed bill may be amended to meet the Governor's
2 objections and, if so amended and passed, only one reading being
3 required for such passage, it shall be presented again to the
4 Governor, but shall become law only if he shall sign it within ten
5 days after presentation.

6 Section 19. The Governor shall cause the resolutions
7 and laws to be published in the English and Trukese languages within
8 sixty days after they become laws, and shall make provision for
9 their distribution to public officials and sale to the public.

10 Section 20. The Governor, Lieutenant Governor or a
11 Justice of the District Court may be removed from office upon
12 conviction of impeachment for misfeasance or malfeasance in office,
13 or for conviction of a felony.

14 The Legislature shall have the power of impeachment
15 and may exercise such power by a resolution of impeachment adopted
16 by a two-thirds vote of the members of the Legislature.

17 Upon the adoption of a resolution of impeachment
18 of the Governor or Lieutenant Governor, a notice of impeachment
19 shall be forthwith served upon the Chief Justice of the District
20 Court by the Chief Clerk of the Legislature. The Chief Justice
21 shall thereupon call a session of the District Court to meet within
22 ten days after such notice to try the impeachment.

23 Upon the adoption of a resolution of impeachment
24 of a Justice of the District Court, a notice of impeachment shall
25 be forthwith served upon the Governor, by the Chief Clerk of the

1 Legislature. The Governor shall thereupon convene a special
2 tribunal as prescribed by law to meet within thirty days at the
3 Capital, to sit as a Court to try such impeachment, which Court
4 shall organize by electing one of its number to preside.

5 A conviction of impeachment shall require the
6 concurrence of two-thirds of the members of the District Court
7 or special tribunal.

8 The Legislature may by law provide for the manner
9 and procedure of removal by impeachment.

10 Judgments in cases of impeachment shall not extend
11 beyond removal from office and disqualification to hold and enjoy
12 any office of honor, trust or profit under the District Government,
13 but such person convicted may nevertheless be liable and subject
14 to indictment, trial, judgment and punishment according to the law.

15 No officer shall exercise his official duties
16 after he shall have been impeached and notified thereof, until he
17 shall have been acquitted.

18 ARTICLE IV

19 The Executive

20 Section 1. The executive power of the District Govern-
21 ment shall be vested in the Governor.

22 The Governor shall be elected by the qualified
23 voters of Truk District at a general election. The person receiving
24 the highest number of votes, and at least forty-five percent of the
25 votes cast, shall be the Governor. In case no person receives

1 forty-five percent of the votes cast, the selection of the
2 Governor shall be determined by special election between the
3 two persons receiving the highest number of votes in the
4 general election.

5 The term of Governor shall begin at noon on the
6 third Monday in April following the general election and end at
7 noon on the third Monday in April, four years thereafter.

8 No person shall be eligible for the Office of the
9 Governor unless he is at least thirty-five years of age, is a
10 citizen of the Trust Territory of the Pacific Islands by birth, and
11 a resident of Truk District for at least twenty-five years and five
12 years immediately preceding filing for office, is a qualified voter
13 of Truk District, and never have been convicted of a felony unless
14 he has received a pardon restoring his civil rights.

15 The Governor shall not hold another public office,
16 or employment, during his term of office.

17 No person who has been elected Governor for two
18 full successive terms shall again be eligible to hold that office
19 until one full term has intervened.

20 Section 2. There shall be a Lieutenant Governor who
21 shall have the same qualifications as the Governor. He shall be
22 elected at the same time, for the same term, and in the same
23 manner as the Governor. He shall perform such duties as may be
24 prescribed by law and as may be delegated to him by the Governor.

25 Section 3. The Governor and Lieutenant Governor shall

1 receive annual salaries as prescribed by law. Such salaries shall
2 not be increased or decreased for their respective terms of office,
3 except by general law applying to salaried officers of the District
4 Government.

5 Section 4. When the Office of the Governor is vacant,
6 the Lieutenant Governor shall become Governor. In the event of the
7 absence of the Governor from Truk District, or his inability to
8 exercise and discharge the powers and duties of his office, such
9 powers and duties shall devolve upon the Lieutenant Governor
10 during such absence or disability.

11 When the Office of the Lieutenant Governor is vacant,
12 or in the event of the absence of the Lieutenant Governor from
13 Truk District, or his inability to exercise and discharge the powers
14 and duties of his office, such powers and duties shall devolve upon
15 such officers in such order of succession as may be provided by law.

16 Whenever for a period of six months, the Governor
17 or the Lieutenant Governor has been continuously absent from office
18 or has been unable to discharge the duties of his office by reason
19 of mental or physical disability, the Office shall be deemed vacant.
20 The procedure for determining absence and disability may be
21 prescribed by law.

22 Section 5. The Governor shall be responsible for the
23 faithful execution of the laws. To this end he shall have power,
24 by appropriate action or proceeding in the courts brought in the
25 name of the District Government, to enforce compliance with the

1 Charter or legislative power, duty, or right by any office,
2 department or agency of the District Government or any of its
3 subdivisions; but this power shall not be construed to authorize
4 any action or proceeding against the Legislature.

5 Section 6. The Governor may grant reprieves, commutations
6 and pardons, after conviction, subject to regulation by law, except
7 in cases of impeachment. No reprieve, commutation or pardon may
8 be granted to a person holding the Office of Governor or Lieutenant
9 Governor.

10 Section 7. The Governor shall communicate to the
11 Legislature, by message at the beginning of each regular session
12 and at other times as he may deem necessary, the condition of the
13 District, and shall in like manner recommend measures as he may
14 deem desirable.

15 Section 8. All executive and administrative offices,
16 departments and instrumentalities of the District Government and
17 their respective functions, powers and duties shall be established
18 by law.

19 Each principal department shall be under the super-
20 vision of the Governor and shall be headed by a single executive
21 unless otherwise provided by law. Such single executives shall
22 be nominated and appointed by the Governor, with the advice and
23 consent of the Legislature, to serve at the pleasure of the
24 Governor during his term of office and until the appointment
25 and qualification of their successors, except that the removal

1 of the chief legal officer of the District Government shall be
2 subject to the advice and consent of the Legislature.

3 Whenever a board, commission or other body shall
4 be the head of the principal department or a regulatory or quasi-
5 judicial agency, the members thereof shall be nominated and
6 appointed by the Governor with the advice and consent of the
7 Legislature. The term of office and removal of members shall be
8 as prescribed by law.

9 Section 9. If required to preserve public peace, health
10 or safety, at a time of extreme emergency caused by civil distur-
11 bance, natural disaster, or immediate threat of war or insurrection,
12 the Governor may declare a state of emergency and issue appropriate
13 decrees.

14 A declaration of emergency shall not impair the
15 power of the judiciary except that the declaration shall be free
16 from judicial interference for fifteen days after it is first
17 issued. A declaration of emergency may impair a civil right to
18 the extent actually required for the preservation of peace,
19 health or safety.

20 Within fifteen days after the declaration of
21 emergency, the Legislature shall convene at the call of the
22 Speaker or the Governor to consider revocation, amendment or
23 extension of the declaration. Unless it expires by its own terms,
24 is revoked or extended, a declaration of emergency is effective
25 for fifteen days.

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ARTICLE V

The Judiciary

Section 1. The judicial power of the District Govern-
ment shall be vested in the District Court, municipal courts,
and other courts or tribunals as may from time to time be
created by law.

Section 2. The District Court shall be the highest
court of the District and shall consist of a Chief Justice and
two Associate Justices. The number of Associate Justices may
be increased by law upon the request of the District Court. As
prescribed by law, retired Justices of the District Court may serve
temporarily on the District Court at the request of the Chief
Justice. In case of vacancy in the Office of the Chief Justice,
or if he is ill, absent or otherwise unable to serve, an Associate
Justice designated in accordance with the rules of the District
Court shall serve temporarily in his place.

Section 3. The Governor shall nominate and appoint, with
the advice and consent of the Legislature, the Chief Justice and
Associate Justices of the District Court. Justices of the District
Court shall hold their offices during good behavior.

Section 4. A Justice of the District Court shall be a
citizen of the Trust Territory of the Pacific Islands by birth,
be at least thirty-five years of age, have been a resident of
Truk District for at least twenty-five years and five years
immediately preceding his appointment, be learned in the law,

1 and possess additional qualifications as may be prescribed
2 by law.

3 Section 5. Compensation of Justices of the District
4 Court shall be prescribed by law. Their compensation shall not
5 be decreased during their respective terms of office, except
6 by general law applying to salaried officers of the District
7 Government.

8 Section 6. Justices or judges of municipal courts, and
9 other courts or tribunals shall be selected in a manner, for
10 terms, and with qualifications as prescribed by law.

11 Section 7. The courts and tribunals shall have original
12 and appellate jurisdiction as prescribed by law. The courts shall
13 constitute a unified judicial system for operation and adminis-
14 tration.

15 Section 8. The District Court shall make and promulgate
16 rules governing the administration of all courts. It shall make
17 and promulgate rules governing the practice and procedure in
18 civil and criminal cases in all courts, which shall have the
19 force and effect of law, provided that the Legislature may
20 establish or change such rules by law. The District Court shall
21 be a court of record.

22 Section 9. The Chief Justice of the District Court
23 shall be the administrative head of all courts. The Chief Justice
24 shall, with the approval of the District Court, appoint an
25 administrative director to serve at his pleasure and to supervise

1 the administrative operations of the judicial system.

2 ARTICLE VI

3 Taxation and Finance

4 Section 1. The power of taxation shall never be
5 surrendered, suspended or contracted away, except as provided
6 in this Article.

7 Section 2. No tax shall be levied or appropriation
8 of public money made or public property transferred except for
9 a public purpose.

10 Section 3. The property of citizens of the Trust
11 Territory of the Pacific Islands residing without Truk District
12 shall never be taxed at a higher rate than property belonging to
13 the residents of Truk District.

14 Section 4. The property of the Trust Territory of the
15 Pacific Islands and the District Government or its political sub-
16 divisions shall be exempt from taxation under conditions and
17 exceptions which may be provided by law. Other exemptions may
18 be granted by general law.

19 Section 5. Private leaseholds, contracts or interests
20 in property owned or held by the Trust Territory of the Pacific
21 Islands, the District Government or its political subdivisions,
22 shall be taxable to the extent of interest.

23 Section 6. Standards of appraisal of all property
24 assessed by the District Government or its political subdivisions
25 shall be prescribed by law.

1 Section 7. Appropriation bills enacted by the
2 Legislature shall not provide for the appropriation of funds in
3 excess of amounts as are available or estimated to be available
4 from revenues raised pursuant to the tax laws or other revenue
5 laws of the District Government and received or estimated to be
6 received from tax laws and other revenue laws of the Trust
7 Territory of the Pacific Islands or from any other source.

8 Section 8. No money shall be withdrawn from the
9 District Government treasury except in accordance with appropri-
10 ations made by law. No obligation for the payment of money
11 shall be incurred except as authorized by law. Unobligated
12 appropriations outstanding at the end of the period of time
13 specified by law shall be void.

14 Section 9. The Governor shall submit to the
15 Legislature, at a time prescribed by law, a budget setting forth
16 a complete plan of proposed expenditures and anticipated receipts
17 of the District Government for the ensuing fiscal year, together
18 with other information as the Legislature may require. The budget
19 shall be submitted in a form prescribed by law.

20 The Governor shall also, upon the opening of each
21 regular session of the Legislature, submit bills to provide for
22 proposed expenditures and for any recommended additional revenues
23 by which the proposed expenditures are to be met. Such bills shall
24 be introduced in the Legislature upon the opening of each regular
25 session.

1 Section 10. The Legislature may appoint an auditor
2 to serve at its pleasure. He shall be a certified public
3 accountant. The auditor shall conduct audits as prescribed by
4 Law and shall report to the Legislature and the Governor.

5 ARTICLE VII

6 Local Government

7 Section 1. The Legislature may create municipalities
8 and other political subdivisions within the District and provide
9 for the government thereof. Each municipality or political
10 subdivision shall have and exercise powers as shall be conferred
11 under general laws. Municipalities may be merged, consolidated,
12 classified, reclassified, or dissolved in a manner prescribed by
13 general law.

14 Section 2. Each municipality shall have power to frame
15 and adopt a charter for its own self-government within limits and
16 under procedures as may be prescribed by general law.

17 Municipal charter provisions with respect to a
18 municipality's structure and organization shall be superior to
19 statutory provisions, subject to the authority of the
20 Legislature to enact general laws allocating and reallocating
21 powers and functions of municipalities.

22 A law may qualify as a general law even though it
23 is inapplicable to one or more municipalities for purposes of the
24 provisions of this section.

25 Section 3. The taxing power shall be reserved to the

1 District Government, except so much thereof as may be delegated
2 by the Legislature to the municipalities, and the Legislature
3 shall have the power to apportion district revenues among the
4 several municipalities.

5 Section 4. Agreements, including those for cooperative
6 or joint administration of any functions or powers, may be made
7 by any municipality with any other municipality, or with the
8 District Government, unless otherwise provided by law or municipal
9 charter.

10 Section 5. An agency shall be established by law in
11 the executive branch of the District Government to advise and
12 assist municipal governments, and perform other duties as
13 prescribed by law.

14 ARTICLE VIII

15 Health, Education and Welfare

16 Section 1. The District Government shall provide for the
17 protection and promotion of the public health.

18 Section 2. The District Government shall have the power
19 to provide for treatment and rehabilitation, as well as
20 domiciliary care, of mentally or physically handicapped persons.

21 Section 3. The District Government shall have the power
22 to provide assistance to persons unable to maintain a standard of
23 living compatible with decency and health.

24 Section 4. The District Government shall have the power
25 to conserve and develop the District's natural beauty, objects and

1 places of historic or cultural interest, sightliness and physical
2 good order, and for that purpose private property shall be subject
3 to reasonable regulation by law.

4 Section 5. The District Government shall provide for
5 the establishment and support of a district-wide system of public
6 schools free from sectarian control, public libraries and other
7 educational institutions as may be deemed desirable, including
8 physical facilities therefor. There shall be no segregation in
9 public educational institutions because of race, religion or
10 ancestry.

11 ARTICLE IX

12 Conservation and Development of Resources

13 Section 1. The District Government shall promote the
14 conservation and development of agricultural, marine, mineral,
15 forest, water, land and other natural resources.

16 Section 2. Radioactive, toxic chemical, or other
17 harmful substances shall not be tested, stored, used, or disposed
18 of within the jurisdiction of the District without the express
19 approval of the District Government and concerned municipal
20 governments in a manner prescribed by law.

21 Section 3. Title to land or waters within the District
22 may be acquired only by citizens of the Trust Territory of the
23 Pacific Islands or corporations wholly owned by such citizens.

24 ARTICLE X

25 General Provisions

1 Section 1. Moen Island shall be the Capital of the
2 Truk District Government.

3 Section 2. The District Government and its political
4 subdivisions may cooperate with the Trust Territory of the
5 Pacific Islands, and other Districts and their political
6 subdivisions on matters of common interest, and funds may be
7 appropriated to effect such cooperation.

8 Section 3. The employment of persons in the civil
9 service, as defined by law, of or under the District Government,
10 shall be governed by the merit principle.

11 Section 4. All public officers, before entering upon
12 the duties of their offices, shall take and subscribe to the
13 following oath or affirmation: "I do solemnly swear (or affirm)
14 that I will support and defend the Charter of the Truk District
15 Government, and that I will faithfully discharge my duties as-----
16 to the best of my ability." The Legislature may prescribe further
17 oaths or affirmations.

18 Section 5. The enumeration in this Charter of specific
19 powers shall not be construed as limitations upon the power of
20 the District Government to provide for the general welfare of
21 the people.

22 Section 6. The provisions of this Charter shall be self-
23 executing to the fullest extent that their respective natures permit.

24 ARTICLE XI

25 Legislature Election Districts

1 Section 1. The first election district shall be the
2 islands of Moen, Fono and Pis and shall have five members.

3 Section 2. The second election district shall be the
4 islands of Dublon and Etten and shall have two members.

5 Section 3. The third election district shall be the
6 islands of Fefan, Parem and Tsis and shall have three members.

7 Section 4. The fourth election district shall be the
8 island of Uman and shall have two members.

9 Section 5. The fifth election district shall be the
10 islands of Udot, Romalum, Eot and Fanapanges and shall have two
11 members.

12 Section 6. The sixth election district shall be the
13 island of Tol and shall have three members.

14 Section 7. The seventh election district shall be the
15 islands of Patta, Polle and Wonei and shall have two members.

16 Section 8. The eighth election district shall be the
17 islands of Losap, Pis-Losap and Nama and shall have two members.

18 Section 9. The ninth election district shall be the
19 islands of Namoluk, Ettal, Kuttu and Moch and shall have two
20 members.

21 Section 10. The tenth election district shall be the
22 islands of Oneop, Lukunor, Satawan and Ta and shall have two
23 members.

24 Section 11. The eleventh election district shall be the
25 islands of Fanaru, Murilo, Nowwin and Ruo and shall have one member.

1 Section 12. The twelfth election district shall be the
2 islands of Pulap, Pulusuk, Puluwat and Tamatan and shall have
3 one member.

4 Section 13. The thirteenth election district shall be
5 the islands of Magur, Onari, Ono, Pesarach and Ulul and shall have
6 one member.

7 ARTICLE XII

8 Amendment and Revision

9 Section 1. Revisions of or amendments to this Charter
10 may be proposed by the Legislature by adopting the same in the
11 manner required for legislation, by a two-thirds vote of the
12 members of the Legislature.

13 Section 2. At a general or special election, or a
14 referendum prescribed by law, following adoption by the Legislature
15 of the proposed amendments or revisions, the proposed amendments
16 or revisions shall be submitted to the electorate for approval or
17 rejection upon a separate ballot.

18 The amendments or revisions shall be effective only
19 if approved by a majority of votes tallied upon the question.

20 The provisions of this section shall be self-
21 executing, but the Legislature shall make the necessary appropriations
22 and may enact legislation to facilitate their operations.

23 Section 3. No proposal for amendment or revision of this
24 Charter adopted in a manner provided by this Article shall be
25 subject to veto by the Governor.

1 Section 4. The High Commissioner may amend or revise
2 this Charter on his own initiative, unless otherwise provided
3 by law.

4 ARTICLE XIII

5 Transition

6 Section 1. The Governor shall be personally and legally
7 responsible to the High Commissioner for the administration of
8 programs, projects and activities of the Trust Territory Government
9 including any appropriation, apportionment, reapportionment or
10 allotment of funds of the United States Congress, the Congress of
11 Micronesia, the Legislature or from any other source, unless other-
12 wise provided by law.

13 Section 2. All laws in force in Truk District on the
14 effective date of this Charter and consistent therewith shall
15 continue in force until they expire by their own limitation, are
16 amended or repealed.

17 Section 3. Except as otherwise provided in this Charter,
18 all rights, titles, actions, suits, contracts, and liabilities
19 and all civil, criminal or administrative proceedings shall
20 continue unaffected, and the chartered District Government shall
21 be the legal successor to the unchartered District Government in
22 these matters.

23 Section 4. Political subdivisions of the unchartered
24 District Government existing on the effective date of this Charter
25 shall continue to exercise their powers and functions under

1 existing law, pending enactment of legislation to carry out the
2 provisions of this Charter. New political subdivision may be
3 created only in accordance with this Charter.

4 Section 5. All officers of the unchartered District
5 Government, or under its laws, on the effective date of this
6 Charter shall continue to perform the duties of their offices
7 in a manner consistent with this Charter until they are superseded
8 by officers of the chartered District Government. The provisions
9 of Section 6, 8, and 10 of Article III shall not apply to members
10 of the Legislature until the first Monday in May of 1978.

11 Section 6. The first general election shall take place
12 not less than ninety days after the effective date of this
13 Charter in case the Charter becomes effective after the second
14 Tuesday in January, 1978 otherwise it shall take place on the
15 date specified in this Charter.

16 Section 7. In case the first general election takes
17 place after the second Tuesday in March of 1978, the dates of the
18 beginning of the terms of the elected district officials and the
19 convening date of the Legislature shall be delayed by the number
20 of days the general election succeeds the second Tuesday in March.
21 The terms of the district officials shall count as full terms.

22 Section 8. The provisions of Section 8 of Article III
23 shall not prohibit any member of the first Legislature under this
24 Charter from holding any office or position after his first term.

25 Section 9. This Charter shall take effect upon its

1 adoption by the Congress of Micronesia and its approval by the
2 High Commissioner.

3 Section 10. The Legislature shall adopt an official
4 Trukese translation of this Charter after the Charter is approved
5 by the High Commissioner."

6 Section 2. This act shall take effect upon approval by the
7 High Commissioner, or upon its becoming law without such approval.

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9 _____, 1977

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12 Adrian P. Winkel
13 High Commissioner
14 Trust Territory of the Pacific Islands

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