

Title 3.

District Government.

- Chap. 1. Districts Defined — Responsibilities and Powers, §§ 1, 2.
2. Administration and Regulation, §§ 51 to 58.
3. Truk District Charter, §§ 151 to 268.
4. Yap District Charter, §§ 269 to 385.
5. Kosrae District Charter, §§ 386 to 491.
6. Ponape District Charter, §§ 492 to 577.

CHAPTER 1.

DISTRICTS DEFINED — RESPONSIBILITIES AND POWERS.

Sec.

1. Designation of districts.
2. Responsibilities and powers of districts.

§ 1. Designation of districts. — For the purpose of administration, the islands of the Trust Territory are grouped into seven districts known and described as follows:

(1) Mariana Islands District, consisting of those islands of the Trust Territory, and the territorial waters thereof, which lie within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude, and east of 144° east longitude.

(2) Palau District, consisting of those islands of the Trust Territory, and the territorial waters thereof, which lie within the area beginning at a point 2° north latitude 130° east longitude, thence north to a point 11° north latitude 130° east longitude, thence east to a point 11° north latitude 136° east longitude, thence south to a point 2° north latitude 136° east longitude, thence west to a point of beginning.

(3) Yap District, consisting of those islands of the Trust Territory, and the territorial waters thereof, which lie within the area beginning at a point 2° north latitude 136° east longitude, thence north to a point 11° north latitude 136° east longitude, thence east to a point 11° north latitude 148° east longitude, thence south to a point 0° latitude 148° east longitude, thence northwesterly to the point of beginning.

(4) Truk District, consisting of those islands of the Trust Territory, and the territorial waters thereof, which lie within the area beginning at a point 0° latitude 148° east longitude, thence north to a point 11° north latitude 148° east longitude, thence east to a point 11° north latitude 154° east longitude, thence south to a point 0° latitude 154° east longitude, thence west to the point of beginning.

(5) Ponape District, consisting of those islands of the Trust Territory, and the territorial waters thereof, which lie within the area beginning at a point 0° latitude 154° east longitude, thence north to a point 11° north latitude 154° east longitude, thence east to a point 11° north latitude 158° east longitude, thence southeast to a point 08° 10' north latitude 161° 45' east longitude, thence south to a point 0° latitude 161° 45' east longitude, thence west to the place of beginning.

(6) Marshall Islands District, consisting of those islands of the Trust Territory and the territorial waters thereof, which lie within the area beginning at a point 11° north latitude, 158° east longitude; thence southeast to a point 5° north latitude, 166° east longitude; thence south along the 166th meridian east longitude to 0° latitude; thence northeast to a point 4° north

latitude, 170° east longitude; thence east to a point 4° north latitude, 174° east longitude; thence north to a point 16° north latitude, 174° east longitude; thence northwest to a point 19° north latitude, 158° east longitude; thence south to the place of beginning.

(7) Kosrae District, consisting of those islands of the Trust Territory, and the territorial waters thereof, which lie within the area beginning at a point 0° latitude 161° 45' east longitude, thence north to a point 08° 10' north latitude 161° 45' east longitude, thence southeast to a point 05° north latitude 166° east longitude, thence south to 0° latitude 166° east longitude, thence west to the place of beginning. (Code 1966, § 39; Code 1970, tit. 3, § 1; P.L. No. 5-64, § 1; P.L. No. 5-77, §§ 1 to 3; P.L. No. 7-2, § 1.)

Cross reference. — Marshall Island transitional provisions act, Part IV, P.L. No. N.D.-1.

§ 2. Responsibilities and powers of districts. — District governments may be formed by charter granted by the territorial government. The jurisdiction of such government, or governments, will extend to the whole of an administrative district, as defined by section 1 of this chapter. Unless and until such a district government is chartered in a district, its government shall consist of its chartered legislature, the district administrator, and their respective employees.

Subject to all territory-wide laws, the district governments shall be primarily responsible for:

(1) Liquor control, including the right to collect wholesale liquor license fees and to impose taxes on alcoholic beverages; provided, that neither of these shall be based on imports or volume or value of imports.

(2) Land law.

(3) Inheritance law.

(4) Domestic relations.

(5) The construction and maintenance of secondary roads connecting two or more municipalities, and docks used extensively for travel between two or more municipalities, including acquiring or providing for adequate space for public utilities and set-back from such roads and docks and control of harbors in which such docks are located. These roads and docks that are to be considered as "secondary" are to be so designated by the district legislature subject to the approval of the High Commissioner.

(6) Exclusive issuance of licenses for wholesale business, other than banking, insurance, sale of securities, and public utilities, including the exclusive right to collect fees for such licenses, provided these are not based on imports or the volume or value of imports, except as provided in subsection (3), section 1, title 2 and sections 201-202, title 33 of this Code.

(7) The imposition and collection of sales taxes, copra export taxes, scrap metal export taxes, and the authorizing of municipalities to impose and collect excise taxes on any items other than foodstuffs.

(8) Support of public education and health as may be required by law.

(9) Physical development master planning and land use control laws.

(10) Imposition of a surtax on the Trust Territory income tax pursuant to the provisions of section 280 of title 77 of this Code. (Code 1966, § 47(a) and (c); Code 1970, tit. 3, § 2; P.L. No. 4C-4, § 3; P.L. No. 4C-76, § 12(a); P.L. No. 6-52, § 2; P.L. No. 6-118, § 2; P.L. No. 7-32, § 10.)

Cross reference. — District government in Federated States of Micronesia, Part III, Title 3.

Authority for liquor control. — The authority to control liquor consumption and sale was delegated by the Congress of

Micronesia to the Palau District legislature by section 47(c)(1) [now 3 TTC § 2] of the Code. *Skilang v. Trust Territory*, 5 TTR 190 (1970).

District order regulating liquor controls despite subsequent congressional resolution. — Where district order containing prohibitions and restrictions with regard to use of liquor is approved, and subsequent congress resolution provides for licensing of liquor distributors without making reference to previous district order, prohibitions and restrictions of district order still control except as to actions covered by licenses issued in compliance with resolution, and any actions not so covered may still be prosecuted under

district order. *Temengil v. Trust Territory*, 2 TTR 31 (1959).

Good faith violaiton of liquor licensing law. — In criminal prosecution for violation of liquor licensing law, if accused's liquor distributor's license was not issued in strict accordance with applicable law, but was issued and accepted by him from government in good faith without any fault on his part, and sale or transfer complained of was in fact within terms of license or any limits on it communicated to him or of which he is shown to have notice, he should be acquitted. *Temengil v. Trust Territory*, 2 TTR 31 (1959).

CHAPTER 2.

ADMINISTRATION AND REGULATION.

Sec.

- 51. Office of district administrator.
- 52. District administrator; duties and responsibilities.
- 53. Approval of acts of district legislature.
- 54. Publication and translation of laws and resolutions of the district legislature.

Sec.

- 55. Establishment of advisory councils.
- 56. [Repealed.]
- 57. Office of the district treasurer; established; appointment; acting treasurer; salary; removal.
- 58. Same; duties and responsibilities.

§ 51. Office of district administrator. — There shall be in each district a district administrator and a deputy district administrator, each of whom shall be nominated by the High Commissioner; and the High Commissioner, by and with the advice and consent of the Congress of Micronesia in accordance with law regarding administrative appointments, shall appoint these officials. The district administrator shall be responsible to the High Commissioner, for the proper administration of the district. The district administrator shall have such powers and perform such duties as may be prescribed by law or assigned to him by the High Commissioner. He shall have such assistants as are necessary to coordinate and supervise the work of the district. (Code 1966, § 40; Code 1970, tit. 3, § 51; P.L. No. 4C-48, § 7(5).)

§ 52. District administrator; duties and responsibilities. — In addition to his duties as representative of the High Commissioner, the district administrator shall be the chief executive officer of the district government and as such shall be responsible for the execution of all district laws. He shall annually present to the district legislature a proposed budget and such other recommendations as he deems best for the welfare of the district. Such budget shall be based upon the revenues anticipated as a result of district legislation and such grants or subsidies as may be allocated by the territorial government and shall cover all recommended appropriations by the district legislature. (Code 1966, § 47(b); Code 1970, tit. 3, § 52.)

§ 53. Approval of acts of district legislature.— (1) Any law or provision of the charter of any district legislature to the contrary notwithstanding, every act and resolution intended to have the effect of law passed or adopted by the district legislature shall, before it becomes a district law, be presented to the district administrator. If the district administrator approves the act or resolution, he shall sign it and the same shall become law. If the district administrator disapproves the act or resolution, he shall, except as otherwise provided in this section, return it, with his objections, to the district legislature within thirty calendar days after it shall have been presented to him. If the district administrator does not return the act or resolution within such period, it shall be a law in like manner as if he had signed it.

(2) An act or resolution of the district legislature which has been disapproved by the district administrator may be passed over his veto by a two-thirds majority of the entire membership of the legislature at the same session of the legislature during which it was first passed; or, if the district administrator disapproves such act or resolution less than ten days before the end of the session of the legislature during which it was passed, the act or resolution may be passed over his veto by a two-thirds majority of the entire membership of the legislature at the next subsequent session of the legislature.

(3) An act or resolution so repassed shall be re-presented to the district administrator for his approval. If he does not approve it within five calendar

days, he shall send it together with his comments thereon to the High Commissioner. Within thirty days after its receipt by him, the High Commissioner shall either approve or disapprove the act or resolution intended to have the effect of law. If the thirty day period lapses without the High Commissioner having taken any action thereon, such act or resolution shall become law in like manner as if he had signed it.

(4) Any charter establishing a district legislature inconsistent herewith is hereby amended to accord with the provisions of this section. (Code 1966, § 40-A; Code 1970, tit. 3, § 53.)

§ 54. Publication and translation of laws and resolutions of the district legislature. — (1) Within thirty days after the close of each session of the district legislature, the district administrator of the particular district concerned shall cause all laws duly enacted at such session to be printed, indexed, and bound in book form, first the bills in the order of their becoming law and then resolutions in the order of their passage.

(2) Within ninety days after the close of each session of the district legislature, the district administrator shall cause to be translated into the principal local languages, in whole or in summary, all laws duly enacted by the district legislature of his district. A copy of such law and the translation, in whole or in summary, into the local languages of the particular district shall be distributed and otherwise widely disseminated, including the distribution and posting of the same at convenient places in the district center and in local government offices of the particular district. (Code 1970, tit. 3, § 54.)

§ 55. Establishment of advisory councils. — Local advisory councils for individual islands, groups of islands, or such other communities in his district, may be established by the district administrator where he deems that appropriate. (Code 1966, § 41; Code 1970, tit. 3, § 55.)

§ 56. Repealed by P.L. No. 4C-76, § 13(a).

§ 57. Office of the district treasurer; established; appointment; acting treasurer; salary; removal. — There shall be on the staff of the district administrator a district treasurer appointed by the district administrator with the advice and consent of the district legislature. When the district legislature is not in session, the district administrator may appoint an acting district treasurer whose name shall be submitted for advice and consent of the district legislature at its next regular or special session. The district treasurer shall be subject to removal for cause at any time by the district administrator. The district treasurer shall receive a salary for his services from the appropriated district funds in an amount and under such conditions as the district legislature shall provide until such time as funds are available for payment of such salary from sums in the budget of the office of the district administrator; provided, that such salary shall be paid from sums so designated in the budget of the office of the district administrator after June 30, 1974. (Code 1966, § 47(d); Code 1970, tit. 3, § 57; P.L. No. 5-5, § 1.)

§ 58. Same; duties and responsibilities. — It shall be the duty of the district treasurer to:

(1) Receive, maintain, and disburse funds under the authority of the district legislature and under the direction and supervision of the district administrator.

(2) Keep complete and accurate records of all funds received, maintained, and disbursed by him in such manner as prescribed by the district administrator. Such records shall be open to inspection and audit by the district legislature, district administrator, and the territorial government.

(3) Submit an annual report to the district administrator and the district legislature of all funds received and disbursed by him during each fiscal year.

(4) Act as collection and fiscal agent for the territorial government as may be required by law. (Code 1966, § 47(d); Code 1970, tit. 3, § 58.)

CHAPTER 3.

TRUK DISTRICT CHARTER.

Editor's note. — Section 1 of P.L. No. 7-62 provides, in part: "The purpose of this Charter is to grant a greater degree of self-government

of the people of Truk District in promoting their general welfare pursuant to the United Nations Charter and Trusteeship Agreement."

**Article I.
Bill of Rights.**

- Sec.
- 151. Freedom of speech; right of peaceable assembly and petition for redress.
 - 152. Freedom of religion.
 - 153. Search and seizure; invasion of privacy.
 - 154. Due process; equal protection; civil rights.
 - 155. Rights of accused.
 - 156. Freedom from self-incrimination; double jeopardy.
 - 157. Excessive bail; excessive fines; cruel and unusual punishment.
 - 158. Capital punishment.
 - 159. Privilege of habeas corpus.
 - 160. Bills of attainder; ex post facto laws; impairment of contracts.
 - 161. Freedom of movement and migration.
 - 162. Slavery; involuntary servitude.
 - 163. Debt imprisonment.
 - 164. Free elementary education.
 - 165. Quartering of soldiers.
 - 166. Eminent domain.
 - 167. Traditions and customs recognized.
 - 168. Construction of charter rights.

**Article II.
Suffrage and Elections.**

- 169. Qualifications for voting.
- 170. Suffrage requirements prescribed by legislature; secrecy in voting.
- 171. Scheduling of elections.
- 172. Contested elections.
- 173. Plurality to determine election.
- 174. New election in case of tie.

**Article III.
The Legislature.**

- 175. Legislative power.
- 176. Composition of legislature.
- 177. Election districts determinative of membership.
- 178. General election; term of office.
- 179. Vacancies.
- 180. Eligibility.
- 181. Felons not eligible.

Sec.

- 182. Legislators not to hold other public office or employment; conflicts of interest.
- 183. Immunities afforded legislators.
- 184. Salaries of legislators.
- 185. Procedure for convening; limitation of sessions; recesses.
- 186. Adjournment.
- 187. Powers generally.
- 188. Quorum.
- 189. Enactment of laws; bills required; reference to titles; enacting clauses.
- 190. Same; readings.
- 191. Same; action by governor.
- 192. Same; procedure after veto by governor.
- 193. Publication and distribution of resolutions and laws.
- 194. Impeachment of governor, lieutenant governor or district court justice.

**Article IV.
The Executive.**

- 195. Governor and lieutenant governor; executive powers vested; election; term; eligibility for office; holding other office; limitation of terms.
- 196. Same; lieutenant governor.
- 197. Same; salaries.
- 198. Same; vacancy in office.
- 199. Same; powers and duties generally.
- 200. Same; power to reprieve, commute and pardon.
- 201. Same; governor's message to legislature.
- 202. Offices and departments.
- 203. Declaration of emergency.

**Article V.
The Judiciary.**

- 204. Vesting of judicial power.
- 205. District court; declared highest court; composition; vacancies.
- 206. Same; appointment and terms of justices.
- 207. Same; qualifications of justices.
- 208. Same; compensation of justices.

Sec.

- 209. Justices or judges of municipal courts.
- 210. Jurisdiction; unified judicial system.
- 211. Promulgation of rules of administration and procedure; district court declared court of record.
- 212. Administrative head of courts.

**Article VI.
Taxation and Finance.**

- 213. Surrender, suspension, etc., of power.
- 214. Public purpose.
- 215. Residency not to affect rate.
- 216. Exemptions.
- 217. Private leaseholds; contracts or interests in government property.
- 218. Standards of appraisal.
- 219. Appropriation bills not to be in excess of available revenues.
- 220. Withdrawals and obligations to be authorized by law.
- 221. Submission by governor of budget and bills to legislature.
- 222. Auditor.

**Article VII.
Local Government.**

- 223. Creation of municipalities and political subdivisions.
- 224. Municipal charters; qualification of law as general.
- 225. Delegation of taxing power.
- 226. Agreements between municipalities and/or district government.
- 227. Advisory agency.

**Article VIII.
Health, Education and Welfare.**

- 228. Promotion of public health.
- 229. Handicapped persons.
- 230. Assistance to disadvantaged.
- 231. Development and preservation of natural beauty or historic or cultural interests.
- 232. Public schools; libraries.

**Article IX.
Conservation and Development of
Resources.**

- 233. Promotion.
- 234. Harmful substances.
- 235. Acquisition of title to property.

**Article X.
General Provisions.**

Sec.

- 236. Capital.
- 237. Cooperation between districts and/or Trust Territory.
- 238. Civil service employment.
- 239. Oath for public officers.
- 240. Enumerated powers not exclusive.
- 241. Provisions of charter to be self-executing.

**Article XI.
Legislature Election District.**

- 242. First election district.
- 243. Second election district.
- 244. Third election district.
- 245. Fourth election district.
- 246. Fifth election district.
- 247. Sixth election district.
- 248. Seventh election district.
- 249. Eighth election district.
- 250. Ninth election district.
- 251. Tenth election district.
- 252. Eleventh election district.
- 253. Twelfth election district.
- 254. Thirteenth election district.

**Article XII.
Amendment and Revision.**

- 255. Manner of adoption.
- 256. Submission to electorate.
- 257. Amendments adopted not subject to veto.
- 258. High Commissioner; power to amend.

**Article XIII.
Transition.**

- 259. Governor responsible for administration of programs.
- 260. Previous consistent laws to continue in force.
- 261. Effect of charter on contracts, suits, etc.
- 262. Exercise of powers and functions by existing subdivisions.
- 263. Performance of duties by current officers.
- 264. First general election.
- 265. Terms of district officials.
- 266. Legislators not prohibited from holding office created in first term of first legislature.
- 267. Effective date.
- 268. Trukese translation.

ARTICLE I.

Bill of Rights.

§ 151. Freedom of speech; right of peaceable assembly and petition for redress. — No law shall deny or impair freedom of speech or of the press, or the right of the people to peaceably assemble and to petition the district government for a redress of grievances. (P.L. No. 7-62, § 1.)

§ 152. Freedom of religion. — No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, except that assistance may be provided to parochial schools for nonreligious purposes. (P.L. No. 7-62, § 1.)

§ 153. Search and seizure; invasion of privacy. — The right of the people to be secured in their persons, houses, papers and effects, against unreasonable search, seizure or invasion of privacy, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. (P.L. No. 7-62, § 1.)

§ 154. Due process; equal protection; civil rights. — No person shall be deprived of life, liberty, or property, without due process of law, or be denied the equal protection of the laws, or be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof, on account of race, sex, religion, language, ancestry or national origin. (P.L. No. 7-62, § 1.)

§ 155. Rights of accused. — In all criminal prosecutions, the accused shall enjoy the right to a speedy public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses in his favor, and to have the assistance of counsel for his defense. (P.L. No. 7-62, § 1.)

§ 156. Freedom from self-incrimination; double jeopardy. — No person shall be compelled in any criminal case to be a witness against himself, or against a member of his family as prescribed by law, or be twice put in jeopardy for the same offense. (P.L. No. 7-62, § 1.)

§ 157. Excessive bail; excessive fines; cruel and unusual punishment. — Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. (P.L. No. 7-62, § 1.)

§ 158. Capital punishment. — Capital punishment shall be prohibited. (P.L. No. 7-62, § 1.)

§ 159. Privilege of habeas corpus. — The writ of habeas corpus shall be granted without delay, and the privilege of the writ of habeas corpus shall not be suspended, except by the governor and then only when the public safety requires it in the case of war, rebellion, insurrection or invasion. (P.L. No. 7-62, § 1.)

§ 160. Bills of attainder; ex post facto laws; impairment of contracts. — No bill of attainder, ex post facto law or law impairing the obligations of contract shall be enacted. (P.L. No. 7-62, § 1.)

§ 161. Freedom of movement and migration. — Subject only to the requirements of public order and security, no law shall be enacted to restrict the freedom of movement and migration. (P.L. No. 7-62, § 1.)

§ 162. Slavery; involuntary servitude. — Neither slavery nor, except as punishment for crime, involuntary servitude shall exist in Truk District. (P.L. No. 7-62, § 1.)

§ 163. Debt imprisonment. — There shall be no imprisonment for debt. (P.L. No. 7-62, § 1.)

§ 164. Free elementary education. — Free elementary education shall be provided in Truk District. (P.L. No. 7-62, § 1.)

§ 165. Quartering of soldiers. — No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law. (P.L. No. 7-62, § 1.)

§ 166. Eminent domain. — There shall be no taking of private property for a public purpose until authorized and prescribed by general law pursuant to this section. The general law shall provide for just compensation, good faith negotiations for lease or purchase prior to a taking, the manner of the taking, and may prescribe further conditions and requirements. (P.L. No. 7-62, § 1.)

§ 167. Traditions and customs recognized. — Due recognition shall be given to traditions and customs in providing a system of law, and nothing in this article shall be construed to limit or invalidate any recognized tradition or custom, except as otherwise provided by law. (P.L. No. 7-62, § 1.)

§ 168. Construction of charter rights. — The enumeration of certain rights in this charter shall not be construed to impair or deny other rights of the people. (P.L. No. 7-62, § 1.)

ARTICLE II.

Suffrage and Elections.

§ 169. Qualifications for voting. — A citizen of the Trust Territory who has attained the age of eighteen years and is registered to vote in Truk District shall be qualified to vote in district elections. (P.L. No. 7-62, § 1.)

§ 170. Suffrage requirements prescribed by legislature; secrecy in voting. — 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. (P.L. No. 7-62, § 1.)

§ 171. Scheduling of elections. — General elections shall be held on the second Tuesday in March every four years; provided, that 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. (P.L. No. 7-62, § 1.)

§ 172. Contested elections. — Contested elections shall be determined by the district court in such manner as may be prescribed by law. (P.L. No. 7-62, § 1.)

§ 173. Plurality to determine election. — A plurality of votes given at an election by the people shall constitute a choice, where not otherwise provided by this chapter. (P.L. No. 7-62, § 1.)

§ 174. New election in case of tie. — 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 charter. The election shall be limited to the candidates receiving the equal and highest number of votes. (P.L. No. 7-62, § 1.)

ARTICLE III.

The Legislature.

§ 175. Legislative power. — The legislative power of the district government is vested in the legislature. Such power shall extend to all rightful subjects of legislation not inconsistent with this charter, the United Nations charter and trusteeship agreement, and applicable orders of the President of the United States and the Secretary of the United States Department of the Interior. (P.L. No. 7-62, § 1.)

§ 176. Composition of legislature. — The legislature shall be composed of twenty-eight members who shall be elected by the qualified voters of the respective election districts. (P.L. No. 7-62, § 1.)

§ 177. Election districts determinative of membership. — Members of the legislature shall be elected from election districts and in the numbers shown in article XI of this charter. (P.L. No. 7-62, § 1.)

§ 178. General election; term of office. — The members of the legislature shall be elected by a general election. The term of office shall be four years commencing on the first Monday in May following the general election. (P.L. No. 7-62, § 1.)

§ 179. Vacancies. — Any vacancy in the legislature shall be filled for the unexpired term by special election, except that an unexpired term of less than one year shall be filled by appointment by the governor. (P.L. No. 7-62, § 1.)

§ 180. Eligibility. — No person shall be eligible to serve as a member of the legislature unless he is at least thirty years of age, has been a citizen of the Trust Territory for at least ten years, has been a resident of Truk District for at least five years and of the election district from which elected for at least one year immediately preceding filing for office, and is a qualified voter of the election district from which he seeks to be elected. (P.L. No. 7-62, § 1.)

§ 181. Felons not eligible. — A person convicted of a felony shall not be eligible to serve as a member of the legislature unless the person so convicted has received a pardon restoring his civil rights. (P.L. No. 7-62, § 1.)

§ 182. Legislators not to hold other public office or employment; conflicts of interest. — No member of the legislature shall hold another public office or employment, nor shall he, after his term for which he is elected or appointed, be elected or appointed to any public office or employment, which shall have been created, or the emoluments thereof shall have been increased, by legislative act during such term. The term "public office," for purposes of this section, shall not include notaries public, officers of emergency organizations for civilian defense or disaster relief, or an office created by the Congress of Micronesia or the legislature which specifically provides for a member of the legislature to hold such office.

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

This section shall not apply to employment by or election to a constitutional convention or commission. (P.L. No. 7-62, § 1.)

§ 183. Immunities afforded legislators. — No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions, and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at sessions or committee meetings of the legislature, and in going to and returning from the same. (P.L. No. 7-62, § 1.)

§ 184. Salaries of legislators. — The members of the legislature shall receive annual salaries as prescribed by law. Until otherwise provided by law, the salary of each member of the legislature shall be five thousand dollars a year; provided, that the speaker of the legislature shall receive a salary of seven thousand dollars a year. No law increasing salaries shall take effect until after the end of the term for which the members voting thereon were elected. (P.L. No. 7-62, § 1.)

§ 185. Procedure for convening; limitation of sessions; recesses. — The legislature shall convene annually in regular session at 9:30 a.m. on the first Monday in May, but the month and day may be changed by law.

At the written request or vote of two-thirds of the members of the legislature, the speaker of the legislature shall convene the legislature in special session. The governor may convene the legislature in a special session. At a special session convened by the governor, legislation shall be limited to subjects designated in his proclamation convening the session or to subjects presented by him.

Regular sessions shall be limited to a period of forty days, and special sessions shall be limited to a period of fifteen days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the speaker of the legislature at the vote of two-thirds of the members of the legislature or may be proclaimed by the governor.

Any session may be recessed by a vote of a majority of the members of the legislature. Any days in recess pursuant to such vote shall be excluded in computing the number of days in any session. (P.L. No. 7-62, § 1.)

§ 186. Adjournment. — The legislature may adjourn sine die during any session by majority of the members of the legislature. (P.L. No. 7-62, § 1.)

§ 187. Powers generally. — The legislature shall be the judge of the qualifications of its members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of the members, by suspension or expulsion of such member.

The legislature shall choose its own officers, determine the rules of its proceedings and keep a journal. The legislature shall have and exercise all the authority and attributes inherent in legislative assemblies, including the power to institute and conduct investigations, issue subpoenas to witnesses and other concerned parties, and administer oaths. (P.L. No. 7-62, § 1.)

§ 188. Quorum. — Two-thirds of the members of the legislature shall constitute a quorum for the conduct of ordinary business of which quorum a majority vote shall suffice, but the final passage of a bill or resolution shall require the vote of a majority of the members and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the legislature may provide. (P.L. No. 7-62, § 1.)

§ 189. Enactment of laws; bills required; reference to titles; enacting clauses. — No law shall be passed except by bill. Each law shall embrace but

one subject, which shall be expressed in its title. No law or section of the law shall be amended or revised by reference to its title only, but in every instance such amendment or revision of the law or section thereof shall be published at full length and in its entirety as amended or revised. The enacting clause of each law shall be, "Be it enacted by the legislature of Truk District." (P.L. No. 7-62, § 1.)

§ 190. Same; readings. — No bill shall become law unless it shall pass two readings in the legislature on separate days. No bill shall pass final reading unless printed copies of the bill in the form to be passed shall have been made available to the members of the legislature for at least twenty-four hours. (P.L. No. 7-62, § 1.)

§ 191. Same; action by governor. — Every bill which shall have passed the legislature shall be certified by the speaker and chief clerk of the legislature and shall thereupon be presented to the governor. If the governor approves the bill, he shall sign it and it shall become law. If the governor does not approve the bill, he may return it with his objections to the legislature. The governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same, but he may veto other bills only as a whole.

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

The governor shall have thirty days, after adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the thirtieth day if it is neither signed nor returned on or before that day. (P.L. No. 7-62, § 1.)

§ 192. Same; procedure after veto by governor. — Upon the receipt of a veto message from the governor, the legislature may proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items. If after such reconsideration such bill, item or items, shall be approved by a two-thirds vote of the members of the legislature on one reading, the same shall become law.

If upon receipt of the veto message from the governor, the legislature is not in session or recess, the legislature may reconsider the vetoed bill in the next general or special session.

A vetoed bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation. (P.L. No. 7-62, § 1.)

§ 193. Publication and distribution of resolutions and laws. — The governor shall cause the resolutions and laws to be published in the English and Trukese languages within sixty days after they become laws, and shall make provision for their distribution to public officials and sale to the public. (P.L. No. 7-62, § 1.)

§ 194. Impeachment of governor, lieutenant governor or district court justice. — The governor, lieutenant governor or a justice of the district court may be removed from office upon conviction of impeachment for misfeasance or malfeasance in office, or for conviction of a felony.

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

Upon the adoption of a resolution of impeachment of the governor or lieutenant governor, a notice of impeachment shall be forthwith served upon the chief justice of the district court by the chief clerk of the legislature. The chief justice shall thereupon call a session of the district court to meet within ten days after such notice to try the impeachment.

Upon the adoption of a resolution of impeachment of a justice of the district court, a notice of impeachment shall be forthwith served upon the governor by the chief clerk of the legislature. The governor shall thereupon convene a special tribunal as prescribed by law to meet within thirty days at the capital, to sit as a court to try such impeachment, which court shall organize by electing one of its number to preside.

A conviction of impeachment shall require the concurrence of two-thirds of the members of the district court or special tribunal.

The legislature may by law provide for the manner and procedure of removal by impeachment.

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

No officer shall exercise his official duties after he shall have been impeached and notified thereof, until he shall have been acquitted. (P.L. No. 7-62, § 1.)

ARTICLE IV.

The Executive.

§ 195. Governor and lieutenant governor; executive powers vested; election; term; eligibility for office; holding other office; limitation of terms. — The executive power of the district government shall be vested in the governor.

The governor shall be elected by the qualified voters of Truk District at a general election. The person receiving the highest number of votes, and at least forty-five percent of the votes cast, shall be the governor. In case no person receives forty-five percent of the votes cast, the selection of the governor shall be determined by special election between the two persons receiving the highest number of votes in the general election.

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

No person shall be eligible for the office of the governor unless he is at least thirty-five years of age, is a citizen of the Trust Territory by birth, and a resident of Truk District for at least twenty-five years and, for the five years immediately preceding filing for office, is a qualified voter of Truk District, and never has been convicted of a felony unless he has received a pardon restoring his civil rights.

The governor shall not hold another public office or employment during his term of office.

No person who has been elected governor for two full successive terms shall again be eligible to hold that office until one full term has intervened. (P.L. No. 7-62, § 1.)

§ 196. Same; lieutenant governor. — There shall be a lieutenant governor who shall have the same qualifications as the governor. He shall be

elected at the same time, for the same term, and in the same manner as the governor. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor. (P.L. No. 7-62, § 1.)

§ 197. Same; salaries. — The governor and lieutenant governor shall receive annual salaries as prescribed by law. Such salaries shall not be increased or decreased for their respective terms of office, except by general law applying to salaried officers of the district government. (P.L. No. 7-62, § 1.)

§ 198. Same; vacancy in office. — When the office of the governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from Truk District, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of the lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from Truk District, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

Whenever, for a period of six months, the governor or the lieutenant governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability may be prescribed by law. (P.L. No. 7-62, § 1.)

§ 199. Same; powers and duties generally. — The governor shall be responsible for the faithful execution of the laws. To this end he shall have power, by appropriate action or proceeding in the courts brought in the name of the district government, to enforce compliance with the charter or legislative power, duty, or right by any office, department or agency of the district government or any of its subdivisions; but this power shall not be construed to authorize any action or proceeding against the legislature. (P.L. No. 7-62, § 1.)

§ 200. Same; power to reprieve, commute and pardon. — The governor may grant reprieves, commutations and pardons, after conviction, subject to regulation by law, except in cases of impeachment. No reprieve, commutation or pardon may be granted to a person holding the office of governor or lieutenant governor. (P.L. No. 7-62, § 1.)

§ 201. Same; governor's message to legislature. — The governor shall communicate to the legislature, by message at the beginning of each regular session and at other times as he may deem necessary, the condition of the district, and shall in like manner recommend measures as he may deem desirable. (P.L. No. 7-62, § 1.)

§ 202. Offices and departments. — All executive and administrative offices, departments and instrumentalities of the district government and their respective functions, powers and duties shall be established by law.

Each principal department shall be under the supervision of the governor and shall be headed by a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the governor, with the advice and consent of the legislature, to serve at the pleasure of the governor during his term of office and until the appointment and qualification of their successors, except that the removal of the chief legal officer of the district government shall be subject to the advice and consent of the legislature.

Whenever a board, commission or other body shall be the head of the principal department or a regulatory or quasi-judicial agency, the members thereof shall be nominated and appointed by the governor with the advice and consent of the legislature. The term of office and removal of members shall be as prescribed by law. (P.L. No. 7-62, § 1.)

§ 203. Declaration of emergency. — If required to preserve public peace, health or safety, at a time of extreme emergency caused by civil disturbance, natural disaster or immediate threat of war or insurrection, the governor may declare a state of emergency and issue appropriate decrees.

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

Within fifteen days after the declaration of emergency, the legislature shall convene at the call of the speaker or the governor to consider revocation, amendment or extension of the declaration. Unless it expires by its own terms, is revoked or extended, a declaration of emergency is effective for fifteen days. (P.L. No. 7-62, § 1.)

ARTICLE V.

The Judiciary.

§ 204. Vesting of judicial power. — The judicial power of the district government shall be vested in the district court, municipal courts, and other courts or tribunals as may from time to time be created by law. (P.L. No. 7-62, § 1.)

§ 205. District court; declared highest court; composition; vacancies. — 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. (P.L. No. 7-62, § 1.)

§ 206. Same; appointment and terms of justices. — 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. (P.L. No. 7-62, § 1.)

§ 207. Same; qualifications of justices. — A justice of the district court shall be a citizen of the Trust Territory by birth, be at least thirty-five years of age, have been a resident of Truk District for at least twenty-five years and for the five years immediately preceding his appointment, be learned in the law, and possess additional qualifications as may be prescribed by law. (P.L. No. 7-62, § 1.)

§ 208. Same; compensation of justices. — Compensation of justices of the district court shall be prescribed by law. Their compensation shall not be decreased during their respective terms of office, except by general law applying to salaried officers of the district government. (P.L. No. 7-62, § 1.)

§ 209. Justices or judges of municipal courts. — Justices or judges of municipal courts, and other courts or tribunals shall be selected in a manner, for terms, and with qualifications as prescribed by law. (P.L. No. 7-62, § 1.)

§ 210. Jurisdiction; unified judicial system. — The courts and tribunals shall have original and appellate jurisdiction as prescribed by law. The courts shall constitute a unified judicial system for operation and administration. (P.L. No. 7-62, § 1.)

§ 211. Promulgation of rules of administration and procedure; district court declared court of record. — The district court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing the practice and procedure in civil and criminal cases in all courts, which shall have the force and effect of law, provided that the legislature may establish or change such rules by law. The district court shall be a court of record. (P.L. No. 7-62, § 1.)

§ 212. Administrative head of courts. — The chief justice of the district court shall be the administrative head of all courts. The chief justice shall, with the approval of the district court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the judicial system. (P.L. No. 7-62, § 1.)

ARTICLE VI.

Taxation and Finance.

§ 213. Surrender, suspension, etc., of power. — The power of taxation shall never be surrendered, suspended or contracted away, except as provided in this article. (P.L. No. 7-62, § 1.)

§ 214. Public purpose. — No tax shall be levied or appropriation of public money made or public property transferred except for a public purpose. (P.L. No. 7-62, § 1.)

§ 215. Residency not to affect rate. — The property of citizens of the Trust Territory residing without Truk District shall never be taxed at a higher rate than property belonging to the residents of Truk District. (P.L. No. 7-62, § 1.)

§ 216. Exemptions. — The property of the Trust Territory and the district government or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. Other exemptions may be granted by general law. (P.L. No. 7-62, § 1.)

§ 217. Private leaseholds; contracts or interests in government property. — Private leaseholds, contracts or interests in property owned or held by the Trust Territory, the district government or its political subdivisions shall be taxable to the extent of interest. (P.L. No. 7-62, § 1.)

§ 218. Standards of appraisal. — Standards of appraisal of all property assessed by the district government or its political subdivisions shall be prescribed by law. (P.L. No. 7-62, § 1.)

§ 219. Appropriation bills not to be in excess of available revenues. — Appropriation bills enacted by the legislature shall not provide for the appropriation of funds in excess of amounts as are available or estimated to be available from revenues raised pursuant to the tax laws or other revenue laws of the district government and received or estimated to be received from tax laws and other revenues laws of the Trust Territory or from any other source. (P.L. No. 7-62, § 1.)

§ 220. Withdrawals and obligations to be authorized by law. — No money shall be withdrawn from the district government treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void. (P.L. No. 7-62, § 1.)

§ 221. Submission by governor of budget and bills to legislature. — The governor shall submit to the legislature, at a time prescribed by law, a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the district government for the ensuing fiscal year, together with other information as the legislature may require. The budget shall be submitted in a form prescribed by law.

The governor shall also, upon the opening of each regular session of the legislature, submit bills to provide for proposed expenditures and for any recommended additional revenues by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session. (P.L. No. 7-62, § 1.)

§ 222. Auditor. — The legislature may appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct audits as prescribed by law and shall report to the legislature and the governor. (P.L. No. 7-62, § 1.)

ARTICLE VII.

Local Government.

§ 223. Creation of municipalities and political subdivisions. — The legislature may create municipalities and other political subdivisions within the district and provide for the government thereof. Each municipality or political subdivision shall have and exercise powers as shall be conferred under general laws. Municipalities may be merged, consolidated, classified, reclassified or dissolved in a manner prescribed by general law. (P.L. No. 7-62, § 1.)

§ 224. Municipal charters; qualification of law as general. — Each municipality shall have power to frame and adopt a charter for its own self-government within limits and under procedures as may be prescribed by general law.

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

A law may qualify as a general law even though it is inapplicable to one or more municipalities for purposes of the provisions of this section. (P.L. No. 7-62, § 1.)

§ 225. Delegation of taxing power. — The taxing power shall be reserved to the district government, except so much thereof as may be delegated by the legislature to the municipalities, and the legislature shall have the power to apportion district revenues among the several municipalities. (P.L. No. 7-62, § 1.)

§ 226. Agreements between municipalities and/or district government. — Agreements, including those for cooperative or joint administration of any functions of powers, may be made by any municipality with any other municipality, or with the district government, unless otherwise provided by law or municipal charter. (P.L. No. 7-62, § 1.)

§ 227. Advisory agency. — An agency shall be established by law in the executive branch of the district government to advise and assist municipal governments, and perform other duties as prescribed by law. (P.L. No. 7-62, § 1.)

ARTICLE VIII.

Health, Education and Welfare.

§ 228. Promotion of public health. — The district government shall provide for the protection and promotion of the public health. (P.L. No. 7-62, § 1.)

§ 229. Handicapped persons. — The district government shall have the power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons. (P.L. No. 7-62, § 1.)

§ 230. Assistance to disadvantaged. — The district government shall have the power to provide assistance to persons unable to maintain a standard of living compatible with decency and health. (P.L. No. 7-62, § 1.)

§ 231. Development and preservation of natural beauty or historic or cultural interests. — The district government shall have the power to conserve and develop the district's natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation by law. (P.L. No. 7-62, § 1.)

§ 232. Public schools; libraries. — The district government shall provide for the establishment and support of a district-wide system of public schools free from sectarian control, public libraries and other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry. (P.L. No. 7-62, § 1.)

ARTICLE IX.

Conservation and Development of Resources.

§ 233. Promotion. — The district government shall promote the conservation and development of agricultural, marine, mineral, forest, water, land and other natural resources. (P.L. No. 7-62, § 1.)

§ 234. **Harmful substances.** — Radioactive, toxic chemical, or other harmful substances shall not be tested, stored, used or disposed of within the jurisdiction of the district without the express approval of the district government and concerned municipal governments in a manner prescribed by law. (P.L. No. 7-62, § 1.)

§ 235. **Acquisition of title to property.** — Title to land or waters within the district may be acquired only by citizens of the Trust Territory or corporations wholly owned by such citizens. (P.L. No. 7-62, § 1.)

ARTICLE X.

General Provisions.

§ 236. **Capital.** — Moen Island shall be the capital of the Truk District government. (P.L. No. 7-62, § 1.)

§ 237. **Cooperation between districts and/or Trust Territory.** — The district government and its political subdivisions may cooperate with the Trust Territory and other districts and their political subdivisions on matters of common interest, and funds may be appropriated to effect such cooperation. (P.L. No. 7-62, § 1.)

§ 238. **Civil service employment.** — The employment of persons in the civil service, as defined by law, of or under the district government, shall be governed by the merit principle. (P.L. No. 7-62, § 1.)

§ 239. **Oath for public officers.** — All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the charter of the Truk District government, and that I will faithfully discharge my duties as _____ to the best of my ability." The legislature may prescribe further oaths or affirmations. (P.L. No. 7-62, § 1.)

§ 240. **Enumerated powers not exclusive.** — The enumeration in this charter of specific powers shall not be construed as limitations upon the power of the district government to provide for the general welfare of the people. (P.L. No. 7-62, § 1.)

§ 241. **Provisions of charter to be self-executing.** — The provisions of this charter shall be self-executing to the fullest extent that their respective natures permit. (P.L. No. 7-62, § 1.)

ARTICLE XI.

Legislature Election Districts.

§ 242. **First election district.** — The first election district shall be the islands of Moen, Fono and Pis and shall have five members. (P.L. No. 7-62, § 1.)

§ 243. **Second election district.** — The second election district shall be the islands of Dublon and Etten and shall have two members. (P.L. No. 7-62, § 1.)

§ 244. Third election district. — The third election district shall be the islands of Fefan, Parem and Tsis and shall have three members. (P.L. No. 7-62, § 1.)

§ 245. Fourth election district. — The fourth election district shall be the island of Uman and shall have two members. (P.L. No. 7-62, § 1.)

§ 246. Fifth election district. — The fifth election district shall be the islands of Udot, Romalum, Eot and Fanapanges and shall have two members. (P.L. No. 7-62, § 1.)

§ 247. Sixth election district. — The sixth election district shall be the island of Tol and shall have three members. (P.L. No. 7-62, § 1.)

§ 248. Seventh election district. — The seventh election district shall be the islands of Patta, Polle and Wonei and shall have two members. (P.L. No. 7-62, § 1.)

§ 249. Eighth election district. — The eighth election district shall be the islands of Losap, Pis-Losap and Nama and shall have two members. (P.L. No. 7-62, § 1.)

§ 250. Ninth election district. — The ninth election district shall be the islands of Namoluk, Ettal, Kuttu and Moch and shall have two members. (P.L. No. 7-62, § 1.)

§ 251. Tenth election district. — The tenth election district shall be the islands of Oneop, Lukunor, Satawan and Ta and shall have two members. (P.L. No. 7-62, § 1.)

§ 252. Eleventh election district. — The eleventh election district shall be the islands of Fananu, Murilo, Namwin and Ruo and shall have one member. (P.L. No. 7-62, § 1.)

§ 253. Twelfth election district. — The twelfth election district shall be the islands of Pulap, Pulusuk, Puluwat and Tamatam and shall have one member. (P.L. No. 7-62, § 1.)

§ 254. Thirteenth election district. — The thirteenth election district shall be the islands of Magur, Onari, Ono, Pisarach and Ulul and shall have one member. (P.L. No. 7-62, § 1.)

ARTICLE XII.

Amendment and Revision.

§ 255. Manner of adoption. — Revisions of or amendments to this charter may be proposed by the legislature by adopting the same in the manner required for legislation, by a two-thirds vote of the members of the legislature. (P.L. No. 7-62, § 1.)

§ 256. Submission to electorate. — At a general or special election, or a referendum prescribed by law, following adoption by the legislature of the proposed amendments or revisions, the proposed amendments or revisions shall be submitted to the electorate for approval or rejection upon a separate ballot.

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

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operations. (P.L. No. 7-62, § 1.)

§ 257. Amendments adopted not subject to veto. — No proposal for amendment or revision of this charter adopted in a manner provided by this article shall be subject to veto by the governor. (P.L. No. 7-62, § 1.)

§ 258. High Commissioner; power to amend. — The High Commissioner may amend or revise this charter on his own initiative, unless otherwise provided by law. (P.L. No. 7-62, § 1.)

ARTICLE XIII.

Transition.

§ 259. Governor responsible for administration of programs. — The governor shall be personally and legally responsible to the High Commissioner for the administration of programs, projects and activities of the Trust Territory government including any appropriation, apportionment, reapportionment or allotment of funds of the United States Congress, the Congress of Micronesia, the legislature or from any other source, unless otherwise provided by law. (P.L. No. 7-62, § 1.)

§ 260. Previous consistent laws to continue in force. — All laws in force in Truk District on the effective date of this charter and consistent therewith shall continue in force until they expire by their own limitation, or are amended or repealed. (P.L. No. 7-62, § 1.)

§ 261. Effect of charter on contracts, suits, etc. — Except as otherwise provided in this charter, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal or administrative proceedings shall continue unaffected, and the chartered district government shall be the legal successor to the unchartered district government in these matters. (P.L. No. 7-62, § 1.)

§ 262. Exercise of powers and functions by existing subdivisions. — Political subdivisions of the unchartered district government existing on the effective date of this charter shall continue to exercise their powers and functions under existing law, pending enactment of legislation to carry out the provisions of this charter. New political subdivisions may be created only in accordance with this charter. (P.L. No. 7-62, § 1.)

§ 263. Performance of duties by current officers. — All officers of the unchartered district government, or under its laws, shall continue on the effective date of this charter to perform the duties of their offices in a manner consistent with this charter until they are superseded by officers of the chartered district government. The provisions of sections 180, 182, and 184 of article III shall not apply to members of the legislature until the first Monday in May of 1978. (P.L. No. 7-62, § 1.)

§ 264. First general election. — The first general election shall take place not less than ninety days after the effective date of this charter in case the charter becomes effective after the second Tuesday in January, 1978;

otherwise, it shall take place on the date specified in this charter. (P.L. No. 7-62, § 1.)

§ 265. Terms of district officials. — In case the first general election takes place after the second Tuesday in March of 1978, the dates of the beginning of the terms of the elected district officials and the convening date of the legislature shall be delayed by the number of days the general election succeeds the second Tuesday in March. The terms of the district officials shall count as full terms. (P.L. No. 7-62, § 1.)

§ 266. Legislators not prohibited from holding office created in first term of first legislature. — The provisions of section 182 of article III shall not prohibit any member of the first legislature under this charter from holding any office or position after his first term. (P.L. No. 7-62, § 1.)

§ 267. Effective date. — This charter shall take effect upon the passage by the Congress of Micronesia and subsequent approval by the High Commissioner of all proposed district charters which are submitted to the Congress of Micronesia pursuant to public law no. 6-130, as amended. (P.L. No. 7-62, § 1.)

§ 268. Trukese translation. — The legislature shall adopt an official Trukese translation of this charter after the charter is approved by the High Commissioner. (P.L. No. 7-62, § 1.)

CHAPTER 4.

YAP DISTRICT CHARTER.

Editor's Note. Section 1 of P.L. No. 7-62 provides, in part: "The purpose of this Charter is to grant a greater degree of self-government to the people of Yap District in promoting their

general welfare with due recognition given to their traditions and customs pursuant to the United Nations Charter and Trusteeship Agreement."

Article I.
Bill of Rights.

Sec.
269. Freedom of speech; right of peaceable assembly and petition for redress.
270. Freedom of religion.
271. Search and seizure; invasion of privacy.
272. Due process; equal protection; civil rights.
273. Rights of accused.
274. Freedom from self-incrimination; double jeopardy.
275. Excessive bail; excessive fines; cruel and unusual punishment.
276. Capital punishment.
277. Privilege of habeas corpus.
278. Bills of attainder; ex post facto laws; impairment of contracts.
279. Freedom of movement and migration.
280. Slavery; involuntary servitude.
281. Debt imprisonment.
282. Free elementary education.
283. Quartering of soldiers.
284. Eminent domain.
285. Traditions and customs recognized.
286. Construction of charter rights.

Article II.
Suffrage and Elections.

287. Qualifications for voting.
288. Suffrage requirements prescribed by legislature; secrecy in voting.
289. Schedule of elections.
290. Contested elections.
291. Plurality to determine election.
292. New election in case of tie.

Article III.
The Legislature.

293. Legislative power.
294. Composition of legislature.
295. Election districts determinative of membership.
296. General election; term of office.
297. Vacancies.

Sec.
298. Eligibility.
299. Felons not eligible.
300. Legislators not to hold other public office or employment; conflicts of interest.
301. Immunities afforded legislators.
302. Salaries of legislators.
303. Procedure for convening; limitation of sessions; recesses.
304. Adjournment.
305. Powers generally.
306. Quorum.
307. Enactment of laws; bills required; reference to title; enacting clauses.
308. Same; readings.
309. Same; consideration by Pilung and Tamol councils.
310. Same; disapproval by Pilung and Tamol councils.
311. Same; action by governor.
312. Same; procedure after veto by governor.
313. Impeachment of governor, lieutenant governor or district court justice.

Article IV.
The Executive.

314. Governor and lieutenant governor; executive powers vested; election; term; eligibility for office; holding other office; limitation of terms.
315. Same; lieutenant governor.
316. Same; salaries.
317. Same; vacancy in office.
318. Powers and duties generally.
319. Same; power to reprieve, commute and pardon.
320. Same; governor's message to legislature.
321. Offices and departments.
322. Declaration of emergency.

Article V.
The Judiciary.

323. Vesting of judicial power.
324. District courts; declared highest court; composition; vacancies.

- Sec.
 325. Same; appointment and terms of justices.
 326. Same; qualifications of justices.
 327. Same; compensation of justices.
 328. Justices and judges of municipal courts.
 329. Jurisdiction; unified judicial system.
 330. Promulgation of rules of administration and procedure; district court declared court of record.
 331. Administrative head of courts.
 332. Court decisions.

Article VI.

Councils of Traditional Leaders.

333. Created; functions.
 334. Council of Pilung.
 335. Council of Tamol.

Article VII.

Taxation and Finance.

336. Surrender, suspension, etc., of power.
 337. Public purpose.
 338. Residency not to affect rate.
 339. Exemptions.
 340. Private leaseholds; contracts; interests in government property.
 341. Standards of appraisal.
 342. Reservation of taxing power; power to apportion revenues.
 343. Appropriation bills not to be in excess of available revenues.
 344. Withdrawals and obligations to be authorized by law.
 345. Submission by governor of budget and bills to legislature.
 346. Auditor.

Article VIII.

Local Government.

347. Creation of municipalities and political subdivisions.
 348. Municipal charters; qualification of law as general.
 349. Agreements between municipalities and/or district government.
 350. Advisory agency.

Article IX.

Health, Education and Welfare.

351. Promotion of public health.
 352. Handicapped persons.
 353. Assistance to disadvantaged.
 354. Development and preservation of natural beauty or historic or cultural interests.
 355. Public schools; libraries.

Article X.

Conservation and Development of Resources.

356. Promotion.

- Sec.
 357. Harmful substances.
 358. Acquisition of title to property.
 359. Limitation on terms of land use agreements.

Article XI.

General Provisions.

360. Traditional leaders.
 361. Capital.
 362. Cooperation between districts and/or Trust Territory.
 363. Civil service employment.
 364. Oath for public officers.
 365. Enumerated powers not exclusive.
 366. Provisions of charter to be self-executing.

Article XII.

Legislature Election Districts.

367. First election district.
 368. Second election district.
 369. Third election district.
 370. Fourth election district.
 371. Fifth election district.

Article XIII.

Amendment and Revision.

372. Manner of adoption.
 373. Submission to electorate.
 374. Amendments adopted not subject to veto.
 375. High Commissioner's power to amend.

Article XIV.

Transition.

376. Governor responsible for administration of programs.
 377. Previous consistent laws to continue in force.
 378. Effect of charter on contracts, suits, etc.
 379. Exercise of powers and functions by existing subdivisions.
 380. Performance of duties by current officers.
 381. Succession of Yap and Outer Islands councils.
 382. First general election.
 383. Legislators not prohibited from holding any office created in first term of first legislature.
 384. Effective date.
 385. Official translations.

ARTICLE I.

Bill of Rights.

§ 269. Freedom of speech; right of peaceable assembly and petition for redress. — No law shall deny or impair freedom of speech or of the press, or the right of the people to peaceably assemble and to petition the district government for a redress of grievances. (P.L. No. 7-122, § 1.)

§ 270. Freedom of religion. — No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, except that assistance may be provided to parochial schools for nonreligious purposes. (P.L. No. 7-122, § 1.)

§ 271. Search and seizure; invasion of privacy. — The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search, seizure or invasion of privacy, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. (P.L. No. 7-122, § 1.)

§ 272. Due process; equal protection; civil rights. — No person shall be deprived of life, liberty, or property, without due process of law, or be denied the equal protection of the laws, or be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof, on account of race, sex, religion, language, ancestry or national origin. (P.L. No. 7-122, § 1.)

§ 273. Rights of accused. — In all criminal prosecutions, the accused shall enjoy the right to a speedy public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. (P.L. No. 7-122, § 1.)

§ 274. Freedom from self-incrimination; double jeopardy. — No person shall be compelled in any criminal case to be a witness against himself, or against a member of his family as prescribed by law, or be twice put in jeopardy for the same offense. (P.L. No. 7-122, § 1.)

§ 275. Excessive bail; excessive fines; cruel and unusual punishment. — Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment, as determined by the values of Yap District, inflicted. (P.L. No. 7-122, § 1.)

§ 276. Capital punishment. — Capital punishment shall be prohibited. (P.L. No. 7-122, § 1.)

§ 277. Privilege of habeas corpus. — The writ of habeas corpus shall be granted without delay, and the privilege of the writ of habeas corpus shall not be suspended, except by the governor and then only when public safety requires it in the case of war, rebellion, insurrection or invasion. (P.L. No. 7-122, § 1.)

§ 278. Bills of attainder; ex post facto laws; impairment of contracts. — No bill of attainder, ex post facto law or law impairing the obligations of contract shall be enacted. (P.L. No. 7-122, § 1.)

§ 279. **Freedom of movement and migration.** — Subject only to the requirements of public order and security, no law shall be enacted to restrict the freedom of movement and migration. (P.L. No. 7-122, § 1.)

§ 280. **Slavery; involuntary servitude.** — Neither slavery nor, except as punishment for crime, involuntary servitude shall exist in Yap District. (P.L. No. 7-122, § 1.)

§ 281. **Debt imprisonment.** — There shall be no imprisonment for debt. (P.L. No. 7-122, § 1.)

§ 282. **Free elementary education.** — Free elementary education shall be provided in Yap District. (P.L. No. 7-122, § 1.)

§ 283. **Quartering of soldiers.** — No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law. (P.L. No. 7-122, § 1.)

§ 284. **Eminent domain.** — The legislature shall provide by general law for the taking of private property for a public purpose. The general law shall provide for just compensation, good faith negotiations for lease or purchase prior to a taking, the manner of the taking, and may prescribe further conditions and requirements; except, that nothing in this charter shall in any way restrict or impair the paramount power of eminent domain in the central government of the Trust Territory. (P.L. No. 7-122, § 1.)

§ 285. **Traditions and customs recognized.** — Due recognition shall be given to traditions and customs in providing a system of law, and nothing in this article shall be construed to limit or invalidate any recognized tradition or custom, except as otherwise provided by law. (P.L. No. 7-122, § 1.)

§ 286. **Construction of charter rights.** — The enumeration of certain rights in this charter shall not be construed to impair or deny other rights of the people. (P.L. No. 7-122, § 1.)

ARTICLE II.

Suffrage and Elections.

§ 287. **Qualifications for voting.** — A citizen of the Trust Territory who has attained the age of eighteen years and is registered to vote in Yap District shall be qualified to vote in district elections. (P.L. No. 7-122, § 1.)

§ 288. **Suffrage requirements prescribed by legislature; secrecy in voting.** — 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. (P.L. No. 7-122, § 1.)

§ 289. **Schedule of elections.** — General elections shall be held on the first Tuesday following the first Monday in November in an even numbered year every four years; provided, that in the event of a natural disaster or other Acts 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. (P.L. No. 7-122, § 1.)

§ 290. Contested elections. — Contested elections shall be determined by the district court in such manner as may be prescribed by law. (P.L. No. 7-122, § 1.)

§ 291. Plurality to determine election. — A plurality of votes given at an election by the people shall constitute a choice, where not otherwise provided by this charter. (P.L. No. 7-122, § 1.)

§ 292. New election in case of tie. — A new election shall be ordered by the chief justice of the district court if two or more candidates have the highest and equal number of votes, except in cases specially provided for by this charter. The election shall be limited to the candidates receiving the equal and highest number of votes. (P.L. No. 7-122, § 1.)

ARTICLE III.

The Legislature.

§ 293. Legislative power. — The legislative power of the district government is vested in the legislature. Such power shall extend to all rightful subjects of legislation; except that no legislation may be inconsistent with this charter, the United Nations charter and trusteeship agreement, laws of the United States applicable in the Trust Territory applicable orders of the President of the United States and the Secretary of the United States Department of the Interior, and the laws of the Trust Territory. (P.L. No. 7-122, § 1.)

§ 294. Composition of legislature. — The legislature shall be composed of ten members who shall be elected by the qualified voters of the respective election districts. (P.L. No. 7-122, § 1.)

§ 295. Election districts determinative of membership. — Members of the legislature shall be elected from election districts and in the numbers shown in article XII of this charter. (P.L. No. 7-122, § 1.)

§ 296. General election; term of office. — The members of the legislature shall be elected at a general election. The term of office shall be four years commencing on the third Monday in January following the general election. (P.L. No. 7-122, § 1.)

§ 297. Vacancies. — Any vacancy in the legislature shall be filled for the unexpired term by special election, except that an unexpired term of less than one year shall be filled by appointment by the governor. (P.L. No. 7-122, § 1.)

§ 298. Eligibility. — No person shall be eligible to serve as a member of the legislature unless he is at least twenty-five years of age, has been a citizen of the Trust Territory for at least ten years, has been a resident of Yap District for at least five years and of the election district from which elected for at least one year immediately preceding filing for office, and is a qualified voter of the election district from which he seeks to be elected. (P.L. No. 7-122, § 1.)

§ 299. Felons not eligible. — A person convicted of a felony shall not be eligible to serve as a member of the legislature unless the person so convicted has received a pardon restoring his civil rights. (P.L. No. 7-122, § 1.)

§ 300. Legislators not to hold other public office or employment; conflicts of interest. — No member of the legislature shall hold another public office or public employment, nor shall he, for one year succeeding the term for which he is elected or appointed, be elected or appointed to any public office or employment, which shall have been created, or the emoluments thereof shall have been increased, by legislative act during such term. The term "public office," for purposes of this section, shall not include traditional leaders, notaries public, officers of emergency organizations for civilian defense or disaster relief or an office created by the Congress of Micronesia or the legislature which specifically provides for a member of the legislature to hold such office.

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

This section shall not apply to employment by or election to a constitutional convention or commission. (P.L. No. 7-122, § 1.)

§ 301. Immunities afforded legislators. — No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions, and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at sessions or committee meetings of the legislature, and in going to and returning from the same. (P.L. No. 7-122, § 1.)

§ 302. Salaries of legislators. — The members of the legislature shall receive annual salaries as prescribed by law. Until otherwise provided by law, the salary of each member of the legislature shall be five thousand dollars a year; provided, that the speaker of the legislature shall receive a salary of six thousand dollars a year. No law increasing salaries shall take effect until after the end of the term for which the members voting thereon were elected. (P.L. No. 7-122, § 1.)

§ 303. Procedure for convening; limitation of sessions; recesses. — The legislature shall convene annually in regular session at 9:30 a.m. on the third Monday in January, but the month and day may be changed by law.

At the written request or vote of two-thirds of the members of the legislature, the speaker of the legislature shall convene the legislature in special session. The governor may convene the legislature in a special session. At a special session, legislation shall be limited to subjects designated in the proclamation convening the session or to subjects presented by the governor.

Regular sessions shall be limited to a period of forty days, and special sessions shall be limited to a period of fifteen days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the speaker of the legislature at the vote of two-thirds of the members of the legislature or may be proclaimed by the governor.

Any session may be recessed by a vote of a majority of the members of the legislature. Any days in recess pursuant to such vote shall be excluded in computing the number of days in any session. (P.L. No. 7-122, § 1.)

§ 304. Adjournment. — The legislature may adjourn sine die during any session by a vote of a majority of the members of the legislature. (P.L. No. 7-122, § 1.)

§ 305. Powers generally. — The legislature shall be the judge of the qualifications of its members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of the members, by suspension or expulsion of such member.

The legislature shall choose its own officers, determine the rules of its proceedings and keep a journal. The legislature shall have and exercise all the authority and attributes inherent in legislative assemblies, including the power to institute and conduct investigations, issue subpoenas to witnesses and other concerned parties, and administer oaths. (P.L. No. 7-122, § 1.)

§ 306. Quorum. — Two-thirds of the members of the legislature shall constitute a quorum for the conduct of ordinary business of which quorum a majority vote shall suffice, but the final passage of a bill or resolution shall require the vote of a majority of the members and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the legislature may provide. (P.L. No. 7-122, § 1.)

§ 307. Enactment of laws; bills required; reference to title; enacting clauses. — No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. No law or section of the law shall be amended or revised by reference to its title only, but in every instance such amendment or revision of the law or section thereof shall be published at full length and in its entirety as amended or revised. The enacting clause of each law shall be, "Be it enacted by the legislature of Yap District." (P.L. No. 7-122, § 1.)

§ 308. Same; readings. — No bill shall become law unless it shall pass two readings in the legislature on separate days. No bill shall pass final reading unless printed copies of the bill in the form to be passed shall have been made available to the members of the legislature for at least twenty-four hours. (P.L. No. 7-122, § 1.)

§ 309. Same; consideration by Pilung and Tamol councils. — A certified copy of every bill which shall have passed the legislature shall be presented to the council of Pilung and the council of Tamol for consideration. The councils shall have the power to disapprove a bill which concerns tradition and custom or the role or function of a traditional leader as recognized by tradition and custom. The councils shall be the judge of the concernment of such bill. (P.L. No. 7-122, § 1.)

§ 310. Same; disapproval by Pilung and Tamol councils. — The council of Pilung and the council of Tamol may disapprove a bill by returning the certified copies of the bill with their objections within thirty days after it is received from the legislature.

A disapproved bill may be amended to meet the councils' objections and, if so amended and passed, only one reading being required for such passage, it shall be presented again to the councils. (P.L. No. 7-122, § 1.)

§ 311. Same; action by governor. — Every bill which shall have passed the legislature and has not been disapproved by the council of Pilung and the council of Tamol, or where both councils inform the legislature that the bill will not be disapproved, shall be certified by the speaker and chief clerk of the legislature and shall be presented to the governor. If the governor approves the bill, he shall sign it and it shall become law. If the governor does not approve the bill, he may return it with his objections to the legislature. The governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same, but he may veto other bills only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before adjournment of the legislature sine die, and if any bill is

neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

The governor shall have thirty days, after adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the thirtieth day if it is neither signed nor returned on or before that day. (P.L. No. 7-122, § 1.)

§ 312. Same; procedure after veto by governor. — Upon the receipt of a veto message from the governor, the legislature may proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items. If after such reconsideration such bill, item or items, shall be approved by a two-thirds vote of the members of the legislature on one reading, the same shall become law.

If upon receipt of the veto message from the governor, the legislature is not in session or recess, the legislature may reconsider the vetoed bill in the next general or special session.

A vetoed bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation. (P.L. No. 7-122, § 1.)

§ 313. Impeachment of governor, lieutenant governor or district court justice. — The governor, lieutenant governor or a justice of the district court may be removed from office upon conviction of impeachment for misfeasance or malfeasance in office, or for conviction of a felony.

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

Upon the adoption of a resolution of impeachment of the governor or lieutenant governor, a notice of impeachment shall be forthwith served upon the chief justice of the district court by the chief clerk of the legislature. The chief justice shall thereupon call a session of the district court to meet within ten days after such notice to try the impeachment.

Upon the adoption of a resolution of impeachment of a justice of the district court, a notice of impeachment shall be forthwith served upon the governor by the chief clerk of the legislature. The governor shall thereupon convene a special tribunal as prescribed by law to meet within thirty days at the capital, to sit as a court to try such impeachment, which court shall organize by electing one of its members to preside.

A conviction of impeachment shall require the concurrence of two-thirds of the members of the district court or special tribunal.

The legislature may by law provide for the manner and procedure of removal by impeachment.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the district government, but such person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to the law. (P.L. No. 7-122, § 1.)

ARTICLE IV.

The Executive.

§ 314. Governor and lieutenant governor; executive powers vested; election; term; eligibility for office; holding other office; limitation of terms. — The executive power of the district government shall be vested in the governor.

The governor shall be elected by the qualified voters of Yap District at a general election. The person receiving the highest number of votes, and at least forty-five percent of the votes cast, shall be the governor. In case no person receives forty-five percent of the votes cast, the selection of the governor shall be determined by special election between the two persons receiving the highest number of votes in the general election.

The term of governor shall begin at noon on the second Monday in January following the general election and end at noon on the second Monday in January, four years thereafter.

No person shall be eligible for the office of the governor unless he is at least thirty-five years of age, is a citizen of the Trust Territory by birth, and a resident of Yap District for at least twenty-five years and, for the five years immediately preceding filing for office, is a qualified voter of Yap District, and never has been convicted of a felony unless he has received a pardon restoring his civil rights.

The governor shall not hold another public office or employment during his term of office.

No person who has been elected governor for two full successive terms shall again be eligible to hold that office until one full term has intervened. (P.L. No. 7-122, § 1.)

§ 315. Same; lieutenant governor. — There shall be a lieutenant governor who shall have the same qualifications as the governor, provided, that in case the governor is a resident of the Yap Islands Proper, the lieutenant governor shall be a resident of the Outer Islands, and in case the governor is a resident of the Outer Islands, the lieutenant governor shall be a resident of the Yap Islands Proper.

Where the governor is a resident of the Yap Islands Proper, the governor shall nominate and appoint the lieutenant governor with the advice and consent of the council of Tamol, and where the governor is a resident of the Outer Islands, the governor shall nominate and appoint the lieutenant governor with the advice and consent of the council of Pilung. (P.L. No. 7-122, § 1.)

§ 316. Same; salaries. — The governor and lieutenant governor shall receive annual salaries as prescribed by law. Such salaries shall not be increased or decreased for their respective terms of office, except by general law applying to salaried officers of the district government. (P.L. No. 7-122, § 1.)

§ 317. Same; vacancy in office. — A vacancy in the office of the governor shall be filled for the unexpired term by special election, except that when there is an unexpired term of less than one year, the lieutenant governor shall become governor. In the event of the absence of the governor from Yap District, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

A vacancy in the office of the lieutenant governor shall be filled in the same manner as the original appointment, and in the event of the absence of the

lieutenant governor from Yap District, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

Whenever for a period of six months the governor or the lieutenant governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability may be prescribed by law. (P.L. No. 7-122, § 1.)

§ 318. Powers and duties generally. — The governor shall be responsible for the faithful execution of the laws. To this end he shall have power, by appropriate action or proceeding in the courts brought in the name of the district government, to enforce compliance with the charter or legislative power, duty, or right by any office, department or agency of the district government or any of its subdivisions. This power shall not be construed to authorize any action or proceeding against the legislature. (P.L. No. 7-122, § 1.)

§ 319. Same; power to reprieve, commute and pardon. — The governor may grant reprieves, commutations and pardons, after conviction, subject to regulation by law, except in cases of impeachment. No reprieve, commutation or pardon may be granted to a person holding the office of governor or lieutenant governor. (P.L. No. 7-122, § 1.)

§ 320. Same; governor's message to legislature. — The governor shall communicate to the legislature, by message at the beginning of each regular session and at other times as he may deem necessary, the condition of the district, and shall in like manner recommend measures as he may deem desirable. (P.L. No. 7-122, § 1.)

§ 321. Offices and departments. — All executive and administrative offices, departments and instrumentalities of the district government and their respective functions, powers and duties shall be established by law.

Each principal department shall be under the supervision of the governor and shall be headed by a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the governor, with the advice and consent of the legislature, to serve at the pleasure of the governor during his term of office and until the appointment and qualification of their successors, except that the removal of the chief legal officer of the district government shall be subject to the advice and consent of the legislature.

Whenever a board, commission or other body shall be the head of the principal department or a regulatory or quasi-judicial agency, the members shall be nominated and appointed by the governor with the advice and consent of the legislature. The term of office and removal of members shall be as prescribed by law. (P.L. No. 7-122, § 1.)

§ 322. Declaration of emergency. — If required to preserve public peace, health or safety, at a time of extreme emergency caused by civil disturbance, natural disaster or immediate threat of war or insurrection, the governor may declare a state of emergency and issue appropriate decrees.

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

Within thirty days after the declaration of emergency, the legislature shall convene at the call of the speaker or the governor to consider revocation, amendment or extension of the declaration. Unless it expires by its own terms, is revoked or extended, a declaration of emergency is effective for thirty days. (P.L. No. 7-122, § 1.)

ARTICLE V.

The Judiciary.

§ 323. Vesting of judicial power. — The judicial power of the district government shall be vested in the district court, municipal courts, and other courts or tribunals as may from time to time be created by law, except that nothing contained in this article shall be construed to limit, restrict, or modify the authority or jurisdiction of the High Court for the Trust Territory. (P.L. No. 7-122, § 1.)

§ 324. District courts; declared highest court; composition; vacancies. — 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. (P.L. No. 7-122, § 1.)

§ 325. Same; appointment and terms of justices. — 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. (P.L. No. 7-122, § 1.)

§ 326. Same; qualifications of justices. — A justice of the district court shall be a citizen of the Trust Territory by birth, be at least thirty-five years of age, have been a resident of Yap District for at least twenty-five years and for the five years immediately preceding his appointment, be learned in the law, and possess additional qualifications as may be prescribed by law. (P.L. No. 7-122, § 1.)

§ 327. Same; compensation of justices. — Compensation of justices of the district court shall be prescribed by law. Their compensation shall not be decreased during their respective terms of office, except by general law applying to salaried officers of the district government. (P.L. No. 7-122, § 1.)

§ 328. Justices and judges of municipal courts. — Justices or judges of municipal courts, and other courts or tribunals, shall be selected in a manner, for terms, and with qualifications as prescribed by law. (P.L. No. 7-122, § 1.)

§ 329. Jurisdiction; unified judicial system. — The courts and tribunals shall have original and appellate jurisdiction as prescribed by law. The courts shall constitute a unified judicial system for operation and administration. (P.L. No. 7-122, § 1.)

§ 330. Promulgation of rules of administration and procedure; district court declared court of record. — The district court shall make and

promulgate rules governing the administration of all courts. It shall make and promulgate rules governing the practice and procedure in civil and criminal cases in all courts, which shall have the force and effect of law, provided, that the legislature may establish or change such rules by law. The district court shall be a court of record. (P.L. No. 7-122, § 1.)

§ 331. Administrative head of courts. — The chief justice of the district court shall be the administrative head of all courts. The chief justice shall, with the approval of the district court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the courts. (P.L. No. 7-122, § 1.)

§ 332. Court decisions. — Court decisions shall be consistent with this charter, Yap traditions and customs, and the social and geographical configuration of Yap District. (P.L. No. 7-122, § 1.)

ARTICLE VI.

Councils of Traditional Leaders.

§ 333. Created; functions. — There shall be a council of Pilung and council of Tamol which shall exercise legislative, judicial and executive functions which concern tradition and custom as prescribed by this charter or by statute. (P.L. No. 7-122, § 1.)

§ 334. Council of Pilung. — The council of Pilung shall be composed of traditional leaders of the respective municipalities of the Yap Islands Proper. The traditional leaders of each municipality shall appoint one member to the council and provide for the manner of succession. (P.L. No. 7-122, § 1.)

§ 335. Council of Tamol. — The council of Tamol shall be composed of traditional leaders of the respective municipalities of the Outer Islands. The traditional leaders of each municipality shall appoint one member to the council and provide for the manner of succession. The chairman of the council shall be the paramount traditional leader recognized by the people of the Outer Islands. (P.L. No. 7-122, § 1.)

ARTICLE VII.

Taxation and Finance.

§ 336. Surrender, suspension, etc., of power. — The power of taxation shall never be surrendered, suspended or contracted away, except as provided in this article. (P.L. No. 7-122, § 1.)

§ 337. Public purpose. — No tax shall be levied or appropriation of public money made or public property transferred except for a public purpose. (P.L. No. 7-122, § 1.)

§ 338. Residency not to affect rate. — The property of citizens of the Trust Territory residing without Yap District shall never be taxed at a higher rate than property belonging to the residents of Yap District. (P.L. No. 7-122, § 1.)

§ 339. Exemptions. — The property of the Trust Territory and the district government or its political subdivisions shall be exempt from taxation. Other exemptions may be granted by general law. (P.L. No. 7-122, § 1.)

§ 340. Private leaseholds; contracts; interests in government property. — Private leaseholds, contracts or interests in property owned or held by the Trust Territory, the district government or its political subdivisions shall be taxable to the extent of interest. (P.L. No. 7-122, § 1.)

§ 341. Standards of appraisal. — Standards of appraisal of all property assessed by the district government or its political subdivisions shall be prescribed by law. (P.L. No. 7-122, § 1.)

§ 342. Reservation of taxing power; power to apportion revenues. — The taxing power shall be reserved to the district government, except so much thereof as may be delegated by the legislature to the municipalities, provided, that the power to tax real property shall be a municipal power.

The legislature shall have the power to apportion district revenues among the several municipalities. (P.L. No. 7-122, § 1.)

§ 343. Appropriation bills not to be in excess of available revenues. — Appropriation bills enacted by the legislature shall not provide for the appropriation of funds in excess of amounts as are available or estimated to be available from revenues raised pursuant to the tax laws or other revenue laws of the district government and received or estimated to be received from tax laws and other revenue laws of the Trust Territory or from any other source. (P.L. No. 7-122, § 1.)

§ 344. Withdrawals and obligations to be authorized by law. — No money shall be withdrawn from the district government treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void. (P.L. No. 7-122, § 1.)

§ 345. Submission by governor of budget and bills to legislature. — The governor shall submit to the legislature, at a time prescribed by law, a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the district government for the ensuing fiscal year, together with other information as the legislature may require. The budget shall be submitted in a form prescribed by law.

The governor shall also, upon the opening of each regular session of the legislature, submit bills to provide for proposed expenditures and for any recommended additional revenues by which the proposed expenditures are to be met. Such bills shall be introduced in the legislature upon the opening of each regular session. (P.L. No. 7-122, § 1.)

§ 346. Auditor. — The legislature may appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct audits as prescribed by law and shall report to the legislature and the governor. (P.L. No. 7-122, § 1.)

ARTICLE VIII.

Local Government.

§ 347. Creation of municipalities and political subdivisions. — The legislature shall provide for the establishment of municipalities and other political subdivisions within the district and provide for the government thereof. Each municipality or political subdivision shall have and exercise powers as shall be conferred under general laws. Municipalities may be merged, consolidated, classified, reclassified or dissolved in a manner prescribed by general law, except that nothing contained in this article shall authorize the legislature to alter existing municipalities, villages, or political subdivisions without the expressed consent of a majority of the inhabitants of the area to be affected in a manner prescribed by law. (P.L. No. 7-122, § 1.)

§ 348. Municipal charters; qualification of law as general. — Each municipality shall have power to frame and adopt a charter for its own self-government within limits and under procedures as may be prescribed by general law.

Municipal charter provisions with respect to a municipality's structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating powers and functions of municipalities.

A law may qualify as a general law even though it is inapplicable to one or more municipalities for purposes of the provisions of this section. (P.L. No. 7-122, § 1.)

§ 349. Agreements between municipalities and/or district government. — Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any municipality with any other municipality, or with the district government, unless otherwise provided by law or municipal charter. (P.L. No. 7-122, § 1.)

§ 350. Advisory agency. — An agency shall be established by law in the executive branch of the district government to advise and assist municipal governments, and perform other duties as prescribed by law. (P.L. No. 7-122, § 1.)

ARTICLE IX.

Health, Education and Welfare.

§ 351. Promotion of public health. — The district government shall provide for the protection and promotion of the public health. (P.L. No. 7-122, § 1.)

§ 352. Handicapped persons. — The district government shall have the power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons. (P.L. No. 7-122, § 1.)

§ 353. Assistance to disadvantaged. — The district government shall have the power to provide assistance to persons unable to maintain a standard of living compatible with decency and health. (P.L. No. 7-122, § 1.)

§ 354. Development and preservation of natural beauty or historic or cultural interests. — The district government shall have the power to conserve and develop the district's natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation by law. (P.L. No. 7-122, § 1.)

§ 355. Public schools; libraries. — The district government shall provide for the establishment and support of a district-wide system of public schools free from sectarian control, public libraries and other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry. (P.L. No. 7-122, § 1.)

ARTICLE X.

Conservation and Development of Resources.

§ 356. Promotion. — The district government shall promote the conservation and development of agricultural, marine, mineral, forest, water, land and other natural resources. (P.L. No. 7-122, § 1.)

§ 357. Harmful substances. — Radioactive, toxic chemical, or other harmful substances may not be tested, stored, used or disposed of within the jurisdiction of the district without the express approval of the district government and concerned municipal governments in a manner prescribed by law. (P.L. No. 7-122, § 1.)

§ 358. Acquisition of title to property. — Title to land or waters within the district may be acquired only by citizens of the Trust Territory or corporations wholly owned by such citizens. (P.L. No. 7-122, § 1.)

§ 359. Limitation on terms of land use agreements. — An agreement for the use of land where a party is not a citizen of the Trust Territory or a corporation not wholly owned by such citizens shall not exceed a term of fifty years. The legislature may prescribe a lesser term. (P.L. No. 7-122, § 1.)

ARTICLE XI.

General Provisions.

§ 360. Traditional leaders. — Nothing in this charter shall take away a role or function of a traditional leader as recognized by custom and tradition, or shall prevent a traditional leader from being recognized, honored and given formal or functional roles at any level of government as prescribed by this charter or by statute. (P.L. No. 7-122, § 1.)

§ 361. Capital. — Colonia shall be the capital of the Yap District government. (P.L. No. 7-122, § 1.)

§ 362. Cooperation between districts and/or Trust Territory. — The district government and its political subdivisions may cooperate with the Trust Territory and other districts and their political subdivisions on matters of common interest, and funds may be appropriated to effect such cooperation. (P.L. No. 7-122, § 1.)

§ 363. **Civil service employment.** — The employment of persons in the civil service, as defined by law, of or under the district government, shall be governed by the merit principle. (P.L. No. 7-122, § 1.)

§ 364. **Oath for public officers.** — All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the charter of the Yap District government, and that I will faithfully discharge my duties as _____ to the best of my ability." The legislature may prescribe further oaths or affirmations. (P.L. No. 7-122, § 1.)

§ 365. **Enumerated powers not exclusive.** — The enumeration in this charter of specified powers shall not be construed as limitations upon the power of the district government to provide for the general welfare of the people. (P.L. No. 7-122, § 1.)

§ 366. **Provisions of charter to be self-executing.** — The provisions of this charter shall be self-executing to the fullest extent that their respective natures permit. (P.L. No. 7-122, § 1.)

ARTICLE XII.

Legislature Election Districts.

§ 367. **First election district.** — The first election district shall be the Yap Islands Proper and shall have six members. (P.L. No. 7-122, § 1.)

§ 368. **Second election district.** — The second election district shall be Ulithi Atoll, Fais Island, Sorol Atoll and Ngulu Atoll and shall have one member. (P.L. No. 7-122, § 1.)

§ 369. **Third election district.** — The third election district shall be Woleai Atoll and shall have one member. (P.L. No. 7-122, § 1.)

§ 370. **Fourth election district.** — The fourth election district shall be Eauripik Atoll, Faraulep Atoll and Ifaluk Atoll and shall have one member. (P.L. No. 7-122, § 1.)

§ 371. **Fifth election district.** — The fifth election district shall be Satawal Island, Lamotrek Atoll and Elato Atoll and shall have one member. (P.L. No. 7-122, § 1.)

ARTICLE XIII.

Amendment and Revision.

§ 372. **Manner of adoption.** — Revisions of or amendments to this charter may be proposed by the legislature by adopting the same in the manner required for legislation, by a two-thirds vote of the members of the legislature. (P.L. No. 7-122, § 1.)

§ 373. **Submission to electorate.** — At a general or special election, or a referendum prescribed by law, following adoption by the legislature of the proposed amendments or revisions, the proposed amendments or revisions

shall be submitted to the electorate for approval or rejection upon a separate ballot.

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

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operations. (P.L. No. 7-122, § 1.)

§ 374. Amendments adopted not subject to veto. — No proposal for amendment or revision of this charter adopted in a manner provided by this article shall be subject to veto by the governor or disapproval by the council of Pilung and the council of Tamol. (P.L. No. 7-122, § 1.)

§ 375. High Commissioner's power to amend. — The High Commissioner may amend or revise this charter on his own initiative, unless otherwise provided by law. (P.L. No. 7-122, § 1.)

ARTICLE XIV.

Transition.

§ 376. Governor responsible for administration of programs. — The governor shall be personally and legally responsible to the High Commissioner for the administration of programs, projects and activities of the Trust Territory government including any appropriation, apportionment, reapportionment or allotment of funds of the United States Congress, the Congress of Micronesia, the legislature or from any other source. The High Commissioner may issue executive orders prescribing the manner in which the governor's personal and legal responsibility shall be discharged. (P.L. No. 7-122, § 1.)

§ 377. Previous consistent laws to continue in force. — All district laws in force in Yap District on the effective date of this charter and consistent therewith shall continue in force until they expire by their own limitation, are amended or repealed. All Trust Territory laws in force in Yap District on the effective date of this charter shall continue in force and effect until they expire by their own limitation, are amended, or repealed. The provisions of this charter shall be interpreted in a manner consistent with Trust Territory law and no provisions of this charter shall be construed to repeal by implication Trust Territory law except where a contrary intent is clearly indicated. (P.L. No. 7-122, § 1.)

Editor's note. — The effective date of this charter is May 1, 1978.

§ 378. Effect of charter on contracts, suits, etc. — Except as otherwise provided in this charter, all titles, actions, suits, contracts, and liabilities and all civil, criminal or administrative proceedings shall continue unaffected, and the chartered district government shall be the legal successor to the unchartered district government in these matters. (P.L. No. 7-122, § 1.)

§ 379. Exercise of powers and functions by existing subdivisions. — Political subdivisions of the unchartered district government existing on the effective date of this charter shall continue to exercise their powers and functions under existing law, pending enactment of legislation to carry out the

provisions of this charter. New political subdivisions may be created only in accordance with this charter. (P.L. No. 7-122, § 1.)

Editor's note. — The effective date of this charter is May 1, 1978.

§ 380. Performance of duties by current officers. — All officers of the unchartered district government, or under its laws, shall continue on the effective date of this charter to perform the duties of their offices in a manner consistent with this charter until they are superseded by officers of the chartered district government. (P.L. No. 7-122, § 1.)

Editor's note. — The effective date of this charter is May 1, 1978.

§ 381. Succession of Yap and Outer Islands councils. — The council of Pilung shall succeed the Yap Islands council and the council of Tamol shall succeed the Outer Islands Chiefs council. (P.L. No. 7-122, § 1.)

§ 382. First general election. — The first general election shall take place on the first Tuesday after the first Monday in November of 1978. (P.L. No. 7-122, § 1.)

§ 383. Legislators not prohibited from holding any office created in first term of first legislature. — The provisions of section 300 of article III shall not prohibit any member of the first legislature under this charter from holding any office or position created during his first term. (P.L. No. 7-122, § 1.)

§ 384. Effective date. — This charter shall take effect on the first Tuesday after the first Monday in November of 1978 for purposes of conducting the first general election pursuant to section 382 of this article; provided, that provisions of the charter that do not concern the first general election shall take effect at the time the term of the governor commences. (P.L. No. 7-122, § 1.)

§ 385. Official translations. — The legislature shall adopt official translations of this charter after the charter is approved by the High Commissioner. (P.L. No. 7-122, § 1.)

CHAPTER 5.

KOSRAE DISTRICT CHARTER.

Editor's note. — Section 1 of P. L. No. 7-122 provides, in part: "We, the Kosraean people, citizens of a sovereign Micronesian nation being established to end decades of foreign rule, now seek the blessing of God in creating our own Kosrae District Government.

To the tasks of self-government we devote ourselves, that we may live peacefully amongst ourselves, with our Micronesian brethren and all peoples.

We dedicate ourselves, moreover, to the

protection of our island's natural beauty and the traditional way of life that we cherish. For, we hold our island in trust for our ancestors and our children's children, and so dedicate ourselves that this trust shall never be breached.

That these ends may be reached through our participation in the democratic government we now institute is both the expressed will and common resolve of the Kosraean people."

Article I.**Declaration of Rights.**

- Sec.
- 386. Right to due process and equal protection of law.
 - 387. Discrimination.
 - 388. Freedom of speech, association, petition, etc.
 - 389. Freedom of religion.
 - 390. Excessive bail and fines; cruel and unusual punishment; habeas corpus.
 - 391. Bills of attainder; ex post facto laws; impairment of contracts.
 - 392. Search and seizure; invasion of privacy.
 - 393. Self-incrimination; double jeopardy.
 - 394. Rights of accused.
 - 395. Involuntary servitude; slavery.
 - 396. Capital punishment.
 - 397. Debt imprisonment.
 - 398. Freedom of movement and migration.
 - 399. Quartering of soldiers.
 - 400. Eminent domain.
 - 401. Local customs and existing laws recognized.
 - 402. Construction of charter rights.

Article II.**The Executive.**

- 403. Governor and lieutenant governor; election of governor; administration of executive affairs.
- 404. Same; eligibility; election; term; limitations of terms.
- 405. Same; lieutenant governor.
- 406. Same; vacancy in office.
- 407. Same; salaries; not to hold other public office; conflicts of interest.
- 408. Same; powers and duties of governor generally.

Sec.

- 409. Offices and departments.
- 410. Power of governor reprieve, commute and pardon.
- 411. Address to legislature.
- 412. Declaration of emergency.

Article III.**The Legislature.**

- 413. Legislative power.
- 414. Composition of legislature.
- 415. Electoral districts.
- 416. Apportionment of legislators.
- 417. General election; term.
- 418. Vacancies.
- 419. Eligibility.
- 420. Legislators not to hold other public office or employment; conflicts of interest.
- 421. Immunities afforded legislators.
- 422. Salaries.
- 423. Procedure for convening; special sessions; budget review sessions; recesses.
- 424. Adjournment.
- 425. Powers generally.
- 426. Officers.
- 427. Quorum.
- 428. Enactment of laws; bills required; reference to title; enacting clauses.
- 429. Same; readings.
- 430. Same; action by governor.
- 431. Same; procedure after veto by governor.
- 432. Publication and distribution of resolutions and laws.
- 433. Impeachment of governor, lieutenant governor or district court justice.

Article IV.**The Judiciary.**

Sec.

- 434. Vesting of judicial power.
- 435. District courts; declared highest court; composition; selection of justices.
- 436. Same; appointment, reconfirmation, conduct and retirement age of justices.
- 437. Same; qualifications of justices.
- 438. Same; compensation of justices.
- 439. Judges of other courts.
- 440. Jurisdiction; exercise of authority in unchartered administrative districts; unified judicial system.
- 441. Promulgation of rules of administration and procedure; district court declared court of record.
- 442. Administrative head of courts.

Article V.**Elections and Suffrage.**

- 443. Qualifications for voting.
- 444. Suffrage requirements prescribed by legislature.
- 445. Secrecy.
- 446. Schedule of elections.
- 447. Contested elections.
- 448. Plurality to determine election.
- 449. New election in case of tie.

Article VI.**Public Finance and Taxation.**

- 450. Power; surrender, suspension, etc., of power.
- 451. Public purpose.
- 452. Treasury withdrawals; obligations for payment; unobligated appropriations.
- 453. Provisions controlling expenditures.
- 454. Submission of budget, bills to provide for expenditures.
- 455. Audit.
- 456. Standards of appraisal.
- 457. Residency not to affect rate.
- 458. Exemption of government.
- 459. Private leaseholds; contracts or interests in government property.
- 460. Religious activities exempt.
- 461. Land tax.
- 462. Other exemptions.

Article VII.**Health, Education and Welfare.**

- 463. Promotion of public health and safety.
- 464. Public schools; libraries.

Article VIII.**Environmental Protection, Conservation of Resources and Land Use.**

Sec.

- 465. Environment declared public trust; duties of Kosrae District as trustee of environment.
- 466. Government to promote conservation and development of resources.
- 467. Preservation of natural beauty, historic or cultural interests.
- 468. Harmful substances.
- 469. Acquisition of title to land or waters.
- 470. Zoning regulations.
- 471. Public land trust.

Article IX.**Municipal Government.**

- 472. Chartering; powers generally.
- 473. Taxing power.
- 474. Agreements between municipalities and/or district government.
- 475. Council on municipal government.

Article X.**General Provisions.**

- 476. Boundaries of district.
- 477. Capital.
- 478. Cooperation with other governments.
- 479. Civil service employment.
- 480. Oath for public officials.
- 481. Provisions of charter to be self-executing.
- 482. Enumerated powers not exclusive.

Article XI.**Amendment and Revision.**

- 483. Procedure for passage.
- 484. Not to be vetoed by governor.
- 485. Power of High Commissioner.

Article XII.**Transition.**

- 486. Previous consistent laws to continue in force.
- 487. Effect of charter on contracts, suits, etc.
- 488. Performance of duties by current officers.
- 489. Villages deemed municipalities.
- 490. Effective date.
- 490A. First general election.
- 491. Kosraean translation.

ARTICLE I.

Declaration of Rights.

§ 386. Right to due process and equal protection of law. — A person may not be deprived of life, liberty or property without due process of law, or be denied the equal protection of the law. (P.L. No. 7-123, § 1.)

§ 387. Discrimination. — Equal protection of the law may not be denied or impaired on account of sex, race, religion, ancestry, national origin, language or social status. (P.L. No. 7-123, § 1.)

§ 388. Freedom of speech, association, petition, etc. — No law may deny or impair freedom of expression, peaceable assembly, association, petition, or the freedom of the press. (P.L. No. 7-123, § 1.)

§ 389. Freedom of religion. — No law may be enacted respecting an establishment of religion or impairing the free exercise thereof, except that assistance may be provided to parochial schools for nonreligious purposes. (P.L. No. 7-123, § 1.)

§ 390. Excessive bail and fines; cruel and unusual punishment; habeas corpus. — Excessive bail may not be required; excessive fines may not be imposed; nor cruel and unusual punishments inflicted. The writ of habeas corpus may not be suspended unless required for public safety in case of rebellion or invasion. (P.L. No. 7-123, § 1.)

§ 391. Bills of attainder; ex post facto laws; impairment of contracts. — A bill of attainder, ex post facto law, or law impairing the obligations of contract may not be passed. (P.L. No. 7-123, § 1.)

§ 392. Search and seizure; invasion of privacy. — The right of the people to be secure in their persons, houses, papers and other possessions against unreasonable search, seizure or invasion of privacy may not be violated. A warrant may not issue except on probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized. Such warrant shall be issued by a judge. (P.L. No. 7-123, § 1.)

§ 393. Self-incrimination; double jeopardy. — A person may not be compelled to give evidence which may be used against him in a criminal case or be twice put in jeopardy for the same offense. (P.L. No. 7-123, § 1.)

§ 394. Rights of accused. — In all criminal prosecutions, the accused has the right to a speedy public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. (P.L. No. 7-123, § 1.)

§ 395. Involuntary servitude; slavery. — Neither involuntary servitude, except as punishment for crime, nor slavery may exist in Kosrae District. (P.L. No. 7-123, § 1.)

§ 396. Capital punishment. — Capital punishment is prohibited. (P.L. No. 7-123, § 1.)

§ 397. Debt imprisonment. — Imprisonment for debt is prohibited. (P.L. No. 7-123, § 1.)

§ 398. Freedom of movement and migration. — No law may be passed which restricts movement or migration of citizens of the Trust Territory except in extreme situations where the requirements of public order and security necessitate such a law. (P.L. No. 7-123, § 1.)

§ 399. Quartering of soldiers. — No soldier may, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law. (P.L. No. 7-123, § 1.)

§ 400. Eminent domain. — There shall be no taking of private property for any public purpose until authorized and prescribed by general law enacted pursuant to this section. Such general law shall provide for just compensation, good faith negotiations for lease or purchase prior to a taking, the manner of the taking, and may prescribe further restrictions, conditions and requirements; except, that nothing in this charter shall in any way restrict or impair the paramount power of eminent domain in the central government of the Trust Territory. (P.L. No. 7-123, § 1.)

§ 401. Local customs and existing laws recognized. — Due recognition shall be given to local customs in providing a system of law, and nothing in this charter shall be construed to limit or invalidate any part of the existing law, except as otherwise provided by law. (P.L. No. 7-123, § 1.)

§ 402. Construction of charter rights. — The enumeration of certain rights in this article may not be construed as a denial of other rights retained by the people. (P.L. No. 7-123, § 1.)

ARTICLE II.

The Executive.

§ 403. Governor and lieutenant governor; election of governor; administration of executive affairs. — At a general election the people of Kosrae shall choose from amongst themselves a governor, in whom the executive power of the district government is vested.

The governor is responsible for the administration of the executive affairs of the Kosrae District government, and all executive offices and agencies shall operate under the direction of the governor, unless otherwise provided by law.

The governor is personally and legally responsible to the High Commissioner of the Trust Territory for the administration of programs, projects and activities of the Trust Territory government including any appropriation, apportionment, reapportionment or allotment of funds from the United States Congress, the Congress of Micronesia, the legislature, or from any other source.

The High Commissioner may issue executive orders prescribing the manner in which the governor's personal and legal responsibility shall be discharged. (P.L. No. 7-123, § 1.)

§ 404. Same; eligibility; election; term; limitations of terms. — No person is eligible for the office of governor unless he is at least thirty-five years of age, is a citizen of the Trust Territory by birth, has resided in Kosrae for not less than twenty years cumulatively, at least five of those years to immediately precede the date of election, and is registered to vote at the time of filing for office.

No person is eligible for the office of governor, having been convicted of a felony, unless he has had his civil rights fully and unconditionally restored under a pardon granted pursuant to an official determination of absence of moral turpitude in connection with the crime for which convicted.

In the general election among the qualified voters of Kosrae District, the person receiving a majority of the total votes cast shall be the governor. In case no person receives a majority of the total votes cast, the selection of the governor is determined by special election between the two persons receiving the highest number of votes in the general election.

The term of office of the governor begins at noon on the first Monday in January following the general election, and ends at noon on the first Monday in January, four years thereafter.

No person who has been elected governor for two full terms in succession may again be eligible to hold that office until one full term has intervened. (P.L. No. 7-123, § 1.)

§ 405. Same; lieutenant governor. — The people of Kosrae shall elect a lieutenant governor at the same time, for the same term, and in the same manner as the governor. The lieutenant governor shall meet the same qualifications for holding office as the governor.

The lieutenant governor shall perform such duties as may be delegated by the governor, or as may be prescribed by law. (P.L. No. 7-123, § 1.)

§ 406. Same; vacancy in office. — In the event that the office of governor becomes vacant, the lieutenant governor becomes governor.

If at any time, the governor is unable to exercise or discharge the powers and responsibilities of office, due either to absence from Kosrae District or some disability, the lieutenant governor shall act as governor for the duration of such absence or disability.

Whenever for a period of five months the governor or lieutenant governor has been absent from office, or has been unable to discharge the duties of office by reason of mental or physical disability, the office shall be deemed vacant.

The office of lieutenant governor is succeeded to, in the event of vacancy or for the duration of any absence or disability to discharge the duties of office, by such officials of the government and in such order as provided by law.

Laws providing procedures for determining such absence or disability as creates a vacancy in the executive offices, and laws providing for the order of succession to the office of lieutenant governor, shall be promulgated during the first session of the district legislature following the date upon which this charter becomes effective. (P.L. No. 7-123, § 1.)

§ 407. Same; salaries; not to hold other public office; conflicts of interest. — The governor and lieutenant governor receive annual salaries as provided by law. These salaries may not be increased or decreased for the duration of the term of office in which the increase or decrease became law, except that a reduction in salary may be made by general law applying to all officers or employees of the district government, reducing their salaries by a uniform percentage.

Neither the governor, nor the lieutenant governor may hold any other public office, or accept any other public employment, during their terms of office. The governor and lieutenant governor may not engage in any activity which conflicts with the proper discharge of their duties. (P.L. No. 7-123, § 1.)

§ 408. Same; powers and duties of governor generally. — The governor is responsible for the faithful execution of the law, and shall enforce compliance with the provisions of this charter and all laws created under the legislative power granted herein.

By appropriate action or proceeding before the courts, brought in the name of the district government, and through the offices and agencies of the district government, the governor shall enforce all powers, duties or rights existing under Kosrae District law, but this power may not be construed to authorize any action or proceeding against the legislature. (P.L. No. 7-123, § 1.)

§ 409. Offices and departments. — All executive and administrative offices, departments and instrumentalities of the district government, and their respective functions, powers and duties shall be prescribed by law.

Each principal department of the executive branch is headed by a director nominated and appointed by the governor, with the advice and consent of the legislature. Such directors serve at the pleasure of the governor during his term of office and until the appointment and qualification of their successors, except that the removal of the chief legal officer of the district shall be with the advice and consent of the legislature.

Whenever a board, commission or other body directs a principal department or regulatory or quasi-judicial agency, the members thereof are nominated and appointed by the governor with the advice and consent of the legislature. The terms of office and procedures for removal of members shall be provided by law. (P.L. No. 7-123, § 1.)

§ 410. Power of governor to reprieve, commute and pardon. — The governor may grant reprieves, commutations and pardons, after conviction, for offenses other than impeachment, subject to regulation by law. The governor is authorized in all such cases to make a declaration or statement of the official grounds for the action taken. No reprieve, commutation or pardon may be granted to a person holding the office of governor or lieutenant governor. (P.L. No. 7-123, § 1.)

§ 411. Address to legislature. — The governor shall deliver, in person, an address to the legislature at the beginning of each regular session, in which the state of the district is reviewed, and recommendations for legislative action may be submitted. The governor may communicate with the legislature at such other times as he may deem necessary. (P.L. No. 7-123, § 1.)

§ 412. Declaration of emergency. — If required to preserve public peace, health or safety, at a time of extreme emergency caused by civil disturbance, natural disaster or immediate threat of war or insurrection, the governor may declare a state of emergency and issue appropriate decrees.

A declaration of emergency may not impair the power of the judiciary and all actions taken under such declaration are subject to judicial review to determine if the exercise of emergency powers was justified and if all measures taken were reasonable means of meeting any real and present danger. A declaration of emergency may impair a civil right to the extent actually required for the preservation of peace, health or safety.

Within five days after the issuance of a declaration of emergency, the legislature shall convene at the call of the speaker or the governor and is empowered to revoke, amend or extend the declaration. Unless it expires by its own terms, is revoked or extended, a declaration of emergency is effective for ten days. (P.L. No. 7-123, § 1.)

ARTICLE III.

The Legislature.

§ 413. **Legislative power.** — The legislative power of the district government is vested in the Kosrae District legislature and extends to all rightful subjects of legislation; except, that no legislation may be inconsistent with this charter, the United Nations charter and trusteeship agreement, laws of the United States applicable in the Trust Territory, applicable orders of the President of the United States and the secretary of the department of the interior, and the laws of the Trust Territory. (P.L. No. 7-123, § 1.)

§ 414. **Composition of legislature.** — The legislature is composed of fourteen members, who are elected by the qualified voters of their respective election districts. (P.L. No. 7-123, § 1.)

§ 415. **Electoral districts.** — There are four electoral districts in Kosrae District as follows: Lelu, Malem, Tafunsak, and Utwa. (P.L. No. 7-123, § 1.)

§ 416. **Apportionment of legislators.** — Until reapportionment, the members of the legislature are apportioned as follows: Lelu elects five legislators; Malem elects three legislators; Tafunsak elects four legislators; and Utwa elects two legislators. Reapportionment of the legislature shall be made on the basis of population not later than two years following the date of each official Trust Territory census; provided, that in 1980 a study shall be made to determine whether the apportionment specified in this section is substantially fair. (P.L. No. 7-123, § 1.)

§ 417. **General election; term.** — The members of the legislature are elected at a general election. The term of office is four years commencing, unless otherwise provided by law, at noon on the first Monday of January following their election. (P.L. No. 7-123, § 1.)

§ 418. **Vacancies.** — Any vacancy in the legislature shall be filled for the unexpired term by special election, except that an unexpired term of less than one year is filled by appointment by the governor of a resident of the electoral district in which the vacancy exists, such appointee to meet the qualifications of legislators set forth in section 419 of this title. (P.L. No. 7-123, § 1.)

§ 419. **Eligibility.** — No person is eligible to serve as a legislator unless he has been, at the time of election, a citizen of the Trust Territory for not less than ten years, a resident of Kosrae District for not less than five consecutive years immediately preceding the election, a resident of his electoral district for a period of not less than one year immediately preceding the election, able to read and write, and not less than twenty-five years of age on the day of election. A person convicted of a felony is not eligible to serve as a member of the legislature unless the person so convicted has received a pardon restoring his civil rights. (P.L. No. 7-123, § 1.)

§ 420. **Legislators not to hold other public office or employment; conflicts of interest.** — No member of the legislature may, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which was created, or which had its emoluments increased, by legislative act during such term. The term "public office," for purposes of this section, does not include notaries public, officers of emergency organizations for disaster relief, or an office created by the Congress of Micronesia or the legislature which specifically provides for a member of the legislature to hold

such office. A member of the legislature may not engage in any activity which conflicts with the proper discharge of his duties.

This section does not apply to employment by or election to a constitutional convention or commission. (P.L. No. 7-123, § 1.)

§ 421. Immunities afforded legislators. — Members of the legislature, during their attendance at sessions of the legislature and meetings of its committees, and in going to and returning from the same, are not subject to civil process, and are, in all cases except treason, felony or breach of the peace, privileged from arrest. No member may be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature. (P.L. No. 7-123, § 1.)

§ 422. Salaries. — The members of the legislature shall receive such compensation as provided by law. No law increasing salaries may take effect until the end of the term of office for which the members voting thereon were elected. (P.L. No. 7-123, § 1.)

§ 423. Procedure for convening; special sessions; budget review sessions; recesses. — The legislature shall convene annually in regular session at 9:30 a.m. on the third Tuesday of July and continue in session for a period not to exceed thirty calendar days, excluding weekends and holidays. The legislature shall meet on the first Monday of January following a general election for the purpose of organizing and selecting its committees and officers, such meeting being specifically restricted to organizational matters.

At the written request or vote of two-thirds of the members of the legislature, the speaker of the legislature shall convene the legislature in a special session. The governor may convene the legislature in special session. At a special session convened by the governor, legislation is limited to subjects designated in the proclamation convening the session or to subjects presented by the executive branch. A special session may not exceed fifteen days in length, excluding weekends and holidays.

A budget review session may be called by the speaker, such session specifically restricted to reviewing the budget prepared by the governor. The budget review session may not exceed five days in length, excluding weekends and holidays.

Any session may be recessed by a majority vote of the members of the legislature. Any days in recess pursuant to such vote are excluded in computing the number of days in any session. (P.L. No. 7-123, § 1.)

§ 424. Adjournment. — The legislature may adjourn sine die during any session by a majority vote of the members of the legislature. (P.L. No. 7-123, § 1.)

§ 425. Powers generally. — The legislature is the judge of the qualifications of its members and has, for misconduct, disorderly behavior or neglect of duty by any member, power to punish such member by censure or, upon a vote of two-thirds of the members, by suspension or expulsion of such member. An expulsion creates a vacancy in the legislature, to be filled in accordance with section 418 of this title. The members of the legislature are subject to recall by the voters in a manner prescribed by law.

The legislature shall choose its own officers, determine its rules of procedure, and keep a journal. The legislature has and may exercise all the authority and attributes inherent in legislative bodies, including, but not limited to, the power to institute and conduct investigations, issue subpoenas to witnesses and other concerned parties, and administer oaths. (P.L. No. 7-123, § 1.)

A vetoed bill may be amended to meet the objections of the governor and, if so amended and passed upon one reading, it shall again be presented to the governor, and becomes law only if signed within ten days after presentation. (P.L. No. 7-123, § 1.)

§ 432. Publication and distribution of resolutions and laws. — The governor shall have the laws published in both Kosraean and English within sixty days after they become laws. Resolutions shall be published in both Kosraean and English within sixty days of their adoption by the legislature. The laws and resolutions so published shall be distributed to public officials and offered for sale to the public at the actual cost of publication. In the event of a conflict between the English version of a law and the Kosraean translation of such law, the English version is controlling. (P.L. No. 7-123, § 1.)

§ 433. Impeachment of governor, lieutenant governor or district court justice. — The legislature has the power to impeach, following thorough investigation of all charges, and may exercise such power by a resolution of impeachment. The legislature shall, by law, provide for the manner and procedure for removal by impeachment.

The governor, lieutenant governor, and justices of the district court may be removed from office upon a vote of impeachment for misfeasance and malfeasance in office, or for conviction of a felony.

Justices of the district court may be subject to impeachment upon petition from the governor setting forth in detail the grounds for impeachment.

The governor and lieutenant governor may be subject to impeachment upon petition from the chief justice of the district court setting forth in detail the grounds for impeachment.

Upon receipt of a petition for impeachment, the legislature shall immediately convene to receive evidence and hear the testimony of witnesses. After reviewing all evidence, an affirmative vote of three-fourths of the membership of the legislature is required to adopt a resolution of impeachment.

The power of impeachment may not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the district government, but such person impeached may, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to the law.

No officer may exercise his official duties after he has been notified by the legislature of the initiation of the impeachment process. An officer who is being tried by the legislature may return to his official duties upon defeat of the resolution of impeachment. (P.L. No. 7-123, § 1.)

ARTICLE IV.

The Judiciary.

§ 434. Vesting of judicial power. — The judicial power of the district government is vested in the district court and such other courts or tribunals as may be created by law; except, that nothing contained in this article shall be construed to limit, restrict, or modify the authority or jurisdiction of the High Court for the Trust Territory. (P.L. No. 7-123, § 1.)

§ 435. District courts; declared highest court; composition; selection of justices. — The district court is the highest court of the district and shall initially consist of a single justice. Additional justices may be added by law.

The procedure for selecting the chief justice shall be prescribed by law. As prescribed by law, retired justices of the district court may serve temporarily on the district court at the request of the chief justice. (P.L. No. 7-123, § 1.)

§ 436. Same; appointment, reconfirmation, conduct and retirement age of justices. — The governor nominates and appoints, with the advice and consent of three-fourths of the members of the legislature, the justices of the district court. If the legislature fails to approve two successive nominations for an appointment, the governor shall proclaim a special election to select a justice. Each justice is subject to reconfirmation by three-fourths of the members of the legislature at four-year intervals measured from the date of his original confirmation. A justice of the district court, so long as he is reconfirmed by the legislature, may hold office, during good behavior, until he has attained the age of sixty-five years. (P.L. No. 7-123, § 1.)

§ 437. Same; qualifications of justices. — Justices of the district court shall be citizens of the Trust Territory by birth, at least thirty-five years of age, a resident of Kosrae District for at least twenty years cumulatively and for the five years immediately preceding appointment, be learned in the law, and possess additional qualifications as may be prescribed by law. (P.L. No. 7-123, § 1.)

§ 438. Same; compensation of justices. — Justices of the district court receive compensation as prescribed by law. The compensation of a justice may not be reduced during his tenure, except by general law reducing the salaries of all officers or employees of the district government by a uniform percentage. (P.L. No. 7-123, § 1.)

§ 439. Judges of other courts. — Judges of other courts or tribunals which may be established by law shall be selected in a manner, for terms, and with qualifications as prescribed by law. (P.L. No. 7-123, § 1.)

§ 440. Jurisdiction; exercise of authority in unchartered administrative districts; unified judicial system. — The courts and tribunals of Kosrae District have original and appellate jurisdiction as prescribed by law. The district court shall also exercise the judicial authority of the government of the Trust Territory expressed in the laws of the Trust Territory applicable to district courts of unchartered administrative districts, with appeals to the High Court of the Trust Territory. The courts within Kosrae District shall constitute a unified judicial system for operation and administration. (P.L. No. 7-123, § 1.)

§ 441. Promulgation of rules of administration and procedure; district court declared court of record. — The district court shall make and promulgate rules governing the administration of all courts. The district court shall make and promulgate rules governing the practice and procedure in civil and criminal cases in all courts, which shall have the force and effect of law; provided, that the legislature may establish or change such rules by law. The district court is a court of record. (P.L. No. 7-123, § 1.)

§ 442. Administrative head of courts. — The chief justice of the district court shall be administrative head of all courts. The chief justice may, with the approval of the district court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the judicial system; provided, that such appointment may not be made until at least two levels of courts exist in the district. (P.L. No. 7-123, § 1.)

ARTICLE V.

Elections and Suffrage.

§ 443. **Qualifications for voting.** — A citizen of the Trust Territory who has attained the age of eighteen and is lawfully registered to vote in Kosrae District is qualified to vote in district elections. (P.L. No. 7-123, § 1.)

§ 444. **Suffrage requirements prescribed by legislature.** — The legislature shall prescribe a minimum period of residence, and such other eligibility requirements as are customary and lawful. Procedures for voter registration, method of voting, criteria for disqualification, including conviction of crime or legal incapacity due to incompetence or insanity, shall be established by law. (P.L. No. 7-123, § 1.)

§ 445. **Secrecy.** — Secrecy of voting is required. (P.L. No. 7-123, § 1.)

§ 446. **Schedule of elections.** — There shall be a general election held every four years on the first Tuesday following the first Monday in November; provided, in the event of a natural disaster or other Acts of God, the effect of which precludes holding the election on the foregoing day, the governor may proclaim a later election date in the affected electoral district. (P.L. No. 7-123, § 1.)

§ 447. **Contested elections.** — Contested elections are decided by the election commission under rules and procedures established by law. Election commission determinations are subject to judicial review. (P.L. No. 7-123, § 1.)

§ 448. **Plurality to determine election.** — In all district government elections, unless otherwise provided by law or this charter, the person receiving the highest number of votes is elected and entitled to the office for which the election was held. (P.L. No. 7-123, § 1.)

§ 449. **New election in case of tie.** — Procedures for deciding elections where two or more persons receive the highest and an equal number of votes shall be provided by law. (P.L. No. 7-123, § 1.)

ARTICLE VI.

Public Finance and Taxation.

§ 450. **Power; surrender, suspension, etc., of power.** — The district government is empowered to impose and collect taxes. The power of taxation may not be surrendered, suspended, contracted away or allocated among the political subdivisions of the district government, nor may any exemption from obligation be granted, except as may be provided by laws promulgated pursuant to the provisions of this article. (P.L. No. 7-123, § 1.)

§ 451. **Public purpose.** — No tax may be levied or appropriation of public money made, nor may public property be transferred or public resources utilized, except for a public purpose. (P.L. No. 7-123, § 1.)

§ 452. **Treasury withdrawals; obligations for payment; unobligated appropriations.** — No money may be withdrawn from the district government treasury except in accordance with appropriations made by law.

No obligation for payment of money may be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law are void. (P.L. No. 7-123, § 1.)

§ 453. Provisions controlling expenditures. — Provisions for the control of the rate of expenditures of appropriated moneys, and for the reduction of expenditures when revenues are deemed insufficient to meet proposed expenditures during a given fiscal period may be provided by law. Such provisions as would establish priority allocations and limit further obligations of moneys may be made. (P.L. No. 7-123, § 1.)

§ 454. Submission of budget, bills to provide for expenditures. — The governor shall submit to the legislature, at a time prescribed by law, a budget setting forth a complete plan of proposed expenditures, and a statement estimating the anticipated receipts of the district government for the ensuing fiscal years. The governor shall also provide the legislature with other information that may be required to promote sound fiscal planning. The budget is submitted in a form prescribed by law.

The governor shall also submit to the legislature bills to provide for proposed expenditures and for any recommended additional revenues by which the proposed expenditures are to be met. (P.L. No. 7-123, § 1.)

§ 455. Audit. — The legislature is empowered to require an audit of all expenditures of public funds, a report of which shall be made to the legislature and the governor at such time and in such manner as may be prescribed by law. (P.L. No. 7-123, § 1.)

§ 456. Standards of appraisal. — Standards of appraisal of all property assessed by the district government or its political subdivisions shall be prescribed by law. (P.L. No. 7-123, § 1.)

§ 457. Residency not to affect rate. — The property of citizens of the Trust Territory domiciled outside Kosrae District may not be taxed at a higher rate than the property of residents of Kosrae District. (P.L. No. 7-123, § 1.)

§ 458. Exemption of government. — The property of the government of the Trust Territory and the district government and its political subdivisions is exempt from taxation. (P.L. No. 7-123, § 1.)

§ 459. Private leaseholds; contracts or interests in government property. — Private leaseholds, contracts or interests in property owned or held by the Trust Territory, the district government or its political subdivisions are taxable to the extent of such private interest. (P.L. No. 7-123, § 1.)

§ 460. Religious activities exempt. — The district government may not levy any tax upon the religious activities of churches within Kosrae District. (P.L. No. 7-123, § 1.)

§ 461. Land tax. — No law may be passed which imposes a tax upon land within Kosrae District. (P.L. No. 7-123, § 1.)

§ 462. Other exemptions. — Other exemptions may be granted by law. (P.L. No. 7-123, § 1.)

ARTICLE VII.

Health, Education and Welfare.

§ 463. Promotion of public health and safety. — The district government shall provide for the protection and promotion of the public health and safety by establishing and maintaining such health care facilities and programs as are deemed necessary. (P.L. No. 7-123, § 1.)

§ 464. Public schools; libraries. — The district government shall provide for the establishment and administration of a comprehensive program of public education which is free of sectarian control. The district government shall assure to all the people of Kosrae equal access to public education. There shall be no discrimination in public education because of race, sex, religion or ancestry.

The district government shall also establish public libraries and other educational institutions as may be deemed desirable. (P.L. No. 7-123, § 1.)

ARTICLE VIII.

*Environmental Protection, Conservation
of Resources and Land Use.*

§ 465. Environment declared public trust; duties of Kosrae District as trustee of environment. — The environment of Kosrae District, including, but not limited to, the land, sea and air, is a public trust of which all Kosraeans, living and yet unborn, are beneficiaries. As trustee, the Kosrae District government is obligated to act in a manner calculated to assure the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction. The Kosrae District government, as trustee, is further obligated to secure the fundamental and inalienable right of all its citizens to live in a healthful environment. (P.L. No. 7-123, § 1.)

§ 466. Government to promote conservation and development of resources. — The district government shall promote the conservation and development of agricultural, marine, mineral, forest, water, land and other natural resources. (P.L. No. 7-123, § 1.)

§ 467. Preservation of natural beauty, historic or cultural interests. — The district government is empowered to conserve and develop Kosrae's natural beauty and objects and places of historical or cultural interest.

Any object or site which has been determined to be of historical or cultural value, such determination having been made in a manner prescribed by law, shall be protected from destruction or misuse under regulations which may not interfere with the reasonable use and enjoyment of private property. (P.L. No. 7-123, § 1.)

§ 468. Harmful substances. — Radioactive, toxic chemical or other harmful substances may not be tested, stored, used or disposed of within the jurisdiction of Kosrae District without the express approval of the district government, which may be granted only in a manner to be prescribed by law. (P.L. No. 7-123, § 1.)

§ 469. Acquisition of title to land or waters. — Title to land or waters within Kosrae District may be acquired only by citizens of the Trust Territory or corporations wholly owned by such citizens. (P.L. No. 7-123, § 1.)

§ 470. Zoning regulations. — The district government is empowered to promote a safe and healthy physical order in the residential, civic, and rural sectors of all communities through such zoning regulations as conditions may require. (P.L. No. 7-123, § 1.)

§ 471. Public land trust. — The district government is empowered to establish a public land trust which is administered in a manner prescribed by law. (P.L. No. 7-123, § 1.)

ARTICLE IX.

Municipal Government.

§ 472. Chartering; powers generally. — There shall be a municipal level of government within Kosrae District. The legislature may charter municipalities and provide for the government thereof. The municipalities shall have and exercise such powers as are conferred by this article, or by general law; except, that nothing contained in this article shall authorized the legislature to alter existing municipalities, villages, or political subdivisions without the expressed consent of a majority of the inhabitants of the area to be affected in a manner prescribed by law. (P.L. No. 7-123, § 1.)

§ 473. Taxing power. — Municipalities are empowered to impose and collect taxes, except as prohibited by this charter or where the district government imposes and collects taxes. The legislature has the power to apportion district revenues among the several municipalities. (P.L. No. 7-123, § 1.)

§ 474. Agreements between municipalities and/or district government. — Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any municipality with any other municipality, or with the district government, unless otherwise provided by law. (P.L. No. 7-123, § 1.)

§ 475. Council on municipal government. — There shall be a council on municipal government which shall advise the governor and the legislature on subjects concerning municipalities. The council shall be composed of the highest executives of the respective municipalities of Kosrae District. The chairman of the council shall be selected annually. The chairmanship shall rotate evenly among the municipalities. (P.L. No. 7-123, § 1.)

ARTICLE X.

General Provisions.

§ 476. Boundaries of district. — Kosrae District consists of all the islands of the Trust Territory and their adjacent waters measured outward from appropriate baselines to the maximum distance recognized by international law which lie within the area beginning at a point 0° latitude 161°45' east longitude, then north to a point 08°10' north latitude 161°45' east longitude, then southeast to a point 05° north latitude 166° east longitude, then west to the point of beginning. (P.L. No. 7-123, § 1.)

§ 477. Capital. — The Kosrae District capital shall be designated by law. (P.L. No. 7-123, § 1.)

§ 478. Cooperation with other governments. — The district government and its political subdivisions may cooperate with the United States and its territories, the Trust Territory, and other districts and their political subdivisions on matters of common interest, and funds may be appropriated to effect such cooperation. (P.L. No. 7-123, § 1.)

§ 479. Civil service employment. — The employment of persons in the civil service, as defined by law, or under the district government, is governed by the merit principle. (P.L. No. 7-123, § 1.)

§ 480. Oath for public officials. — All elected public officials, executive appointees and law enforcement officers shall, before entering upon the duties of their offices, take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support and defend the charter of the Kosrae District government, and that I will faithfully discharge my duties as _____ to the best of my ability."

The legislature may prescribe other oaths or affirmations. (P.L. No. 7-123, § 1.)

§ 481. Provisions of charter to be self-executing. — The provisions of this charter are self-executing to the extent that is permitted or required by the terms thereof. (P.L. No. 7-123, § 1.)

§ 482. Enumerated powers not exclusive. — The enumeration of certain powers in this charter may not be construed as a limitation upon the power of the district government to provide for the general welfare of the people. (P.L. No. 7-123, § 1.)

ARTICLE XI.

Amendment and Revision.

§ 483. Procedure for passage. — Revisions of, or amendments to, this charter may be proposed by the legislature by passage in the manner required for legislation, that is, by a two-thirds vote of the members of the legislature.

At a general or special election, or a referendum authorized by law, the proposed amendments or revisions shall be submitted to the electorate for approval or rejection.

The amendments or revisions are effective only if at least thirty percent of the registered voters have cast ballots and a majority of the votes tallied upon the question is in favor of the proposed amendment or revision. (P.L. No. 7-123, § 1.)

§ 484. Not to be vetoed by governor. — No proposal for amendment or revision of this charter adopted in a manner provided by this article may be vetoed by the governor. (P.L. No. 7-123, § 1.)

§ 485. Power of High Commissioner. — The High Commissioner may amend or revise this charter on his own initiative. (P.L. No. 7-123, § 1.)

ARTICLE XII.

Transition.

§ 486. Previous consistent laws to continue in force. — All district laws in force in Kosrae District on the effective date of this charter and consistent herewith continue in force until they expire by their own limitation, are amended or repealed. All Trust Territory laws in force in Kosrae District on the effective date of this charter shall continue in force and effect until they expire by their own limitation, are amended or repealed. The provisions of this charter shall be interpreted in a manner consistent with Trust Territory law and no provisions of this charter shall be construed to repeal by implication Trust Territory law except where a contrary intent is clearly indicated. (P.L. No. 7-123, § 1.)

§ 487. Effect of charter on contracts, suits, etc. — Except as otherwise provided in this charter, all rights, titles, actions, suits, contracts, liabilities and all civil, criminal and administrative proceedings continue unaffected, and the district government is the legal successor to the unchartered district government in all such matters. (P.L. No. 7-123, § 1.)

§ 488. Performance of duties by current officers. — All officers of the unchartered district government, or under its laws, shall continue on the effective date of the charter to perform the duties of their offices in a manner consistent with this charter until they are succeeded by officers of the chartered district government. (P.L. No. 7-123, § 1.)

§ 489. Villages deemed municipalities. — Villages existing on the effective date of this charter shall be deemed municipalities, and shall continue to exercise their powers and functions in a manner consistent with this charter, pending enactment of legislation to carry out the provisions of this charter. (P.L. No. 7-123, § 1.)

§ 490. Effective date. — This charter takes effect upon its passage by the Congress of Micronesia and its approval by the High Commissioner. (P.L. No. 7-123, § 1.)

§ 490A. First general election. — The first general election shall be on the first Tuesday following the first Monday in November of 1978. (P.L. No. 7-123, § 1.)

§ 491. Kosraean translation. — The legislature shall adopt an official Kosraean translation of this charter after the charter is approved by the High Commissioner. (P.L. No. 7-123, § 1.)

CHAPTER 6.

PONAPE DISTRICT CHARTER.

Editor's note. — Section 1 of P.L. No. 7-124 provides, in part:

"We, THE PEOPLE OF THE PONAPE DISTRICT, believing in the Almighty God as the source of life, liberty, peace, and public good, and exercising the rights derived therefrom, do through our representatives

hereby establish this Charter for the self-government of the Ponape District.

With this Charter, we affirm our common wish to live together in peace and harmony, to preserve our heritage, and to promote our general welfare."

Article I.**Territory.**

Sec.

492. Area comprising Ponape District.

Article II.**Civil Rights.**

493. Freedom of religion, speech and press; right to assemble and petition for redress of grievances.

494. Slavery; involuntary servitude.

495. Search and seizure.

496. Due process; eminent domain; double jeopardy; self-incrimination; rights of accused.

497. Bills of attainder; ex post facto laws; impairment of contracts.

498. Excessive bail; excessive fines; cruel and unusual punishments.

499. Capital punishment.

500. Equal rights; equal protection.

501. Freedom of migration and movement.

502. Imprisonment for failure to discharge contract.

503. Privilege of habeas corpus.

504. Quartering of soldiers.

Article III.**Traditional Rights.**

505. Traditional leaders.

506. Protection of traditions.

507. Length of leases.

Article IV.**Suffrage and Elections.**

508. Voter qualifications.

509. Registration; conduct of elections; secrecy of voting.

510. Schedule of elections.

Article V.**Legislature.**

Sec.

511. Legislative power.

512. Composition, terms of members.

513. Electoral precincts.

514. Vacancies.

515. Eligibility.

516. Felons not eligible.

517. Legislators holding other public offices, commissions, etc.

518. Holding public offices created during term; conflicting activities.

519. Salary increases.

520. Immunities afforded legislators.

521. Schedule for convening.

522. Special sessions.

523. Power to judge, discipline, suspend or expel members; recall elections.

524. Officers; rules of procedure; journal.

525. Investigations, hearings, etc.

526. Quorum.

527. Enactment of laws; bills required; subjects; reference to title; enacting clauses.

528. Same; readings.

529. Same; action by governor.

530. Same; procedure after veto by governor.

531. Resolutions directed to governor.

532. Impeachment of governor, lieutenant governor or district court justice.

Article VI.**Executive.**

533. Governor and lieutenant governor; executive powers vested; election; term; limitation of terms.

534. Same; eligibility.

535. Same; lieutenant governor.

536. Same; procedure for election; terms.

537. Same; vacancy in office.

Sec.

- 538. Same; salaries.
- 539. Same; responsibility of governor for execution of charter.
- 540. Same; reprieves, commutations and pardons.
- 541. Same; communication by governor to legislature.
- 542. Departments; executive reorganization plans.
- 543. Declaration of emergency.

Article VII.

Judiciary.

- 544. Vesting of judicial power.
- 545. District courts; court of record; composition.
- 546. Same; term of justices; incapacity of justices; vacancies.
- 547. Same; eligibility of justice.
- 548. Compensation of justices, judges and conciliatory body members.
- 549. Jurisdiction of courts; rules of procedure and evidence; administrative head of courts.

Article VIII.

Finance.

- 550. Taxation.
- 551. Indebtedness.
- 552. Budget; appropriation bill.
- 553. Rate of expenditure.
- 554. Auditor.

Article IX.

Local Government.

- 555. Provision for local governments by law; existing municipalities and towns.
- 556. Structure, organization and boundaries of municipalities and towns.
- 557. Power to tax real property.

Article X.

General Provisions.

- 558. Capital.

Sec.

- 559. Eminent domain.
- 560. Education, health care and legal services.
- 561. Collective bargaining encouraged.
- 562. District defense corps.
- 563. Civil service employment.

Article XI.

Amendment.

- 564. Procedure for revising or amending charter.
- 565. Power of High Commissioner to amend or revise.

Article XII.

Transition.

- 566. Effective date.
- 567. Powers and duties of district government to comply with U.N. charter, etc.
- 568. Continuation of laws existing prior to charter.
- 569. Continuation of performance of duties by officers and employees prior to charter.
- 570. Effect of charter on pre-existing writs, etc.
- 571. Transfer of Trust Territory property to district.
- 572. Establishment of transition procedures by legislature.
- 573. Legislators not prohibited from holding office created in first term of first legislature.
- 574. Responsibility of governor to High Commissioner.
- 575. Powers, duties and composition of departments.
- 576. Executive offices before first election.
- 577. Effect of charter on acts relating to fishery zones.

ARTICLE I.

Territory.

§ 492. Area comprising Ponape District. — Ponape District is comprised of all those islands of the Trust Territory constituting the administrative district of Ponape immediately prior to the effective date of this charter. Marine boundaries between Ponape District and other legal entities shall be determined by law. (P.L. No. 7-124, § 1.)

ARTICLE II.

Civil Rights.

§ 493. Freedom of religion, speech and press; right to assemble and petition for redress of grievances. — No law may be enacted nor government action taken in Ponape District respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble and to petition the government for a redress of grievances. (P.L. No. 7-124, § 1.)

§ 494. Slavery; involuntary servitude. — Neither slavery nor involuntary servitude, except as the latter is punishment for crime whereof the party shall have been duly convicted, may exist in Ponape District. (P.L. No. 7-124, § 1.)

§ 495. Search and seizure. — The rights of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures may not be violated, and no warrants may issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized. (P.L. No. 7-124, § 1.)

§ 496. Due process; eminent domain; double jeopardy; self-incrimination; rights of accused. — No person may be deprived of life, liberty or property without due process of law, nor may private property be taken for public use without just compensation, nor may any person be subject for the same offense to be twice put in jeopardy of life or limb, nor may any person be compelled in any criminal case to be a witness against himself. In all prosecutions the accused shall enjoy the right to a speedy trial, public or private as he may request, to be informed of the nature and cause of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. (P.L. No. 7-124, § 1.)

§ 497. Bills of attainder; ex post facto laws; impairment of contracts. — No bill of attainder, ex post facto law, or law impairing the obligations of contracts may be enacted. (P.L. No. 7-124, § 1.)

§ 498. Excessive bail; excessive fines; cruel and unusual punishments. — Excessive bail may not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (P.L. No. 7-124, § 1.)

§ 499. Capital punishment. — No crime under the laws of Ponape District may be punishable by death. (P.L. No. 7-124, § 1.)

§ 500. Equal rights; equal protection. — No law may be enacted which discriminates against any person on account of race, sex, language, or religion, nor may the equal protection of the laws be denied. (P.L. No. 7-124, § 1.)

§ 501. Freedom of migration and movement. — Subject only to the requirement of public order and security, the inhabitants of Ponape District shall be accorded freedom of migration and movement within the district. (P.L. No. 7-124, § 1.)

§ 502. Imprisonment for failure to discharge contract. — No person may be imprisoned solely for failure to discharge a contractual obligation. (P.L. No. 7-124, § 1.)

§ 503. Privilege of habeas corpus. — The privilege of the writ of habeas corpus may not be suspended, unless the public safety shall require it in cases of insurrection, rebellion or invasion or imminent danger thereof. (P.L. No. 7-124, § 1.)

§ 504. Quartering of soldiers. — In time of peace, no soldier may be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law. (P.L. No. 7-124, § 1.)

ARTICLE III.

Traditional Rights.

§ 505. Traditional leaders. — The role of a traditional leader as recognized by custom and tradition is unaffected by this charter. A traditional leader may be recognized, honored and given formal or functional roles at the district and local levels of government. (P.L. No. 7-124, § 1.)

§ 506. Protection of traditions. — Traditions in Ponape District may be protected by statute. If the statute is challenged as violative of the provisions in article II, the courts in determining whether a compelling social purpose exists for the governmental action shall consider protection of the traditions of Ponape. (P.L. No. 7-124, § 1.)

§ 507. Length of leases. — Leases of undue length may be prohibited by law. (P.L. No. 7-124, § 1.)

ARTICLE IV.

Suffrage and Elections.

§ 508. Voter qualifications. — A citizen of the Trust Territory who has attained the age of eighteen years, has legally resided in the district for not less than three years immediately preceding the date of election, has been a legal resident of the electoral precinct for a period of not less than one year immediately preceding the date of election, and is not under a criminal sentence at the time of election shall be qualified to vote in district elections. Other qualifications may be prescribed by law. (P.L. No. 7-124, § 1.)

§ 509. Registration; conduct of elections; secrecy of voting. — Voter registration and the conduct of elections shall be provided for by law. Secrecy of voting shall be preserved. (P.L. No. 7-124, § 1.)

§ 510. Schedule of elections. — General elections shall be held on the second Friday of November, 1979, and every four years thereafter. In the event of inability to hold the election due to declaration of emergency, natural disaster or other comparable reason, the governor shall proclaim an election not later than thirty days thereafter. Special elections may be held as provided by law. (P.L. No. 7-124, § 1.)

ARTICLE V.

Legislature.

§ 511. Legislative power. — The legislative power of the district government is vested in the Ponape District legislature and shall extend to all rightful subjects of legislation; except, that no legislation may be inconsistent with this charter, the United Nations Charter and trusteeship agreement, laws of the United States applicable in the Trust Territory, applicable orders of the President of the United States and the Secretary of the United States Department of the Interior, and the laws of the Trust Territory. (P.L. No. 7-124, § 1.)

§ 512. Composition, terms of members. — The legislature shall be composed of not more than twenty members, elected every four years at the general election. The terms of the members shall commence on the third day of January following their election, except for legislators elected or appointed to fill vacancies. The size of the legislature may be reduced by statute. (P.L. No. 7-124, § 1.)

§ 513. Electoral precincts. — Until otherwise provided by statute, there shall be eleven electoral precincts in Ponape District as follows: Kapingamarangi, Kitti, Kolonia, Madolenihmw, Mokil, Nett, Ngatik, Nukuoro, Pingelap, Sokehs, and Uh.

Until reapportionment, members of the Legislature shall be elected as follows: Kapingamarangi, Mokil, Ngatik, Nukuoro, and Pingelap shall each have one representative; Kolonia, Nett, and Uh shall each have two representatives; Kitti, Madolenihmw, and Sokehs shall each have three representatives.

Reapportionment on a population basis shall take place before the general election for the first legislature which follows the publication of the results of an official population census taken by the Trust Territory government, or by the Ponape District. (P.L. No. 7-124, § 1.)

§ 514. Vacancies. — Vacancies in the legislature shall be filled in the manner prescribed by statute. (P.L. No. 7-124, § 1.)

§ 515. Eligibility. — No person is eligible to serve as a member of the legislature unless he is at least twenty-five years of age at the time his term of office commences, a citizen of the Trust Territory, has actually resided in Ponape District for at least ten years cumulatively, has legally resided in Ponape District for at least three years immediately preceding his election or appointment, has not voted in any congressional or district legislature election of any other district of the Trust Territory for at least three years immediately preceding his election or appointment, and has been a legal resident of his electoral precinct for at least one year immediately preceding his election or appointment. (P.L. No. 7-124, § 1.)

§ 516. Felons not eligible. — A person convicted of a felony is ineligible to serve as a member of the legislature unless he has received a pardon restoring his civil rights. (P.L. No. 7-124, § 1.)

§ 517. Legislators holding other public offices, commissions, etc. — No member of the legislature may hold another public office in, or be employed by, or receive other compensation or remuneration from, any government or governmental instrumentality, or any nonprofit organization whose financing comes principally from public moneys.

Nothing in this section prohibits any member of the legislature from participating as a member of a charter commission, constitutional convention or governing or policy board of any governmental, quasi-governmental, or nonprofit organization or association, nor prohibits the member from receiving his necessary expenses and the difference between his regular daily legislature compensation and the higher daily compensation for service in such body. (P.L. No. 7-124, § 1.)

§ 518. Holding public offices created during term; conflicting activities. — No member of the legislature may, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which has been created or the emoluments of which have been specifically increased by statute during such term.

No member of the legislature may engage in any activity which conflicts with the proper discharge of his duties. The legislature may prescribe further restrictions. (P.L. No. 7-124, § 1.)

§ 519. Salary increases. — The members of the legislature shall receive annual salaries and allowances, as prescribed by law. A statute increasing salaries may not apply to the legislature that enacted it, nor until after a general election has occurred between the passage of the statute and its being applied; except by general law applying to all salaried officers of the district and in the same average percentage. Allowances shall be reasonably related to official expenses. (P.L. No. 7-124, § 1.)

§ 520. Immunities afforded legislators. — Members of the legislature shall in all cases, except felony or breach of the peace, be privileged from arrest during and while going to and from sessions or committee meetings of the legislature. A member answers only to the legislature for his statements in the legislature or a committee thereof. (P.L. No. 7-124, § 1.)

§ 521. Schedule for convening. — The legislature shall convene on the second Monday of January each year in regular session, or as soon thereafter as is possible. (P.L. No. 7-124, § 1.)

§ 522. Special sessions. — A special session of the legislature may be convened either by the governor or by the speaker of the legislature, upon a petition of one-third of its members. When convened by the governor, its proceedings shall be confined to the subjects stated in the convening call. (P.L. No. 7-124, § 1.)

§ 523. Power to judge, discipline, suspend or expel members; recall elections. — The legislature shall be the sole judge of the qualifications of its members, may discipline a member, and by an affirmative vote of a three-fourths majority of members, may suspend or expel a member.

Upon the petition to recall a member, signed by one-third of the total number of registered voters in his electoral precinct, the governor shall call a special recall election. A legislator shall be recalled upon a majority vote of the total number of registered voters in his electoral precinct.

Upon a vacancy occurring under this section, it shall be filled as provided by section 514 of this article. (P.L. No. 7-124, § 1.)

§ 524. Officers; rules of procedure; journal. — The legislature shall choose its own officers, determine its own rules of procedure, and keep and publish a journal. (P.L. No. 7-124, § 1.)

§ 525. Investigations, hearings, etc. — As incidents of its authority, the legislature and its committees duly authorized may conduct investigations, hold public hearings, subpoena witnesses and documents, and administer oaths. The rules of the legislature shall provide for the enforcement of the contempt power and other incidents of the legislative authority. (P.L. No. 7-124, § 1.)

§ 526. Quorum. — Three-fourths of the members of the legislature shall constitute a quorum. A smaller number than a quorum may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the legislature may provide, including the withholding of salary. The final passage of a bill or resolution shall require the affirmative vote of a majority of members, entered on the journal. (P.L. No. 7-124, § 1.)

§ 527. Enactment of laws; bills required; subjects; reference to title; enacting clauses. — No law may be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. A provision outside the subject expressed in the title is void.

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

The enacting clause of a bill shall be: "Be it enacted by the Ponape District legislature. ..." (P.L. No. 7-124, § 1.)

§ 528. Same; readings. — To become law, a bill shall pass two readings on separate days. The first reading may be on the day of introduction.

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

Bills disapproved by the governor and returned to the legislature require only one reading to override his veto.

A resolution may be adopted on the same day it is introduced. (P.L. No. 7-124, § 1.)

§ 529. Same; action by governor. — Every bill which has passed the legislature shall be certified by the speaker and the clerk and presented to the governor. If the governor approves the bill, he shall sign it and it becomes law. If he does not approve the bill, he shall return it with his objections to the legislature. The governor may veto any specific item or items of appropriation in any bill which appropriates money for specific purposes by striking out or reducing the same, but he may veto other bills only as a whole.

The governor has ten calendar days to consider bills presented to him ten or more days before a recess of at least a week's duration or before adjournment sine die of the legislature. For all other bills he has thirty calendar days after they are presented to him. Any bill neither signed nor returned on or before the time specified shall become law in like manner as if the governor had signed it. (P.L. No. 7-124, § 1.)

§ 530. Same; procedure after veto by governor. — Upon the receipt of a veto message from the governor, the legislature may reconsider the vetoed bill or the item or items vetoed, and again vote upon the bill, item or items vetoed. If approved by a two-thirds majority of members the same shall become law.

If the receipt of the veto message is within the last ten days of the session during which the bill was passed, or during a recess of the legislature, the bill, item or items so vetoed may be reconsidered at the next subsequent session or after the legislature reconvenes. (P.L. No. 7-124, § 1.)

§ 531. Resolutions directed to governor. — Resolutions which are directed to the governor shall be answered in writing by him, or his authorized representative, not later than thirty days after receipt of the resolution. If action is requested of the governor, the answer shall include a progress statement or the reasons why such action is not feasible. (P.L. No. 7-124, § 1.)

§ 532. Impeachment of governor, lieutenant governor or district court justice. — The governor, lieutenant governor or a justice of the district court may be impeached for conviction of a felony, serious misfeasance, malfeasance or neglect of duty in office, or serious misconduct in election to office. The legislature may exercise the power of impeachment by resolution of impeachment adopted by three-fourths majority of members.

Upon the adoption of a resolution of impeachment of the governor or lieutenant governor, a notice of impeachment shall be forthwith served by the clerk of the legislature upon the chief justice of the district court, who shall call a session of the district court to meet within fifteen days after such notice to try the impeachment.

Upon adoption of a resolution of impeachment of a justice of the district court, a notice of impeachment shall be forthwith served by the clerk of the legislature upon the governor, who shall convene a special tribunal as prescribed by law to meet within thirty days at the capital, to sit as a court to try the impeachment, which court shall organize by electing one of its members to preside.

A conviction of impeachment shall require the concurrence of two-thirds of the members of the district court or special tribunal.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust and profit under the district government, but a person so convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to the law.

No officer may exercise his official duties after he has been impeached and notified thereof, and until he has been acquitted. (P.L. No. 7-124, § 1.)

ARTICLE VI.

Executive.

§ 533. Governor and lieutenant governor; executive powers vested; election; term; limitation of terms. — The executive power of the Ponape District government is vested in the governor. He shall be elected by the qualified voters of the Ponape District every four years at the general election. No person may serve more than two full terms, consecutively, as governor. (P.L. No. 7-124, § 1.)

§ 534. Same; eligibility. — No person is eligible to become governor unless he is at least thirty years of age, was either born in or at least one of his parents was born in the area now comprising Ponape District, has been a citizen of the Trust Territory for at least thirty years, has legally resided in the district for at least ten years cumulatively and actually resided in the district for at least three years immediately preceding the date of election, and is a registered voter in the district. Absence from the district while on governmental service shall not constitute an interruption of actual residence. A person convicted of a felony is ineligible to serve, unless he has received a pardon restoring his civil rights. (P.L. No. 7-124, § 1.)

§ 535. Same; lieutenant governor. — There shall be a lieutenant governor who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner as the governor. He shall perform the duties prescribed by law and those delegated to him by the governor. (P.L. No. 7-124, § 1.)

§ 536. Same; procedure for election; terms. — Nominations for the office of governor and the office of lieutenant governor shall be by separate petitions signed by qualified voters, as provided for by law. If no candidate receives a majority of votes cast for the office of governor or lieutenant governor, a runoff election shall be held between the two candidates for that office receiving the highest number of votes in the general election. Tied elections shall be resolved in the manner provided by law, except that if there are only two candidates running, a tied vote shall be decided by the new legislature after organizing.

The terms of governor and lieutenant governor shall begin at noon on the first Wednesday after the second Monday of January following their election, and shall end four years thereafter. (P.L. No. 7-124, § 1.)

§ 537. Same; vacancy in office. — When the office of the governor is vacant, the lieutenant governor shall become governor. In the absence of the governor from the district, or if he is unable to exercise his powers and perform his duties, during his absence or disability such powers and duties devolve upon the lieutenant governor.

When the office of lieutenant governor is vacant, or in the event of the absence or disability of both governor and lieutenant governor, such powers and duties shall devolve upon such officer as may be provided by law. (P.L. No. 7-124, § 1.)

§ 538. Same; salaries. — The governor and lieutenant governor shall receive salaries which may not be increased or reduced during their terms, except by general law applying to all salaried officers of the district and in the same average percentage. (P.L. No. 7-124, § 1.)

§ 539. Same; responsibility of governor for execution of charter. — The governor is responsible for the faithful execution of the provisions of this charter and of the laws. (P.L. No. 7-124, § 1.)

§ 540. Same; reprieves, commutations and pardons. — The governor may grant reprieves, commutations and pardons after conviction for offenses other than impeachment, subject to regulation by law. (P.L. No. 7-124, § 1.)

§ 541. Same; communication by governor to legislature. — The governor shall communicate to the legislature at the beginning of each session on the condition of the district, and may do so at other times. He may in like manner recommend measures he deems desirable. (P.L. No. 7-124, § 1.)

§ 542. Departments; executive reorganization plans. — Until otherwise provided by law, there shall be six departments, all under the supervision of the governor, each with a single director as its executive head. Directors shall be appointed by the governor with the advice and consent of the legislature, and shall serve at the pleasure of the governor, except that the removal of the chief legal officer of the district prior to the termination of the term for which the governor was elected shall be subject to the advice and consent of the legislature.

All executive and administrative offices and instrumentalities of the district shall be allocated among the departments. The executive branch, or any part thereof, may be reorganized by statute, or by the governor. Executive

reorganization plans of the governor may not take effect until after sixty days from their presentation to the legislature, within which time they may be rejected by resolution of the legislature. (P.L. No. 7-124, § 1.)

§ 543. Declaration of emergency. — If required to preserve public peace, health or safety at a time of extreme emergency caused by civil disturbance, natural disaster or immediate threat of war or insurrection, the governor may declare a state of emergency and issue appropriate decrees.

A declaration of emergency may impair a civil right to the extent actually required for the preservation of peace, health or safety.

After the declaration of emergency, the legislature shall convene to consider revocation, amendment or extension of the declaration. If not convened by the speaker or governor earlier, the legislature shall automatically convene on the thirtieth day after the declaration, unless it has expired or is revoked. Unless it expires by its own terms, is revoked or extended, a declaration of emergency is effective for thirty days. (P.L. No. 7-124, § 1.)

ARTICLE VII.

Judiciary.

§ 544. Vesting of judicial power. — The judicial power of the Ponape District government is vested in a district court, and such inferior courts and conciliatory bodies as may be established by law. No administrative agency or body may be given final judicial authority; except, that nothing contained in this article shall be construed to limit, restrict, or modify the authority or jurisdiction of the High Court for the Trust Territory. No administrative agency or body may be given final judicial authority. (P.L. No. 7-124, § 1.)

§ 545. District courts; court of record; composition. — The district court is a court of record and the highest court of the district. It shall consist of a chief justice and two associate justices, who shall be appointed by the governor with the advice and consent of the legislature. (P.L. No. 7-124, § 1.)

§ 546. Same; term of justices; incapacity of justices; vacancies. — Justices shall serve for a term of four years, unless so physically or mentally incapacitated as to be unable to serve, or otherwise removed for cause after hearing. The procedure for determining incapacity, and removal for cause, shall be provided by law. While the chief justice is absent or unable to perform his duties, or there is a vacancy in the office, the eldest associate justice shall serve as acting chief justice. (P.L. No. 7-124, § 1.)

§ 547. Same; eligibility of justice. — No person is eligible to serve as a justice of the district court unless he is at least thirty-five years of age. A person convicted of a felony is ineligible to serve, unless he has received a pardon restoring his civil rights. (P.L. No. 7-124, § 1.)

§ 548. Compensation of justices, judges and conciliatory body members. — Compensation of justices, judges of inferior courts and members of conciliatory bodies shall be prescribed by law. Compensation may not be diminished during their terms of office, except by general law applying to all salaried officers of the district in the same average percentage. (P.L. No. 7-124, § 1.)

§ 549. Jurisdiction of courts; rules of procedure and evidence; administrative head of courts. — The district court, inferior courts and conciliatory bodies shall have the jurisdiction prescribed by district law. In addition, the district court shall exercise the judicial authority of the government of the Trust Territory expressed in the existing laws of the Trust Territory applicable to district courts of unchartered administrative districts, with appeals to the high court of the Trust Territory. When meeting as a trial court, single justices may hold sessions of the district court, as assigned by the chief justice.

The district court shall establish rules of procedure and evidence for the courts of the district, which shall have the force and effect of law, and rules governing the administration of the judiciary.

The chief justice shall serve as the administrative head of the judicial system, and with the approval of the associate justices, may appoint an administrative officer to serve at his pleasure to supervise the administration of the judiciary. (P.L. No. 7-124, § 1.)

ARTICLE VIII.

Finance.

§ 550. Taxation. — The district government shall have the power to impose and collect taxes not otherwise limited by this charter or applicable law. No exemptions from taxation may be granted except by general law. The property of nonresident Trust Territory citizens shall not be taxed at higher rates than Ponape residents. The property of the Trust Territory and the district government or its political subdivisions shall be exempt from taxation. No tax may be levied, appropriation of money made or public property transferred except for a public purpose.

All tax revenues and other receipts shall be paid into the general fund, except as provided by law. Money may be withdrawn from the treasury of the district government only in accordance with appropriations made by law. Obligations for the payment of money or the transfer of public property may be incurred only as authorized by law. (P.L. No. 7-124, § 1.)

§ 551. Indebtedness. — The district government may incur indebtedness not exceeding at any time the average annual amount of district revenues collected locally during the preceding three fiscal years. The district government shall be solely responsible and liable for any indebtedness incurred under this section. The legislature shall annually appropriate moneys sufficient to retire on schedule any existing indebtedness owed by the district government. The provision of this section on the maximum debt which may be incurred is not applicable to indebtedness incurred for a public project where the only security for such indebtedness is the revenues to be generated by the project. (P.L. No. 7-124, § 1.)

§ 552. Budget; appropriation bill. — The governor shall annually prepare and submit to the legislature a budget setting forth a complete plan of proposed expenditures, anticipated grant funds, revenues, and other receipts of the district government for at least the ensuing one year fiscal period, as well as such other information as the legislature may by law require.

The governor shall submit to the legislature his proposed district requests for United States grant funds. The requests submitted from the district shall be as approved by the legislature, or an authorized committee thereof, and agreed to by the governor.

No authorizations of expenditures or appropriations bills, except those recommended by the governor for immediate passage, may be enacted until the bill appropriating money for the budget is enacted. (P.L. No. 7-124, § 1.)

§ 553. Rate of expenditure. — Provisions shall be made by law for the control of the rate of expenditures of appropriated district moneys and grant funds, and for the reduction of such expenditures when revenues and other receipts are deemed insufficient to meet proposed expenditures during a given fiscal period. (P.L. No. 7-124, § 1.)

§ 554. Auditor. — A district auditor shall be appointed by the governor, with the advice and consent of the legislature, to serve for a term of four years and until a successor is appointed. The legislature, by a two-thirds majority of members, may remove the auditor for cause. The auditor shall be responsible for conducting post-audits of all transactions and of all accounts kept by or for all district departments, offices, agencies and instrumentalities certifying to the accuracy of all financial statements issued by the respective accounting officers, and reporting his findings and recommendations to the legislature. The auditor shall make such additional reports and provide such additional information as the legislature may require. The auditor shall require the installation of an accounting system which will assure strict financial accountability. The auditor may contract to augment the capabilities of his office. (P.L. No. 7-124, § 1.)

ARTICLE IX.

Local Government.

§ 555. Provision for local governments by law; existing municipalities and towns. — The legislature shall by general law provide for local government, and delegate taxing power thereto. Municipalities and towns existing on the effective date of the charter shall continue to exercise their powers and functions as prescribed by law. (P.L. No. 7-124, § 1.)

§ 556. Structure, organization and boundaries of municipalities and towns. — The structure, organization and boundary of an existing municipality or town shall not be altered by law enacted by the legislature unless the law provides for approval of the alteration by the government of the municipality or town. (P.L. No. 7-124, § 1.)

§ 557. Power to tax real property. — The power to tax real property shall be vested in the governments of municipalities and towns; provided, that such power may only be exercised pursuant to general law enacted by the legislature. (P.L. No. 7-124, § 1.)

ARTICLE X.

General Provisions.

§ 558. Capital. — The capital of the Ponape District government shall be established by statute. (P.L. No. 7-124, § 1.)

§ 559. Eminent domain. — There may 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 sixty days after the governor's decision to condemn. Nothing in this charter shall in any way restrict or impair the paramount power of eminent domain in the central government of the Trust Territory. (P.L. No. 7-124, § 1.)

§ 560. Education, health care and legal services. — The Ponape District government shall take every step reasonable and necessary to provide education, health care and legal services. (P.L. No. 7-124, § 1.)

§ 561. Collective bargaining encouraged. — The legislature may enact laws respecting persons organizing for the purpose of collective bargaining. (P.L. No. 7-124, § 1.)

§ 562. District defense corps. — 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 legislature may provide by law for the organization and mobilization of the corps and the maintenance of an active branch of the corps. (P.L. No. 7-124, § 1.)

§ 563. Civil service employment. — The employment of persons in the service of the district government shall be under a civil service law, and be governed by the merit principle. (P.L. No. 7-124, § 1.)

ARTICLE XI.

Amendment.

§ 564. Procedure for revising or amending charter. — 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 of 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 called prior thereto. The amendments or revision shall be effective only if approved by a majority of all the votes tallied thereon, a majority of the persons registered to vote having cast ballots at a special election. If a majority of registered voters fails to cast ballots at a special election, unless withdrawn by the legislature, the proposed amendments or revision shall be submitted at another special election called within a reasonable time thereafter. (P.L. No. 7-124, § 1.)

§ 565. Power of High Commissioner to amend or revise. — The High Commissioner may amend or revise this charter on his own initiative, unless otherwise provided by law. (P.L. No. 7-124, § 1.)

ARTICLE XII.

Transition.

§ 566. **Effective date.** — This charter shall take effect upon its passage by the Congress of Micronesia and its approval by the High Commissioner. (P.L. No. 7-124, § 1.)

§ 567. **Powers and duties of district government to comply with U.N. charter, etc.** — For the duration of the trusteeship agreement, the powers and duties of the Ponape District government as granted, permitted or required under this charter shall be deemed limited or expanded, as necessary, to comply with the charter of the United Nations, the trusteeship agreement, laws of the United States applicable in the Trust Territory, applicable orders of the president of the United States or the secretary of the interior, and the laws of the Trust Territory. (P.L. No. 7-124, § 1.)

§ 568. **Continuation of laws existing prior to charter.** — All district laws, and municipal ordinances in force in the unchartered Ponape administrative district on the effective date of this charter and consistent herewith shall continue in force until they expire by their own limitation or are amended, superseded or repealed. All Trust Territory laws in force in Ponape District on the effective date of this charter shall continue in force until they expire by their own limitations, are amended, or repealed. The provisions of this charter shall be interpreted in a manner consistent with Trust Territory law and no provisions of this charter shall be construed to repeal by implication Trust Territory law except where a contrary intent is clearly indicated. (P.L. No. 7-124, § 1.)

§ 569. **Continuation of performance of duties by officers and employees prior to charter.** — On the effective date of this charter, all officers and employees of the district and municipal courts in Ponape, those whose salaries are included in the unchartered Ponape administrative district government budget or in the general appropriation act of the district legislature, and any other officers and employees in Ponape whose functions and duties are succeeded to by the chartered Ponape District government shall continue to perform the duties of their office or employment in a manner consistent with this charter until they are superseded by officers or employees of the chartered Ponape District government. The classification and recognized seniority under the Territorial civil service laws of employees transferred to the service of the district government shall be protected under district law. (P.L. No. 7-124, § 1.)

§ 570. **Effect of charter on pre-existing writs, etc.** — A writ, action, suit, proceeding, civil or criminal liability, prosecution, judgment, sentence, order, decree, appeal, cause of action, defense, contract, claim, demand, title or right shall continue unaffected, notwithstanding the taking effect of this charter, and the chartered Ponape District government shall be the legal successor to the unchartered administrative district government in these matters. (P.L. No. 7-124, § 1.)

§ 571. **Transfer of Trust Territory property to district.** — When an interest in property held by the government of the Trust Territory and attributable to Ponape District is to be transferred to the chartered Ponape District government, it shall be accomplished in accordance with agreements reached between the High Commissioner and the governor, and ratified by the

legislature, concerning designation of the property to be affected and procedures to be followed in implementing the transfer. (P.L. No. 7-124, § 1.)

§ 572. Establishment of transition procedures by legislature. — The legislature shall, by law, establish procedures to ensure a smooth and orderly transition from unchartered administrative district government to the chartered Ponape District government. (P.L. No. 7-124, § 1.)

§ 573. Legislators not prohibited from holding office created in first term of first legislature. — The provisions of section 518 of article V do not prohibit a member of the first legislature under this charter from holding any office or employment created during his term. (P.L. No. 7-124, § 1.)

§ 574. Responsibility of governor to High Commissioner. — The governor shall be personally and legally responsible to the High Commissioner for the administration of programs, projects and activities of the Trust Territory government, including any appropriation, apportionment, reapportionment or allotment of funds of the United States Congress, the Congress of Micronesia, the legislature, or from any other source. The High Commissioner may issue executive orders prescribing the manner in which the governor's personal and legal responsibility shall be discharged. (P.L. No. 7-124, § 1.)

§ 575. Powers, duties and composition of departments. — Until otherwise provided, the departments of education, health services, and public works shall retain their present functions, powers and duties. The department of resources and development shall include the divisions of agriculture, forestry, lands and surveys (including the land commission and land management), labor, marine resources (including the Ponape fishing authority), economic development, and tourism. The department of legal affairs shall include the office of district attorney, public safety, and immigration, and the district attorney shall be director of the department. The department of revenue and administration shall include the revenue office, treasury office, finance and accounting office, budget office, personnel office, planning office, procurement and supply office, public affairs, and transportation and communications.

Allocation of any executive office, department or instrumentality by this charter includes any office or program subordinate to it, and any board or commission advisory to it, or with quasi-legislative or quasi-judicial powers specifically linked to it, or which is attached to it for administrative servicing. (P.L. No. 7-124, § 1.)

§ 576. Executive offices before first election. — Until the election of the first governor and lieutenant governor, the district administrator shall serve as acting governor, and the deputy district administrator shall serve as acting lieutenant governor. In the event of a vacancy in the office of acting governor or acting lieutenant governor prior to such election, the position shall be filled by appointment of the High Commissioner, with the advice and consent of the legislature. (P.L. No. 7-124, § 1.)

§ 577. Effect of charter on acts relating to fishery zones. — This charter does not per se remove Ponape District from the application of any act of the Congress of Micronesia relating to fishery zones. (P.L. No. 7-124, § 1.)