

Ex. Bill

A BILL FOR AN ACT

To repeal sections 101 through 112 of title 8 of the Code of the Federated States of Micronesia to abolish the Commission on Future Political Status and Transition, and for other purposes.

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

1 Section 1. Repealer. Sections 101 through 112 of title 8 of the
2 Code of the Federated States of Micronesia are hereby repealed in their
3 entirety as follows:

4 *Section 101: Creation. There is created a Commission
5 on Future Political Status and Transition.*

6 *Section 102: Definitions. As used in this chapter, unless
7 the context otherwise requires:*

8 (1) *"Commission"* means the Commission on Future
9 Political Status and Transition created by this chapter.

10 (2) *"Constitution"* means the Draft Constitution of the
11 Federated States of Micronesia.

12 (3) *"Executive Director"* means the executive director
13 of the Commission on Future Political Status and Transition.

14 *Section 103: Appointments and terms of members.*

15 (1) *Members of the Commission shall be Trust Territory
16 citizens, and shall serve for a term of two years. The Commission
17 shall consist of the following members:*

18 (a) *Four members from the Congress of the Federated
19 States of Micronesia, each representing a separate State,
20 to be appointed by the Speaker of the Congress, provided, how-
21 ever, that the membership of such members shall not cease
22 upon expiration of membership in the Congress, and provided
23 further that membership of those members representing the
24 States of the Federated States of Micronesia appointed jointly
25 by the President of the Senate and the Speaker of the House*

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1 of Representatives of the Congress of Micronesia shall continue
2 until expiration of the terms to which they were appointed,

3 (b) one member from each of the four States to be
4 appointed by resolution of their respective State legislatures,
5 provided, that in the event a State legislature is not in
6 session, appointment shall be made by a committee thereof duly
7 authorized to act on behalf of the legislature when it is not
8 in session, or in the absence of such a committee, by an appro-
9 priate committee designated by the presiding officer of that
10 legislature. A member appointed by a State legislature may be
11 a member of the legislature and shall be a resident of the
12 State from which appointed, and

13 (c) the Vice President of the Federated States of
14 Micronesia, *ex officio*.

15 (2) All initial appointments made pursuant to this sect-
16 tion shall be transmitted in writing to the Vice President of
17 the Senate of the Congress of Micronesia. All subsequent
18 appointments of members shall be transmitted in writing to the
19 Chairman of the Commission.

20 (3) An appointing authority may not revoke an appoint-
21 ment of a member of the Commission. Upon the expiration of
22 the term of the Commission, the appointing authority shall
23 make a new appointment. A member may be reappointed to
24 serve on the Commission.

25 Section 1041 Vacancy / A vacancy on the Commission shall

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1 be filled in the same manner as the original appointment. Members
2 appointed to fill a vacancy shall serve only for the next
3 fixed term. As used in this section, the term "vacancy" includes
4 a vacancy resulting from:

5 (1) death,

6 (2) resignation, or

7 (3) incapacity to serve by reason of illness, upon finding
8 of same by the Commission.

9 Section 103. First meeting; Election of officers. The
10 Commission shall first be convened no later than sixty days
11 after the effective date of this act by the Vice President
12 of the Senate, who shall act as temporary chairman of the
13 Commission until a permanent chairman of the Commission has
14 been elected by and from among its members. The time and
15 place of the first meeting of the Commission shall be designated
16 by the Vice President of the Senate. The Commission may
17 elect such other officers as it deems necessary.

18 Section 104. Committees; Applicability of prior resolutions.
19 At its first meeting, the Commission shall divide itself into
20 two committees, to be known as the Committee on Future
21 Status and the Committee on Transition, and shall prescribe the
22 duties and responsibilities of each committee as it deems
23 appropriate and consistent with the purpose of this chapter.
24 Upon the formation of the two committees under this section,
25 the Joint Committee on Future Status as established by House

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1 Joint Resolution No. 102 of the Third Congress of Micronesia,
2 Third Regular Session, 1970, shall be dissolved, provided,
3 however, that the sense of the Congress of Micronesia, as
4 expressed in Senate Joint Resolution No. 91 of the Fourth
5 Congress of Micronesia, Second Regular Session, 1972, House
6 Joint Resolution No. 87 of the Third Congress of Micronesia,
7 Third Regular Session, 1970, and Senate Joint Resolution No.
8 6143, Sixth Congress of Micronesia, First Regular Session,
9 1973, applicable to the Joint Committee on Future Status,
10 shall be equally applicable to the Commission. The Commission
11 may establish other committees and subcommittees as it deems
12 necessary. No decision or act of any committee of the Commission
13 shall be final as to the Commission unless approved by the
14 Commission.

15 "Section 107. Meetings + Quorum. The Commission shall meet
16 as often and at such places and times as may be designated
17 by the chairman or by the Commission itself. Its committees
18 and subcommittees or the chairmen thereof may call meetings of
19 their respective committees or subcommittees at such times and
20 places as designated by their respective chairmen. Two-thirds
21 of the members of the Commission shall constitute a quorum of
22 the Commission for all purposes, and a decision of the Commission
23 shall require the approval of a majority of the quorum.

24 "Section 108. Duties and responsibilities.

25 (1) The Commission shall make recommendations to the

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- 1 Congress of Micronesia, the High Commissioner, and the future
2 National Legislature of the Federated States of Micronesia
3 relating to:
- 4 (a) a governmental structure for the new National
5 Government of Micronesia under the Constitution;
 - 6 (b) legislation necessary to implement the Constitu-
7 tion;
 - 8 (c) legislation required when existing laws are
9 found to be inconsistent with the provisions of the Constitution;
 - 10 (d) terms and timetables in areas not specifically
11 provided for in the Constitution for transition from the Trust
12 Territory/Government to the new Government of Micronesia;
 - 13 (e) procedure for an equitable reallocation of
14 government personnel and property;
 - 15 (f) equitable division, if necessary, of assets in
16 the Social Security Fund, Copra Stabilization Fund, Economic
17 Development Loan Fund, and other special funds;
 - 18 (g) Government personnel and employees, including
19 the present and future need for expatriate employees, and the
20 priorities for the development and training of the Trust
21 Territory citizen manpower, including education and training
22 for new public officers and essential Government staff;
 - 23 (h) effectiveness of and necessity for United States
24 Federal programs, agencies, public entities, or organizations
25 that are operating in the Trust Territory, and which programs,

1 agencies, public entities, or organizations should continue to
2 operate in Micronesia both under the Trust/Territory Govern-
3 ment and the new Government, and

4 (1) implementation, prior to termination of the
5 trusteeship of those portions of the Constitution not in funda-
6 mental conflict with the United Nations Charter and the
7 trusteeship agreement.

8 (2) The Commission shall also:

9 (a) continue and complete the work of the Joint
10 Committee on Future Status, and

11 (b) renegotiate the existing staff compact to the
12 extent necessary to conclude satisfactorily the future political
13 status negotiations.

14 (3) The Commission may negotiate, study, recommend,
15 or otherwise deal with any other matters, including those
16 matters originally assigned to the Joint Committee on Future
17 Status, which will effect early and satisfactory conclusion of
18 the future political status negotiation and promote a smooth
19 and orderly transition to Government under the Constitution.

20 (4) The Commission shall be the exclusive representative
21 of the Congress of Micronesia to negotiate in its behalf bilater-
22 ally and multilaterally on future status issues affecting
23 districts, islands, or groups of islands of Micronesia.

24 *Section 109. Compensation of members.

25 (1) Members, other than the chairman of the Commission,

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1 shall be paid at the rate of forty dollars per day while on the
2 business of the Commission or a committee thereof, provided,
3 however, that Members of the Congress of the Federated States
4 of Micronesia and members of State legislatures, as well as/
5 members of the Commission who are also officials or employees
6 of the Government of the Federated States of Micronesia,
7 State governments of the Trust Territory/Government shall not
8 be entitled to compensation from the Commission. The Commis-
9 sion chairman shall receive a salary in an amount established
10 in the Commission's annual budget and appropriation, provided,
11 however, that he is neither a Member of the Congress of the
12 Federated States of Micronesia or a State legislature, nor
13 an official or employee of the Government of the Federated
14 States of Micronesia/or a State government. All members of
15 the Commission shall be entitled to receive travel expenses
16 and per diem at standard Trust Territory rates while on the
17 business of the Commission or committee thereof, chargeable
18 to the funds of the Commission.

19 (2) Any member who is an employee of the Trust Territ-
20 tory or district Government or is a full-time member of a
21 district legislature shall be placed on administrative leave
22 with pay and shall be entitled to receive his regular salary
23 during his service as a member of the Commission.

24 Section 110. Investigative powers. The Commission and its
25 committees and subcommittees shall be investigating commit-

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1 tees as defined in section 402 of title 3 of this code and shall
2 have all of the powers and authority which may be given to
3 investigating committees as set forth in chapter 4 of title 3
4 of this code.

5 "Section 111. Administrative support.

6 (1) The Commission and its committees shall be assisted
7 in their tasks by:

8 (a) the staff of the Congress of Micronesia, which
9 shall provide such administrative and technical assistance as
10 may be necessary; and

11 (b) officers and employees of the executive and
12 judicial branches of the Trust Territory Government and each
13 district government, who shall cooperate with the Commission
14 and its committees, and who shall, upon request of the Commission
15 or its committees, furnish information and other assistance
16 as may be called for in connection with the activities of the
17 Commission.

18 (2) The Commission may contact or otherwise engage the
19 service of such professional, technical, administrative, stenographic,
20 and clerical staff as it deems necessary to carry out
21 its duties and responsibilities.

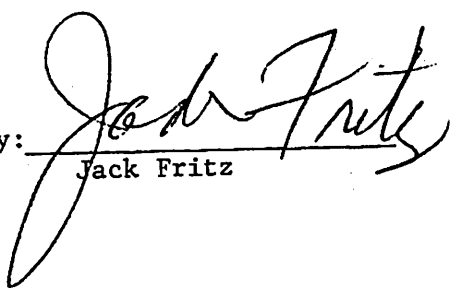
22 "Section 112. Severability. If any provision of this chapter,
23 or the application thereof to any person or circumstances, is
24 held invalid, such holding shall not affect other provisions or
25 application of the chapter which can be given effect without the

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1 *invalid provision of application, and to this end the*
2 *provisions of this chapter are severable."*

3 Section 2. Effective date. This act shall become law upon approval
4 by the President of the Federated States of Micronesia or upon its
5 becoming law without such approval.

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7 Date: Nov. 5, 1982

Introduced by: 
 Jack Fritz

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