

AN ACT

ESTABLISHING A COMMISSION ON FUTURE POLITICAL STATUS AND ECONOMIC DEVELOPMENT;  
APPROPRIATING FUNDS THEREFORE; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE TRUK DISTRICT LEGISLATURE THAT:

Section 1. Establishment. Chapter 9, Title 5 of the Truk District Code is established as follows:

Chapter 9.

Commission on Future Political Status and Economic Development.

Sections

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Section 201. Establishment. There is established a Commission on Future Political Status and Economic Development (the Commission).

Section 202. Members. Members of the Commission shall be Trust Territory citizens and residents of Truk District.

(1) Members by virtue of their position shall be:

- (a) Truk District Administrator;
- (b) Speaker, Truk District Legislature
- (c) President of the Truk Magistrates Conference; and
- (d) One member of the Commission on Future Political Status and Transition, created

by Public Law No. 6-87, appointed by the Truk District Legislature.

- (2) Members by appointment subject to the advice and consent of the Legislature or a committee thereof shall be:
  - (a) Four appointed by the Truk District Administrator;
  - (b) Four Legislators appointed by the Speaker of the Truk District Legislature;
  - (c) One Magistrate appointed by the President of Truk Magistrates Conference;
  - (d) One Congressman appointed by the Truk District Delegation to the Congress of Micronesia; and
  - (e) One appointed by the Truk Chamber of Commerce who shall be a member of the Chamber.
- (3) Appointed members shall serve two year terms and shall be first appointed within thirty days of this Act becoming law.
- (4) A vacancy of an appointed member on the Commission shall be filled in the same manner as the original appointment. Members appointed to fill a vacancy shall serve only for the unexpired term.
- (5) Vacancies or absences of members by virtue of position as designated in Subsection (1), Section 202 of this Act, shall be filled in accordance with the law governing succession to or assumption of the concerned position in a temporary or permanent capacity.

Section 203. Removal. An appointed member of the Commission may be removed from membership for failure to carry out his duties and responsibilities as a member by a two-third vote of the entire membership of the Commission.

Section 204. Organization. The Commission shall be convened no later than sixty days after the effective date of this Act by the Speaker of the Truk District Legislature, who shall act as

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temporary chairman of the Commission until a permanent chairman of the Commission has been elected by and from among its members. The time and place of the first meeting of the Commission shall be designated by the Speaker. The Commission may elect other officers and establish procedures as it deems necessary and consistent with the provisions of this Chapter.

Section 205. Committees. At its first meeting the Commission shall divide itself into two committees, to be known as the Committee on Future Political Status and the Committee on Economic Development, and shall prescribe the duties and responsibilities to each committee as it deems appropriate and consistent with the purpose of this Act. The Commission may establish other committees and subcommittees as it deems necessary. No decision or act of any committee or subcommittee of the Commission shall be final as to the Commission unless approved by the Commission.

Section 206. Meetings. The Commission shall meet as often and at such places and times as may be designated by the Chairman or by the Commission itself. Its committees and subcommittees or the chairman thereof may call meetings of their respective committees or subcommittees at such times and places designated in the convening call. Two-thirds of the members of the Commission shall constitute a quorum of the Commission for all purposes, and a decision of the Commission shall require the approval of a majority of the quorum.

Section 207. Duties and Responsibilities. The Commission shall make recommendations to the Truk District Administrator and Truk District Legislature relating to:

- (1) Future Political Status of the Trust Territory of the Pacific Islands and Truk District;
- (2) The Constitution of the Federated States of Micronesia;
- (3) The formulation and implementation of a constitution for the State of Truk under the Constitution of the Federated States of Micronesia;

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- (4) Recommendations of the Commission on Future Political Status and Transition (Public Law No. 6-87) that pertain to Truk District; and
  - (5) Implementation of the Indicative Development Plan established pursuant to Public Law No. 6-56 as it pertains to Truk District.

Section 208. Investigations.

(1) Committees.

- (a) An investigating committee of the Commission which may consist of the committee of the whole or subcommittees which shall consist of no less than three members.
- (b) A quorum shall consist of a majority of the total authorized number of members of the committee.
- (c) No action shall be taken by a committee at any meeting unless a quorum is present. The committee may act by a majority vote of the members present and voting at a meeting at which there is a quorum, unless the provisions of this act or any other statute requires a greater number or proportion.

(2) Hearings. An investigating committee may hold hearings appropriate for the performance of its duties, at such times and places as the committee determines.

(3) Issuance of subpoenas.

- (a) The Chairman of the Commission may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before the Commission or committees, as the case may be.

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(b) Every investigating committee, by majority vote of all its members, may issue subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before the committee.

(c) Any subpoena, warrant of arrest or other process issued under the authority of the Commission shall run in the name of the Truk District Government and be addressed to any or all of the following officers: the Chief of Police of the Truk District or his deputies or any municipality within Truk District. The subpoena, warrant or other process shall be signed by the Chairman of the Commission, shall contain a reference to the rule of resolution, or other means, by which the taking of testimony or other evidence, or the issuance of such warrant or other process, was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which the testimony or other evidence is to be taken.

(d) Any officer to whom such process is directed, if within his territorial jurisdiction, shall forthwith serve or execute the same upon delivery thereof to him, without charge or compensation.

(3) Notice to Witnesses.

(a) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made at least five days prior to the date of the hearing

unless a shorter period of time is authorized by a majority vote of all the member of the committee in a particular instance when, in their opinion, the giving of five days notice is not practicable but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(b) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a general statement informing him of the subject matter of the committee's investigation or inquiry, and a notice that he may be accompanied at the hearing by counsel of his own choosing.

(4) Conduct of Hearings.

(a) All hearings of an investigating committee shall be public unless the committee, by two-third vote of all of its members determines that a hearing should not be open to the public in a particular instance.

(b) The Chairman of an investigating committee if present and able to act shall preside at all hearings of the committee and shall conduct the examination of a witness himself or supervise examination by other members of the committee, the committee's counsel, or members of the committee's staff who are so authorized. In the Chairman's absence or disability, the vice-chairman shall serve as presiding officer.

(c) No hearing or part thereof, shall be broadcast except upon approval of the committee, by a majority vote of all of its members.

(5) Right to Counsel and Submission of questions.

- (a) Every witness at a hearing of an investigating committee may be accompanied by counsel of his own choosing, who may advise the witness as to his rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.
- (b) Any witness at a hearing, or his counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such questions as are appropriate to the subject matter of the hearing.

(6) Testimony.

- (a) An investigating committee may cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chairman may direct.
- (b) Any testimony given or adduced at a hearing may be under oath or affirmation if the committee so requires.
- (c) The presiding officer of an investigating committee may administer an oath or affirmation to a witness at a hearing of such committee.

(d) The presiding officer at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is over-ruled by a majority vote of the committee members present, disobedience shall constitute contempt.

(e) A witness at a hearing or his counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing any sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(f) A witness at a hearing, upon his request, at his own expense, shall be furnished a transcript of testimony at the hearing, if a record of the same is kept.

(g) Testimony and other evidence given or adduced at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee from which the testimony or other evidence may be released.

(h) All information of a defamatory or highly prejudicial nature received by or for the committee other than in an open or closed hearing shall be deemed to be confidential. No such information shall be made public unless authorized by a majority vote of all members of the committee for legislative purposes, or unless its use is required for judicial purposes.



(7) Interested persons.

- (a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who in the opinion of the committee may be adversely affected thereby, may upon his request or any member of the committee, appear personally before the committee and testify in his own behalf, or with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.
- (b) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission of evidence shall limit in any way the investigating committee's power of subpoena.
- (c) Any person who appears before an investigating committee pursuant to this Section shall have all the rights, privileges and responsibilities of a witness provided by this Act.

(8) Contempt.

- (a) A person shall be in contempt if he:
- (i) fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;
- (ii) fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other doc-

ument subpoenaed by or on behalf of an investigating committee; or (iii) exhibits disrespect of an investigating committee by unlawfully, knowingly, and wilfully interfering directly with the operation and function of such committee by open defiance of an order in or near the meeting place of such committee, by disturbing the peace in or near meeting place, by interfering with an officer of such committee in the lawful performance of his official duties, or unlawfully detaining or threatening any witness of such committee because of that person's duty as a witness.

(b) An investigating committee may, by majority vote of all its members, report to the chairman of the Commission, any instance of alleged contempt. The chairman shall certify a statement of such contempt to the Attorney General or District Attorney who shall prosecute the offender in any proper court of the Trust Territory.

(9) Penalties.

- (a) A person guilty of contempt under this Act shall upon conviction be fined not more than \$1,000 or imprisoned not more than one year or both.
- (b) If any investigating committee fails in any material respect to comply with the requirements of this Act, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued

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or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against the person for contempt or other punishment.

(c) Any witness shall have only privileges against testifying or producing other evidence under subpoena duces tecum which are:

- (i) authorized by Part V of the Trust Territory Rules of Evidence; or
- (ii) required by the Trust Territory Bill of Rights or other law applicable to the Trust Territory.

(d) Any person other than the witness concerned or his counsel who violates the provisions of Paragraphs (g) or (h) of Subsection (6) of this Section shall upon conviction be fined not more than \$500 or imprisoned not more than six months, or both. The Attorney General or the District Attorney on his own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure, may institute proceedings for trial of the issue and imposition of the penalties provided herein.

**Section 209. Administrative Support.**

(1) The Commission and its committees shall be assisted in the performance of their duties and responsibilities by:

- (a) the staff of the Truk District Legislature, which shall provide administrative and technical assistance as may be necessary; and
- (b) officers and employees of the Truk District Government who shall cooperate with the Commission or its committees, furnish information and other assistance as may be called for in connection with the activities of the Commission.

Section 3. Reversion. Any funds appropriated by this Act remaining un-  
expended and unobligated on September 30, 1977, shall revert to the General Fund  
of the Truk District Legislature.

Section 4. Effective Date. This Act shall take effect upon its approval  
by the District Administrator, Truk, or upon its becoming law without such approval.

Signed by: *Koichi Sana*  
Koichi Sana, Speaker  
Truk District Legislature

Attested to: *Datasy Albert*  
Datasy Albert  
Legislative Clerk/Secretary  
Truk District Legislature

Date: *7/29/76*

Approved by: *Erhart Aten*  
Erhart Aten  
Acting District Administrator, Truk

Date: *August 27, 1976*