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A BILL FOR AN ACT

To provide for the selection of delegates and procedures for the Constitutional Convention approved in the referendum of July, 1999, and for other purposes.

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

1 Section 1. Constitutional Convention. There is hereby created
2 a Constitutional Convention in and for the Federated States of
3 Micronesia. The Convention shall be known as "The Constitutional
4 Convention of the Federated States of Micronesia".

5 Section 2. Delegates. The Convention shall consist of four
6 delegations composed of one delegation from each of the four States
7 of the Federated States of Micronesia. The delegates, all of whom
8 shall be citizens of the Federated States of Micronesia, shall be
9 selected as follows:

10 (1) The traditional leadership of each State shall select
11 two traditional leaders to be delegates; PROVIDED, however, that if
12 the traditional leaders decline to serve or if there is no
13 traditional leadership to appoint traditional leaders, then the
14 State affected shall fill these two delegate positions through at-
15 large elections.

16 (2) Each State shall elect delegates from existing
17 Congressional districts of the State as follows:

18 (a) There shall be eleven delegates from Chuuk State,
19 two of whom shall be elected from each Congressional district except
20 that district with the greatest population which shall elect three
21 delegates.

22 (b) There shall be seven delegates from Pohnpei State,
23 two of whom shall be elected from each Congressional district except
24 that district with the greatest population which shall elect three
25 delegates.

1 (c) There shall be three delegates from the Congressional
2 district of Yap State.

3 (d) There shall be two delegates from the Congressional
4 district of Kosrae State.

5 (3) All delegates shall be voting members.

6 Section 3. Elections.

7 (1) Except as otherwise provided in this act, election of
8 delegates shall be held in accordance with title 9 of the Code of
9 the Federated States of Micronesia, as amended.

10 (2) The election of delegates shall be held simultaneously
11 with the regular congressional election in March 2001.

12 (3) Any person who is 25 years of age or older, has
13 fulfilled the resident requirements in the representative State for
14 registration as a voter, as set forth in title 9 of the Code of the
15 Federated States of Micronesia, and is not currently under a
16 judgment of mental incompetency or insanity, or currently under a
17 sentence for any felony for which he or she has been convicted by
18 any court, shall be eligible for election as a delegate from the
19 representative State, unless otherwise excluded by law.

20 (4) Each person voting for delegates shall be permitted to
21 vote for the number of delegates to which the delegate district in
22 which he or she votes is entitled, and the candidate or candidates
23 receiving the highest number of votes from each delegate district
24 shall be the delegates to the Convention from the delegate district.

25 (5) The Convention shall be the sole judge of the elections,

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1 returns, and qualifications of its members; PROVIDED, however, that
2 in case of a tie vote in the election, the winner shall be
3 determined in a run-off election between the candidates so tied.
4 Run-off elections shall occur no later than thirty days after the
5 results of the general delegate election have been announced.

6 (6) In any State with only a single election district, all
7 candidates shall run at-large.

8 Section 4. Vacancies.

9 (1) Vacancies for any appointed or selected delegate shall
10 be filled in the same manner as the original appointment.

11 (2) Vacancies for any elected delegate shall be filled by
12 the candidate receiving the next highest number of votes in the
13 election of delegates from the same delegate district; PROVIDED,
14 that such candidate receives at least thirty percent of the total
15 votes cast in that delegate district; and PROVIDED FURTHER, that if
16 the candidate receiving the next highest number of votes receives
17 less than thirty percent of the total votes cast in that delegate
18 district, or for any vacancy of an elected delegate who was
19 unopposed in the election of delegates, or for any elected delegate
20 for whom more than one candidate tied for the next highest number of
21 votes, the vacancy shall be filled by appointment of the State Chief
22 Executive.

23 Section 5. Pre-Convention Committee.

24 (1) There shall be a Pre-Convention Committee which shall
25 consist of two members from each State who are selected by a

1 majority vote of that State's delegation. Such selection shall be
2 made no later than May 19, 2001, in writing by the State's
3 delegation to the President of the Federated States of Micronesia.

4 (2) The Pre-Convention Committee shall choose its own
5 officers and shall organize according to its own rules and
6 procedures.

7 (3) The duties of the Pre-Convention Committee shall be as
8 follows:

9 (a) to make arrangements for accommodations, equipment
10 and facilities; PROVIDED, however, that the Pre-Convention Committee
11 shall, whenever possible, arrange to utilize National Government
12 equipment and facilities;

13 (b) to make arrangements for staff; PROVIDED, however,
14 that each State delegation to the Convention shall be permitted to
15 bring no more than two technical staff to assist their respective
16 delegations and the Convention;

17 (c) to prepare a budget for the Constitutional
18 Convention to be submitted to Congress in the May session of 2001;

19 (d) to confer with the various State delegations to
20 identify those issues that each delegation wishes to raise at the
21 Convention;

22 (e) to commission any research that it feels should be
23 performed on issues identified by the State delegations prior to the
24 convening of the Convention;

25 (f) to specify a date for convening the Convention;

1 (g) to prepare proposed rules and procedures; and
2 (h) to perform other functions not otherwise reserved
3 to the Convention which will assure a successful and orderly
4 Convention.

5 (4) Members and staff of the Pre-Convention Committee shall
6 be entitled to per diem and travel expenses at standard rates, as
7 provided by the Financial Management Regulations of the National
8 Government of the Federated States of Micronesia, while on the
9 business of the Committee.

10 (5) Staff assistance for the Pre-Convention Committee shall
11 be provided as needed through the National Government of the
12 Federated States of Micronesia, unless otherwise provided by State
13 delegations.

14 (6) The Pre-Convention Committee shall complete its work in
15 no more than fifteen calendar days.

16 Section 6. Procedures.

17 (1) The Constitutional Convention shall convene in Palikir,
18 Pohnpei State, at the National Capital in July of 2001 and shall
19 continue in session for no longer than thirty calendar days,
20 PROVIDED, however, that the Convention may:

- 21 (a) call recesses; and
- 22 (b) extend the session if necessary for up to a total
23 of forty-five calendar days.

24 (2) The President of the Federated States of Micronesia
25 shall act as President of the Convention until the Convention

1 selects a President from among its membership.

2 (3) The Convention shall select, from among its membership,
3 a President and such additional officers as it may deem necessary
4 and appropriate.

5 (4) The Convention shall adopt its own rules and procedures
6 not inconsistent with this act.

7 (5) A quorum of the Convention shall consist of all of the
8 four State delegations. For the purpose of determining a quorum, a
9 State delegation is not present unless more than one-half of the
10 delegates from that State are present.

11 Section 7. Power of Convention.

12 (1) The President of the Constitutional Convention, or the
13 Chairman of any duly established committee thereof, shall have the
14 power and authority to issue subpoenas requiring the attendance of
15 witnesses or the production of books, documents or other evidence,
16 in any matter related to the purpose of the Constitutional
17 Convention. Any subpoena or other process issued under the
18 authority of the Convention shall be issued in the name of the
19 Federated States of Micronesia and shall be addressed to any police
20 officer of the Federated States of Micronesia or of any State. Such
21 subpoena or other process shall be signed by the President of the
22 Convention, shall contain a reference to this section, and shall set
23 forth in general terms the matter or questions with reference to
24 which such testimony or other evidence is to be taken. Any officer
25 to whom the process described in this subsection is directed, if

1 within his jurisdiction, shall forthwith serve or execute the same,
2 without charge or compensation; PROVIDED, however, that any officer
3 serving or executing such subpoena or process shall be compensated
4 for his actual expenses, if any, in connection therewith.

5 (2) The President of the Convention or the Chairman of any
6 duly established committee thereof may administer oaths to witnesses
7 in any matter under the examination of the Convention. Every person
8 summoned as a witness by the Convention to give testimony or to
9 produce papers upon any matter under inquiry before the Convention,
10 and refuses to make oath or affirmation, or to answer any question
11 or inquiry, shall be guilty of contempt of the Constitutional
12 Convention and upon conviction thereof shall be fined not more than
13 \$1,000 or imprisoned for not more than one year, or both. Whenever
14 a person violates any of the provisions of this subsection, the
15 President of the Convention shall certify a statement of such facts
16 to the Secretary of the Department of Justice who shall prosecute
17 the offender in the Supreme Court of the Federated States of
18 Micronesia.

19 (3) The officers and employees of the Federated States of
20 Micronesia shall cooperate with the Convention, furnishing such
21 information as may be called for in connection with research
22 activities of the Convention.

23 (4) No delegate to the Convention shall be held to answer
24 before any tribunal, other than the Convention, for any speech or
25 debate in the Convention, and the delegates shall in all cases,

1 except treason, felony, or breach of the peace, be privileged from
2 arrest while on the business of or in attendance at the Convention,
3 and in going to and from the same.

4 Section 8. Duties of the Convention.

5 (1) The Convention shall propose amendments to the
6 Constitution to be placed on a ballot for a referendum to be held in
7 March 2002; PROVIDED, however, that in the event that an amendment
8 would effect the general election, the amendment or amendments shall
9 be voted on in a special referendum called by the President of the
10 Federated States of Micronesia for December of 2001.

11 (2) Proposed amendments to the Constitution shall be in the
12 format set forth in the Constitutional Amendments Procedure Act,
13 title 1, section 703 of the Code of the Federated States of
14 Micronesia, as amended by Public Law No. 6-105, and any regulations
15 pursuant thereto.

16 (3) When said amendments have been proposed by the
17 Convention, the Convention shall notify the President of the
18 Federated States of Micronesia who shall transmit a copy of the
19 amendments to the Congress of the Federated States of Micronesia,
20 and shall call a referendum as provided by title 1, chapter 7 of the
21 Code of the Federated States of Micronesia, as amended.

22 Section 9. Expenses of delegates and staff.

23 (1) All delegates and staff of the Convention shall be
24 entitled to per diem and travel expenses at standard rates, as
25 provided by the Financial Management Regulations of the National

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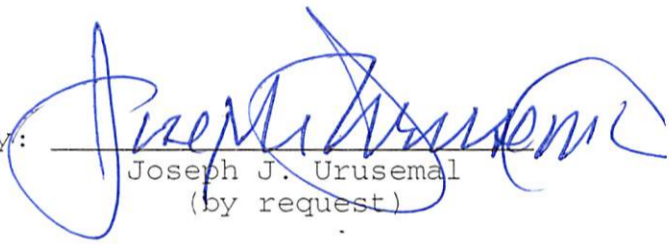
1 Government of the Federated States of Micronesia, while on the
2 business of the Convention.

3 (2) Any delegate who is an official or employee of the
4 National Government of the Federated States of Micronesia shall be
5 placed on administrative leave with pay and shall be entitled to
6 receive his or her regular salary during their service as delegate.

7 (3) Delegates and staff who are not employed by a government
8 and are not entitled to necessary travel expenses and per diem
9 pursuant to subsection (1) of this section, shall be given a \$50.00
10 per day stipend while on the business of the Convention.

11 Section 10. This act shall become law upon approval by the
12 President of the Federated States of Micronesia or upon its becoming
13 law without such approval.

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15 Date: 1/24/2000

Introduced by: 
Joseph J. Urusemal
(by request)

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