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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 March, 1989; to appropriate \$250,000 from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 1990, therefore; 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) Each State shall elect two delegates at-large.

11 (2) The traditional leadership of each State shall select
12 two traditional leaders to be delegates; PROVIDED, however, that if
13 the traditional leaders decline to serve or if there is no
14 traditional leadership to appoint traditional leaders, then the
15 Governor, after consultation with municipal and other State leaders,
16 shall appoint two delegates to fill these positions.

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

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

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

1 three delegates.

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

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

6 (4) All delegates shall be voting members.

7 Section 3. Elections.

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

11 (2) The election of delegates shall be held on August 2,
12 1989.

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

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

1 (5) The Convention shall be the sole judge of the
2 elections, returns, and qualifications of its Members; PROVIDED,
3 however, that in case of a tie vote at the election, the winner shall
4 be determined in a run-off election between the candidates so tied.
5 Run-off elections shall occur no later than 30 days after the results
6 of the general delegate election have been announced.

7 (6) In any State with only a single election district, the
8 State, at its option, may request that all candidates run at large.

9 Section 4. Vacancies.

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

12 (2) Vacancies for any elected delegate shall be filled by
13 the candidate receiving the next highest number of votes in the
14 election of delegates from the same delegate district.

15 Section 5. Pre-Convention Committee.

16 (1) There shall be a Pre-Convention Committee which shall
17 consist of one member from each State who is selected by that State's
18 delegation. Such selection shall be made no later than September 1,
19 1989 and shall be made in writing by the State's delegation to the
20 President of the Federated States of Micronesia.

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

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

25 (a) To make arrangements for accommodations,

- 1 equipment and facilities;
- 2 (b) To make arrangements for staff;
- 3 (c) To prepare a budget for the Constitutional
- 4 Convention to be submitted to Congress in the October session of 1989;
- 5 (d) To confer with the various State delegations to
- 6 identify those issues that each delegation wishes to raise at the
- 7 Convention;
- 8 (e) To commission any research that it feels should
- 9 be performed on issues identified by the State prior to the convening
- 10 of the Convention;
- 11 (f) To specify a date for convening the Convention;
- 12 (g) To prepare proposed rules and procedures; and
- 13 (h) To perform other functions not otherwise reserved
- 14 to the Convention which will assure a successful and orderly
- 15 Convention.
- 16 (4) Members of the Committee shall be entitled to per diem
- 17 and travel expenses, at standard rates as provided by Financial
- 18 Management Regulations of the National Government of the Federated
- 19 States of Micronesia, while on the business of the Committee.
- 20 (5) Staff assistance for the Pre-Convention Committee
- 21 shall be provided as needed through the National Government of the
- 22 Federated States of Micronesia, unless otherwise provided by State
- 23 delegations.
- 24 Section 6. Procedures.
- 25 (1) The Constitutional Convention shall convene in

1 Palikir, Pohnpei State at the National Capital in January of 1990 and
2 shall continue in session for not longer than 45 calendar days,
3 PROVIDED, however;

4 (a) That the Convention may call a recess; and

5 (b) May extend the session if necessary for up to a
6 total of 60 calendar days.

7 The Pre-Convention Committee shall specify the actual date for the
8 convening of the Convention.

9 (2) The President of the Federated States of Micronesia
10 shall act as President of the Convention until the Convention shall
11 select a President from among its membership.

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

15 (4) The Convention shall adopt its own rules of procedure
16 not inconsistent with this act; PROVIDED, however, that no amendment
17 to the Constitution of the Federated States of Micronesia shall be
18 proposed by the Convention except by the affirmative votes of not
19 less than three-fourths of all of the four State delegations, a
20 quorum being present.

21 (5) A quorum of the Convention shall consist of
22 three-fourths of all of the four State delegations. For the purpose
23 of determining a quorum, a State delegation is not present unless
24 more than one-half of the delegates from that State are present.

25 Section 7. Powers of Convention.

1 (1) The President of the Constitutional Convention, or the
2 Chairman of any duly established Committee thereof, shall have the
3 power and authority to issue subpoenas requiring the attendance of
4 witnesses or the production of books, documents, or other evidence,
5 in any matter related to the purpose of the Constitutional Convention.

6 Any subpoena or other process issued under the authority of
7 the Convention shall run in the name of the Federated States of
8 Micronesia and shall be addressed to any police officer of the
9 Federated States of Micronesia or of any State. Such subpoena or
10 other process shall be signed by the President of the Convention,
11 shall contain a reference to this section, and shall set forth in
12 general terms of the matter or questions with reference to which such
13 testimony or other evidence is to be taken.

14 Any officer to whom the process described in this
15 subsection is directed, if with his jurisdiction, shall forthwith
16 serve or execute the same upon delivery thereof to him, without
17 charge or compensation; PROVIDED, however, that any officer serving
18 or executing such subpoena or process shall be compensated for his
19 actual expenses, if any, in connection therewith.

20 (2) The President or the Chairman of any duly established
21 Committee may administer oaths to witnesses in any matter under the
22 examination of the Convention.

23 Every person who, having been summoned as a witness by the
24 Convention to give testimony or to produce papers upon any matter
25 under inquiry before the Convention, refuses to make oath or

1 affirmation, or to answer any question or inquiry, shall be guilty of
2 contempt of the Constitutional Convention and upon conviction thereof
3 shall be fined not more than \$1,000 or imprisoned for not more than
4 1 year, or both.

5 Whenever a person violates any of the provisions of this
6 subsection, the President shall certify a statement of such facts to
7 the Attorney General of the Federated States of Micronesia who shall
8 prosecute the offender in the Supreme Court of the Federated States
9 of Micronesia.

10 (3) The officers and employees of the Federated States of
11 Micronesia and of each State government shall cooperate with the
12 Convention furnishing such information as may be called for in
13 connection with research activities of the Convention.

14 Section 8. Duties.

15 (1) The Convention shall propose amendments to the
16 Constitution to be placed on a ballot for a referendum to be held
17 during the general election of March, 1991; PROVIDED, however, that
18 in the event that an amendment would effect the general election, the
19 amendment or amendments shall be voted on in a special election
20 called by the President for September of 1990.

21 (2) Proposed amendments to the Constitution shall be in
22 the format set forth in the Constitutional Amendment Procedure Act,
23 title 1, section 703 of the Code of the Federated States of
24 Micronesia and any regulations pursuant thereto.

25 (3) When said amendments have been proposed by the

1 Convention, the Convention shall notify the President of the
2 Federated States of Micronesia who shall transmit a copy of the
3 amendments to the Congress of the Federated States of Micronesia, and
4 shall call a referendum as provided by title 1, section 702 of the
5 Code of the Federated States of Micronesia.

6 Section 9. Compensation of Delegates.

7 (1) All delegates who are not residing in their home
8 States shall be entitled to all necessary travel expenses, and to per
9 diem according to the Financial Management Regulations of the
10 Federated States of Micronesia.

11 (2) Delegates who are not employed by a government shall
12 be given a \$25.00 per day stipend.

13 Section 10. Appropriation.

14 (1) There is hereby appropriated out of the General Fund
15 of the Federated States of Micronesia the sum of \$250,000 for the
16 purpose of providing for the conduct of the election of delegates and
17 the travel and per diem expenses of the Pre-Convention Committee
18 prior to the submission and approval of a budget for continued
19 funding of that Committee and of the Convention.

20 (2) The allottee of this appropriation shall be the
21 President of the Federated States of Micronesia or his designated
22 representative.

23 (3) All funds appropriated by this act shall be allotted,
24 managed, administered, and accounted for in accordance with
25 applicable law, including, but not limited to, the Financial

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1 Management Act of 1979. The allottee shall be responsible for
2 ensuring that these funds or so much thereof as may be necessary, are
3 used solely for the purpose specified in this act, and that no
4 obligations are incurred in excess of the sum appropriated. The
5 authority of the allottee to obligate funds appropriated by this act
6 shall lapse as of the convening of the Constitutional Convention.

7 Section 11. Effective date. This act shall become law upon
8 approval by the President of the Federated States of Micronesia or
9 upon its becoming law without such approval.

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Date: 5/12/89

Introduced by: Claude H Phillip
Claude H. Phillip
(by request)