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 a Constitutional Convention in and for the Federated States of Micronesia. The Convention shall be known as "The Constitutional Convention of the Federated States of Micronesia".

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

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

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

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

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

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

(3) All delegates shall be voting members.

Section 3. Elections.

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

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

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

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

(5) The Convention shall be the sole judge of the elections.
returns, and qualifications of its members; PROVIDED, however, that
in case of a tie vote in the election, the winner shall be
determined in a run-off election between the candidates so tied.
Run-off elections shall occur no later than thirty days after the
results of the general delegate election have been announced.
(6) In any State with only a single election district, all
candidates shall run at-large.

Section 4. Vacancies.

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

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

Section 5. Pre-Convention Committee.

(1) There shall be a Pre-Convention Committee which shall
consist of two members from each State who are selected by a
majority vote of that State's delegation. Such selection shall be
made no later than May 19, 2001, in writing by the State's
delegation to the President of the Federated States of Micronesia.
(2) The Pre-Convention Committee shall choose its own
officers and shall organize according to its own rules and
procedures.
(3) The duties of the Pre-Convention Committee shall be as
follows:
(a) to make arrangements for accommodations, equipment
and facilities; PROVIDED, however, that the Pre-Convention Committee
shall, whenever possible, arrange to utilize National Government
equipment and facilities;
(b) to make arrangements for staff; PROVIDED, however,
that each State delegation to the Convention shall be permitted to
bring no more than two technical staff to assist their respective
delegations and the Convention;
(c) to prepare a budget for the Constitutional
Convention to be submitted to Congress in the May session of 2001;
(d) to confer with the various State delegations to
identify those issues that each delegation wishes to raise at the
Convention;
(e) to commission any research that it feels should be
performed on issues identified by the State delegations prior to the
convening of the Convention;
(f) to specify a date for convening the Convention;
(g) to prepare proposed rules and procedures; and
(h) to perform other functions not otherwise reserved
to the Convention which will assure a successful and orderly
Convention.

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

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

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

Section 6. Procedures.

(1) The Constitutional Convention shall convene in Palikir,
Pohnpei State, at the National Capital in July of 2001 and shall
continue in session for no longer than thirty calendar days,
PROVIDED, however, that the Convention may:
(a) call recesses; and
(b) extend the session if necessary for up to a total
of forty-five calendar days.

(2) The President of the Federated States of Micronesia
shall act as President of the Convention until the Convention
1 selects a President from among its membership.
2
3 (3) The Convention shall select, from among its membership,
4 a President and such additional officers as it may deem necessary
5 and appropriate.
6
7 (4) The Convention shall adopt its own rules and procedures
8 not inconsistent with this act.
9
10 (5) A quorum of the Convention shall consist of all of the
11 four State delegations. For the purpose of determining a quorum, a
12 State delegation is not present unless more than one-half of the
13 delegates from that State are present.
14
15 Section 7. Power of Convention.
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17 (1) The President of the Constitutional Convention, or the
18 Chairman of any duly established committee thereof, shall have the
19 power and authority to issue subpoenas requiring the attendance of
20 witnesses or the production of books, documents or other evidence,
21 in any matter related to the purpose of the Constitutional
22 Convention. Any subpoena or other process issued under the
23 authority of the Convention shall be issued in the name of the
24 Federated States of Micronesia and shall be addressed to any police
25 officer of the Federated States of Micronesia or of any State. Such
26 subpoena or other process shall be signed by the President of the
27 Convention, shall contain a reference to this section, and shall set
28 forth in general terms the matter or questions with reference to
29 which such testimony or other evidence is to be taken. Any officer
30 to whom the process described in this subsection is directed, if
within his jurisdiction, shall forthwith serve or execute the same, without charge or compensation; PROVIDED, however, that any officer serving or executing such subpoena or process shall be compensated for his actual expenses, if any, in connection therewith.

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

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

(4) No delegate to the Convention shall be held to answer before any tribunal, other than the Convention, for any speech or debate in the Convention, and the delegates shall in all cases,
except treason, felony, or breach of the peace, be privileged from
arrest while on the business of or in attendance at the Convention,
and in going to and from the same.

Section 8. Duties of the Convention.

(1) The Convention shall propose amendments to the
Constitution to be placed on a ballot for a referendum to be held in
March 2002; PROVIDED, however, that in the event that an amendment
would effect the general election, the amendment or amendments shall
be voted on in a special referendum called by the President of the

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

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

Section 9. Expenses of delegates and staff.

(1) All delegates and staff of the Convention shall be
entitled to per diem and travel expenses at standard rates, as
provided by the Financial Management Regulations of the National
Government of the Federated States of Micronesia, while on the business of the Convention.

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

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

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

Date: 12/4/1980

Introduced by: [Signature]

Joseph J. Urusemal
(by request)