

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, 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
15 at-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 Truk 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
23 State, two of whom shall be elected from each Congressional district
24 except that district with the greatest population which shall elect
25 three delegates.

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

3 (d) There shall be two delegates from the
4 Congressional 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 the National Election Code,
9 title 9 of the Code of the Federated States of Micronesia, as amended.

10 (2) The election of delegates shall be held on January 3,
11 1990.

12 (3) Any person who is 25 years of age or older, has
13 fulfilled the residence 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 judgment
16 of mental incompetency or insanity, or a sentence for any felony for
17 which he has been convicted by any court of the Federated States
18 of Micronesia, 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 votes is entitled, and the candidate or candidates receiving
23 the highest number of votes from each delegate district shall be the
24 delegates to the Convention from the delegate district.

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

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

6 (6) In any State with only a single election district, the
7 State, by law, may require that all candidates 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 that
14 if a vacancy exists for an elected delegate who was unopposed in the
15 election of delegates, or for any elected delegate for whom more than
16 one candidate tied for the next highest number of votes, the vacancy
17 shall be filled by appointment of the State Chief Executive.

18 Section 5. Pre-Convention Committee.

19 (1) There shall be a Pre-Convention Committee which shall
20 consist of one member from each State who is selected by a majority
21 vote of that State's delegation. Such selection shall be made no
22 later than March 19, 1990, and shall be made in writing by the
23 State's delegation to the President of the Federated States of
24 Micronesia.

25 (2) The Pre-Convention Committee shall choose its own

1 officers and shall organize according to its own rules and procedures.

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

4 (a) To make arrangements for accommodations,
5 equipment and facilities; PROVIDED, however, that the Pre-Convention
6 Committee shall whenever possible arrange to utilize National
7 Government equipment and facilities;

8 (b) To make arrangements for staff; PROVIDED, however,
9 that each State delegation to the Convention shall be permitted to
10 bring no more than two technical staff to assist their respective
11 delegations and the Convention;

12 (c) To prepare a budget for the Constitutional
13 Convention to be submitted to Congress in the May session of 1990;

14 (d) To confer with the various State delegations to
15 identify those issues that each delegation wishes to raise at the
16 Convention;

17 (e) To commission any research that it feels should
18 be performed on issues identified by the State delegations prior to
19 the convening of the Convention;

20 (f) To specify a date for convening the Convention;

21 (g) To prepare proposed rules and procedures; and

22 (h) To perform other functions not otherwise reserved
23 to the Convention which will assure a successful and orderly
24 Convention.

25 (4) Members of the Pre-Convention Committee shall be

1 entitled to per diem and travel expenses, at standard rates as
2 provided by Financial Management Regulations of the National
3 Government of the Federated States of Micronesia, while on the
4 business of the Committee.

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

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

11 Section 6. Procedures.

12 (1) The Constitutional Convention shall convene in
13 Palikir, Pohnpei State, at the National Capital in July of 1990 and
14 shall continue in session there for not longer than 30 calendar days,
15 PROVIDED, however;

16 (a) That the Convention may call recesses; and

17 (b) May extend the session if necessary for up to a
18 total of 45 calendar days.

19 The Pre-Convention Committee shall specify the actual date for the
20 convening of the Convention.

21 (2) The youngest elected delegate shall act as President
22 of the Convention until the Convention shall select a President from
23 among its membership.

24 (3) The Convention shall select, from among its
25 membership, a President and such additional officers as it may deem

1 necessary and appropriate.
 2 (4) The Convention shall adopt its own rules of procedure
 3 not inconsistent with this act; PROVIDED, however, that no amendment
 4 to the Constitution of the Federated States of Micronesia shall be
 5 proposed by the Convention except by the affirmative votes of not
 6 less than three-fourths of all of the four State delegations, a
 7 quorum being present.
 8 (5) A quorum of the Convention shall consist of
 9 three-fourths of all of the four State delegations. For the purpose
 10 of determining a quorum, a State delegation is not present unless
 11 more than one-half of the delegates from that State are present.
 12 Section 7. Powers of Convention.
 13 (1) The President of the Constitutional Convention, or the
 14 Chairman of any duly established Committee thereof, shall have the
 15 power and authority to issue subpoenas requiring the attendance of
 16 witnesses or the production of books, documents, or other evidence,
 17 in any matter related to the purpose of the Constitutional Convention.
 18 Any subpoena or other process issued under the authority of
 19 the Convention shall run in the name of the Federated States of
 20 Micronesia and shall be addressed to any police officer of the
 21 Federated States of Micronesia or of any State. Such subpoena or
 22 other process shall be signed by the President of the Convention,
 23 shall contain a reference to this section, and shall set forth in
 24 general terms of the matter or questions with reference to which such
 25 testimony or other evidence is to be taken.

1 Any officer to whom the process described in this
2 subsection is directed, if within his jurisdiction, shall forthwith
3 serve or execute the same upon delivery thereof to him, without
4 charge or compensation; PROVIDED, however, that any officer serving
5 or executing such subpoena or process shall be compensated for his
6 actual expenses, if any, in connection therewith.
7 (2) The President of the Convention or the Chairman of any
8 duly established Committee may administer oaths to witnesses in any
9 matter under the examination of the Convention.
10 Every person who, having been summoned as a witness by the
11 Convention to give testimony or to produce papers upon any matter
12 under inquiry before the Convention, refuses to make oath or
13 affirmation, or to answer any question or inquiry, shall be guilty of
14 contempt of the Constitutional Convention and upon conviction thereof
15 shall be fined not more than \$1,000 or imprisoned for not more than
16 1 year, or both.
17 Whenever a person violates any of the provisions of this
18 subsection, the President of the Convention shall certify a statement
19 of such facts to the Attorney General of the Federated States of
20 Micronesia who shall prosecute the offender in the Supreme Court of
21 the Federated States of Micronesia.
22 (3) The officers and employees of the Federated States of
23 Micronesia and of each State Government shall cooperate with the
24 Convention furnishing such information as may be called for in
25 connection with research activities of the Convention.

1 Section 8. Duties.

2 (1) The Convention shall propose amendments to the
3 Constitution to be placed on a ballot for a referendum to be held
4 during the general election of March, 1991; PROVIDED, however, that
5 in the event that an amendment would effect the general election, the
6 amendment or amendments shall be voted on in a special referendum
7 called by the President of the Federated States of Micronesia for
8 December of 1990.

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

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

19 Section 9. Expenses of Delegates and Staff. All delegates and
20 staff who are not residing in their home States while on the business
21 of the Convention shall be entitled to all necessary travel expenses,
22 and to per diem according to the Financial Management Regulations of
23 the Federated States of Micronesia.

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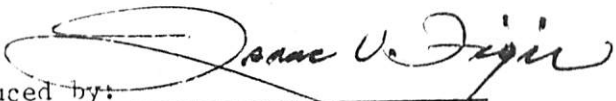
C. B. No. 6-97

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

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5 Date: 9-15-89

Introduced by:


Isaac V. Figir

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