

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

1 State, two of whom shall be elected from each Congressional district
2 except that district with the greatest population which shall elect
3 three delegates.

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

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

8 (3) All delegates shall be voting members.

9 Section 3. Elections.

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

13 (2) The election of delegates shall be held on January 9, 1990.

14 (3) Any person who is 25 years of age or older, has fulfilled
15 the residence requirements in the representative State for registration
16 as a voter, as set forth in title 9 of the Code of the Federated States of
17 Micronesia, and is not currently under a judgment of mental incompetency
18 or insanity, or currently under a sentence for any felony for which he has
19 been convicted by any court, shall be eligible for election as a delegate
20 from the 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 the
25 delegates 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, however,
3 that in case of a tie vote at the election, the winner shall be determined
4 in a run-off election between the candidates so tied. Run-off elections
5 shall occur no later than 30 days after the results of the general
6 delegate election have been announced.

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

9 Section 4. Vacancies.

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

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

1 of that State's delegation. Such selection shall be made no later than
2 March 19, 1990, and shall be made in writing by the State's delegation
3 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 procedures.

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

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

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

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

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

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

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

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

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

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

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

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

13 Section 6. Procedures.

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

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

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

21 (2) The President of the Federated States of Micronesia
22 shall act as President of the Convention until the Convention shall
23 select a President from 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 unless the proposed amendment shall have
6 passed two readings on separate days, a quorum being present.
7 To pass first reading the affirmative votes of not less than
8 three-fourths of all of the delegates shall be required. On final
9 reading the affirmative votes of all of the four State delegations
10 shall be required.

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

15 Section 7. Powers of Convention.

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

21 Any subpoena or other process issued under the authority of
22 the Convention shall run in the name of the Federated States of
23 Micronesia and shall be addressed to any police officer of the
24 Federated States of Micronesia or of any State. Such subpoena or
25 other process shall be signed by the President of the Convention,

1 shall contain a reference to this section, and shall set forth in
2 general terms of the matter or questions with reference to which such
3 testimony or other evidence is to be taken.

4 Any officer to whom the process described in this
5 subsection is directed, if within his jurisdiction, shall forthwith
6 serve or execute the same upon delivery thereof to him, without
7 charge or compensation; PROVIDED, however, that any officer serving
8 or executing such subpoena or process shall be compensated for his
9 actual expenses, if any, in connection therewith.

10 (2) The President of the Convention or the Chairman of any
11 duly established Committee thereof may administer oaths to witnesses
12 in any matter under the examination of the Convention.

13 Every person who, having been summoned as a witness by the
14 Convention to give testimony or to produce papers upon any matter
15 under inquiry before the Convention, refuses to make oath or
16 affirmation, or to answer any question or inquiry, shall be guilty of
17 contempt of the Constitutional Convention and upon conviction thereof
18 shall be fined not more than \$1,000 or imprisoned for not more than
19 1 year, or both.

20 Whenever a person violates any of the provisions of this
21 subsection, the President of the Convention shall certify a statement
22 of such facts to the Attorney General of the Federated States of
23 Micronesia who shall prosecute the offender in the Supreme Court of
24 the Federated States of Micronesia.

25 (3) The officers and employees of the Federated States of

1 Micronesia shall cooperate with the Convention, furnishing such
2 information as may be called for in connection with research activities
3 of the Convention.

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

10 Section 8. Duties of the Convention.

11 (1) The Convention shall propose amendments to the Constitution
12 to be placed on a ballot for a referendum to be held during the general
13 election of March, 1991; PROVIDED, however, that in the event that an
14 amendment would effect the general election, the amendment or amendments
15 shall be voted on in a special referendum called by the President of the
16 Federated States of Micronesia for December of 1990.

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

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

1 Code of the Federated States of Micronesia.

2 Section 9. Expenses of Delegates and Staff.

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

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

12 (3) Delegates and staff who are not employed by a
13 government and are not entitled to necessary travel expenses and per
14 diem pursuant to subsection (1) of this section, shall be given a
15 \$50.00 per day stipend while on the business of the Convention.

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

19

20 *Becomes Law 10/31/89*

21 *w/o signature*

22

23

24

25

_____, 1989

John R. Haglelgam
President
Federated States of Micronesia