

A BILL FOR AN ACT

To provide for the selection of delegates and procedures for the Constitutional Convention approved in the referendum of March 2011, and for other purposes.

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

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

6 Section 2. Delegates. The Convention shall consist of
7 four delegations composed of one delegation from each of the
8 four states of the Federated States of Micronesia.

9 (1) Composition of Delegations. The delegates, all of
10 whom shall be citizens of the Federated States of Micronesia,
11 shall be selected as follows:

12 (a) There shall be five (5) delegates elected from
13 existing congressional districts and one (1) delegate elected
14 at-large from Chuuk State.

15 (b) There shall be three (3) delegates elected from
16 existing congressional districts and one (1) delegate elected
17 at-large from Pohnpei State.

18 (c) There shall be one (1) delegate elected from the
19 congressional district and one (1) delegate elected at-large

1 from Yap State.

2 (d) There shall be one (1) delegate elected from
3 the congressional district and one (1) delegate elected at-
4 large from Kosrae State.

5 (2) Eligibility. Unless otherwise excluded by law, a
6 person shall be eligible for election as a delegate from the
7 representative state if he:

8 (a) is a citizen of the Federated States of
9 Micronesia who is twenty-five (25) years of age or older; and

10 (b) has fulfilled the residency requirements set
11 forth in title 9 of the Code of the Federated States of
12 Micronesia for registration as a voter in the representative
13 state or in the case of district candidates, in the
14 representative district; and

15 (c) is not currently under a judgment of mental
16 incompetency or insanity, or under parole, probation, or a
17 sentence for any felony for which he has been convicted by any
18 court; and

19 (d) does not currently hold elected office in the
20 national government.

21 (3) All delegates shall be voting members.

22 Section 3. Elections.

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

1 (2) The election of delegates shall be held
2 simultaneously with the regular congressional election in March
3 2013.

4 (3) Each person voting for delegates shall be permitted
5 to vote for one district delegate and one delegate at-large.
6 The candidate receiving the highest number of votes for a
7 district or at-large seat shall be the delegate to the
8 Convention from the representative district or state.

9 (4) The Convention shall be the sole judge of the
10 elections, returns, and qualifications of its members;
11 PROVIDED, however, that in case of a tie vote in the election,
12 the winner shall be determined, if necessary, in a run-off
13 election between the candidates so tied. Run-off elections
14 shall occur no later than thirty days after the results of the
15 general delegate election have been announced.

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

18 (6) The deadline for candidates to file nomination
19 petitions for the election shall be seventy (70) days prior to
20 the date of the election.

21 Section 4. Vacancies. Vacancies in any state's
22 convention delegation shall be filled by the relevant candidate
23 receiving the next highest number of votes in the state's
24 delegate election. In the event of a tie between two or more
25 candidates for the next highest number of votes, the vacancy

1 shall be filled by appointment by the Governor from among the
2 tied candidates. Any vacancy of a delegate who was unopposed
3 in the delegate election shall be filled by appointment by the
4 Governor. Any vacancy in a traditional leader seat must be
5 filled by a traditional leader, if available.

6 Section 5. Pre-Convention Committee.

7 (1) There shall be a Pre-Convention Committee which
8 shall consist of two members from each state's convention
9 delegation who are selected by a majority vote of that state's
10 convention delegation. Such selection shall be made no later
11 than May 19, 2013, in writing by the State's delegation to the
12 President of the Federated States of Micronesia.

13 (2) The Pre-Convention Committee shall be convened at
14 the call of the Speaker of the Congress of the Federated States
15 of Micronesia, and shall choose its own officers and organize
16 according to its own rules and procedures.

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

19 (a) to make arrangements for accommodations,
20 equipment and facilities; PROVIDED, however, that the
21 Pre-Convention Committee shall, whenever possible, arrange to
22 utilize National Government equipment and facilities;

23 (b) to make arrangements for staff;

24 (c) to prepare a budget for the Constitutional
25 Convention to be submitted to Congress in the regular or

1 special session of Congress next following;

2 (d) to confer with the various State delegations
3 to identify those issues that each delegation wishes to raise
4 at the Convention;

5 (e) to commission any research that it feels
6 should be performed on issues identified by the state
7 delegations prior to the convening of the Convention;

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

10 (g) to prepare proposed rules and procedures; and

11 (h) to perform other functions not otherwise
12 reserved to the Convention which will assure a successful and
13 orderly Convention.

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

19 (5) Staff assistance for the Pre-Convention Committee
20 shall be provided as needed through the National Government of
21 the Federated States of Micronesia.

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

24 Section 6. Procedures.

25 (1) Once convened, the Constitutional Convention shall

1 continue in session for no longer than thirty calendar days;

2 PROVIDED, however, that the Convention may:

3 (a) call recesses; and

4 (b) extend the session, if necessary, for up to a
5 total of forty-five calendar days.

6 (2) The President of the Federated States of
7 Micronesia, or his designee, shall act as President of the
8 Convention until the Convention selects a President from among
9 its membership.

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

13 (4) The Convention shall adopt its own rules and
14 procedures not inconsistent with this act. All sessions of the
15 Convention shall be open to the public.

16 (5) A quorum of the Convention shall consist of all of
17 the four state delegations. For the purpose of determining a
18 quorum, a state delegation is not present unless more than
19 one-half of the delegates from that state are present.

20 Section 7. Powers of Convention.

21 (1) Subpoena Powers. The President of the
22 Constitutional Convention, or the Chairman of any duly
23 established committee thereof, shall have the power and
24 authority to issue subpoenas requiring the attendance of
25 witnesses or the production of books, documents or other

1 evidence, in any matter related to the purpose of the
2 Constitutional Convention. Any subpoena or other process
3 issued under the authority of the Convention shall be issued in
4 the name of the Federated States of Micronesia and shall be
5 addressed to any police officer of the Federated States of
6 Micronesia or of any state. Such subpoena or other process
7 shall be signed by the President of the Convention, shall
8 contain a reference to this section, and shall set forth in
9 general terms the matter or questions with reference to which
10 such testimony or other evidence is to be taken. Any officer
11 to whom the process described in this subsection is directed,
12 if within his jurisdiction, shall forthwith serve or execute
13 the same, without charge or compensation; PROVIDED, however,
14 that any officer serving or executing such subpoena or process
15 shall be compensated for his actual expenses, if any, in
16 connection therewith.

17 (2) Oaths and Affirmations. The President of the
18 Convention or the Chairman of any duly established committee
19 thereof may administer oaths to witnesses in any matter under
20 the examination of the Convention. Every person who, summoned
21 as a witness by the Convention to give testimony or to produce
22 papers upon any matter under inquiry before the Convention,
23 refuses to make oath or affirmation, or to answer any question
24 or inquiry, shall be guilty of contempt of the Constitutional
25 Convention and, upon conviction thereof, shall be fined not

1 more than \$1,000 or imprisoned for not more than one year, or
2 both. Whenever a person violates any of the provisions of this
3 subsection, the President of the Convention shall certify a
4 statement of such facts to the Secretary of the Department of
5 Justice who shall prosecute the offender in the Supreme Court
6 of the Federated States of Micronesia.

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

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

18 Section 8. Duties of the Convention.

19 (1) The Convention shall propose amendments to the
20 Constitution to be placed on a ballot for a referendum to be
21 held in March 2015, or during a special election called for
22 that purpose on an earlier date; PROVIDED, however, that in the
23 event that an amendment would effect the general election, the
24 amendment or amendments shall be voted on in a special
25 referendum called by the President of the Federated States of

1 Micronesia for December of 2014.

2 (2) Proposed amendments to the Constitution shall be in
3 the format set forth in the Constitutional Amendment Procedure
4 Act, title 1, section 703 of the Code of the Federated States
5 of Micronesia, as amended, and any regulations issued pursuant
6 thereto.

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

14 Section 9. Expenses of delegates and staff.

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

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

25 (3) Delegates who are not employed by a government and

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

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

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8 Date: 11/19/12

Introduced by: /s/ David W. Panuelo

David W. Panuelo

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