

**A COMMITTEE PROPOSAL**

Amending article V of the Chuuk State Constitution, by changing the bicameral Legislature to an unicameral Legislature.

BE IT RESOLVED BY THE THIRD CHUUK CONSTITUTIONAL CONVENTION:

Section 1. Amendment. Article V of the Chuuk State Constitution is hereby amended to read as follows:

"ARTICLE V

LEGISLATIVE

Section 1. The legislative power of the State Government is vested in the Legislature. This power extends to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the Federated States of Micronesia.

Section 2. Membership in the Legislature is based on population and geographical configuration. The Legislature consists of 28 members who shall be known as Senators.

Section 3.

For purposes of representation in the Legislature, the State of Chuuk is divided into 5 Geographical Regions, as follows:

(1) Northern Namoneas, consisting of the islands of Weno, Fono, and Piis-Panewu, 5 members;

(2) Southern Namoneas, consisting of the islands of Tonoas, Etten, Fefen, Parem, Siis, Totiw, and Uman, 7 members;

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(3) Faichuk, consisting of the islands of Udot, Eot, Romanum, Fanapanges, Polle, Paata, Wonei, and Tol, 7 members;

(4) Mortloks, consisting of the islands of Nema, Losap, Piis-emwar, Namoluk, Ettal, Moch, Kuttu, Ta, Satowan, Lukunoch, and Oneop, 6 members;

(5) Northwest islands, consisting of the islands of Nomwin, Fananu, Ruo, Murilo, Onoun, Makur, Onou, Unanu, Piherarh, Houk, Polowat, Tamatam, and Pollap, 3 members.

Section 4. Each Senator shall serve for a 4 year term. The terms of all members of the Legislature shall begin at noon on October 1st following the general election.

Section 5. Every 4 years when a new Legislature convenes, the Legislature shall organize by the election of one of its members as presiding officer. The presiding officer shall be designated as the Speaker. Other officers may also be elected, as provided by the Legislature's rules.

Section 6. A vacancy in the Legislature shall be filled for the unexpired term by a special election, but an unexpired term of less than one year shall be filled by appointment of

the Governor.

Section 7.

(a) No person is eligible to serve as a Senator unless at least 30 years of age on the day of election; was born a Chuukese; has been a resident and registered voter of the Geographical Region from which

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elected for at least 5 years prior to the day of election; and is a citizen of the Federated States of Micronesia.

(b) No person convicted of a felony is eligible to serve as a member of the Legislature, even if pardoned. A member of the Legislature who has been convicted of a felony shall automatically be expelled from the Legislature, but is eligible to run again if the conviction is reversed on appeal.

(c) The Legislature is the sole judge of the elections and qualifications of its members. Determination of election and qualification of members must be in compliance with subsections (a) and (b) of this section and by statute. Section 8.

(a) Except as limited by this Constitution, members of the legislature shall receive salaries as prescribed by statute. No member may receive as salary and expense allowance a total amount greater than  $\frac{3}{4}$  of the equivalent to

which the Governor is entitled by law.

(b) The expense allowance for each member of the Legislature may not exceed 1/5 of the member's annual salary.

(c) Upon request of the Governor or both of the presiding officers of the Legislature, the Election Commission shall submit the following question to the voters at the next general election: "Shall there be an increase in the salaries of the Governor,

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Lieutenant Governor, or members of the Legislature? " If a majority of the votes cast on this question is in the affirmative, the Legislature may provide for an increase not to exceed \$2,000 for each officer and member.

Section 9.

(a) A member of the Legislature may hold no other public office or public or private employment, except as a notary public, a member of an emergency organization for civil defense or disaster relief, or an employee or member of a Constitutional Convention or Commission. A member of the Legislature may not receive any compensation or remuneration from any other governmental branch, agency, authority, or instrumentality, or from any organization whose income is derived from state funds.

(b) During a term of service and the year following the expiration of the term, a member of the Legislature may not be appointed to any office or employment which was created by the Legislature during such term.

(c) A member of the Legislature may not engage in any activity which conflicts with the proper discharge of the duties of a legislator.

Section 10. A member of the Legislature may not be held to answer before any tribunal for any statement made or action taken in the exercise of the member's legislative functions. A member of the Legislature shall in all cases, except a felony or breach of

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peace, be privileged from arrest during attendance at, and in going to and returning from, sessions or committee meetings of the Legislature.

Section 11.

(a) The Legislature shall convene annually in a regular session, which may not exceed 60 working days as provided by law.

(b) A special session, which may not exceed 15 working days as provided by law, shall be convened at the call of the Governor, at the written order signed by a majority of

all of the members of the Legislature, if the Legislature is not in session, or by a vote of a majority of the members present in the Legislature, if the legislature is in session. No subjects of legislation may be considered at a special session called by the Governor other than those specified in the call or in any message by the Governor to the Legislature while in session.

(c) At the start of a regular or special session, the Legislature shall appoint a committee to inform the Governor formally that the Legislature is prepared to transact business.

Section 12. The enacting clause of every bill shall be as follows: "Be it enacted by the Chuuk State Legislature," No law may be enacted except by bill.

Section 13.

(a) Every bill passed by the Legislature shall be certified by the Speaker and the clerk shall be presented to the Governor. The Governor shall have

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ten days to consider a bill presented when 10 or more days remain before adjournment sine die, and 30 days to consider a bill presented when less than 10 days remain before adjournment sine die or presented after adjournment sine

die. If the Governor signs the bill within the time period required for consideration, it shall become a law. If the Governor disapproves, he shall so indicate and return the bill with objections to the Legislature within the time period required for consideration. If the Governor takes no action and does not return the bill within such period, it shall become a law in like manner as if signed.

(b) When a bill is disapproved and returned by the Governor with objections, the Legislature may proceed to consider it. If a bill is re-passed by the Legislature by a 2/3 vote of the members present, one reading required for each passage, it shall become a law.

(c) The Governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out the same, but may disapprove other bills only as a whole.

(d) If, upon receipt of a veto message from the Governor, the Legislature has adjourned sine die, the Legislature may reconsider the disapproved bill in the next regular or special session.

Section 14.

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(a) A majority of the members of the Legislature

constitutes a quorum for the transaction of business.

However, a smaller number, not less than  $\frac{3}{4}$  of the number of members required for a quorum, may compel an absent member to attend sessions of the Legislature by ordering loss of salary and expense allowance, suspension, or both. Such action may be overturned only by a vote of  $\frac{2}{3}$  of all the members of the Legislature, but the Legislature may not overturn a loss of salary or expense allowance for any session days which the member has failed to attend.

(b) The legislature may punish a member for misconduct, disorderly behavior, or neglect of duty by censure or, upon a  $\frac{2}{3}$  vote of all of the members of the Legislature, by suspension or expulsion.

Section 15.

(a) In order to become a law, a bill shall pass 2 readings, on separate days. The final passage of a bill shall be by majority roll call vote of all the members, which shall be entered upon the journal. Adoption of a resolution is by a majority vote of the members present. .

(b) Every Legislative act shall have but one subject, which shall be expressed in its title. A provision not included in the subject expressed in the title is void. No law or a section of a law may be amended or revised by reference to its title only, but in every instance the law



or section shall be published in its entirety, as amended or revised.

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Every bill, when passed, shall immediately be certified by the Speaker and the clerk.

Section 16. The Legislature shall keep and publish a journal of its proceedings. The business of the Legislature, and its committees and the Committee of the whole, shall be transacted publicly and not in secret session.

Section 17. The Legislature shall have and exercise all the authority and attributes inherent in legislative assemblies, and may institute and conduct investigations, issue subpoenas, and administer oaths.

Section 18.

(a) The Governor, Lieutenant Governor, or a justice of the Supreme Court shall be removed from office upon conviction of impeachment for not carrying out the duties and responsibilities of the office as mandated by this Constitution or by law, or for misfeasance or malfeasance in office.

(b) The Legislature has the sole power of impeachment. A resolution of impeachment requires 2/3 vote of all of the members.

(c) The State Supreme Court has the sole power to try impeachment charges. The impeachment panel shall consist of the Chief Justice and two other Associate Justices of the State, who shall be appointed by the Chief Justice. It shall be organized within two weeks after the adoption of the impeachment resolution, and shall render its final decision no later than one month after its organization. A

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conviction of impeachment requires a majority vote of all the members of the impeachment panel. In the event that the Chief Justice, or an appointed Associate Justice, has a conflict of interest in an impeachment trial, the Chief Justice shall appoint a replacement from among the remaining Associate Justices, or from among the Associate Justices in the Federated States of Micronesia. When the Governor has been impeached, the Chief Justice shall preside at the trial. If the Chief Justice is unable to serve, he shall appoint a presiding officer from among the Associate Justices of the State Supreme Court. Another Justice in the Federated States of Micronesia may be appointed if no state justice is available.

(d) Judgments in case of impeachment shall not extend beyond removal from office and disqualification to hold any

office of trust, honor, or profit in the government. A person so convicted may nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

(e) No officer may exercise the powers and duties of his office upon the adoption of a resolution of impeachment and until acquitted."

Signed: \_\_\_\_\_  
Camillo Noket  
President  
Third Chuuk State  
Constitutional Convention

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Attested to: \_\_\_\_\_ Date: \_\_\_\_\_  
Hernak Paul  
Secretary  
Third Chuuk State  
Constitutional Convention

