



OFFICE OF THE GOVERNOR
STATE OF CHUUK

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WESLEY W. SIMINA
GOVERNOR
JOHNSON ELIMO
DEPUTY GOVERNOR

October 21, 2009

THE HONORABLE MARK MAILO

President
The Senate
10th Chuuk State Legislature
Weno, Chuuk, FM 96942

THE HONORABLE SINGKORO HARPER

Speaker
House of Representatives
10th Chuuk State Legislature
Weno, Chuuk, FM 96942

Re: Act No. 10-10

Dear President Mailo and Speaker Harper:

I am respectfully transmitting the attached Act No. 10 – 10 which I have returned without my signature and has thus become law on its own and is designated as Chuuk State Law No. 10 – 09 – 08. I returned this Act without any action on my part because the legal issues surrounding this Act are the same legal ones I had with the increase in your salaries and allowances as provided in the Budget Act for FY 2010.

In my view, the same analysis would apply. No matter how we view it (either as a clarification or explanation), this Act is an effort to authorize the increase in your salaries and allowances over and above those that the Sauder case held to be the lawful salary and allowance of members of the Legislature. However, because we (our Budget working group) are still discussing the resolution of these issues, I'd rather let this Act become law, of course, subject to what decisions we reached on the resolution of the legal issues concerning increases in the salaries and allowances of members of the Legislature via our working group.


As I'm sure you are now aware, the Attorney General has issued a formal legal opinion to the effect that the salary and allowance increases for members of the Legislature in the FY'10 budget act are unconstitutional. This could also impact the future implementation of this Act, should it become clear that the increases are unconstitutional by the proper tribunal. By this I am viewing the Sauder case as the final and ultimate arbiter of the issues before us due to these legislations. That is of course unless the Trial Division of the Chuuk State Supreme Court changes its mind on the Sauder ruling or a higher tribunal, such as the Appellate Division, reverse or overrule the Sauder decision. In any event, our implementation of the

President Mailo and Speaker Harper
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Budget Act for FY'10 and this Act in the future will hinge on the lawful resolution of the issues on the increase in the salaries and allowances of members of the Legislature. I look forward to working with you on these and other issues to assist in our efforts to ensure that what we do will be following the legal rules and will be for the public good.

Thank you and with warm regards, I remain.

Sincerely,



WESLEY W. SIMINA
Governor

enclosure: CSL No. 10 - 09 - 08

FIRST REGULAR SESSION,
FIRST SPECIAL SESSION, APRIL, 2009

ACT NO: 10-10

AN ACT

To set the salary and expense allowance of the members of the Chuuk State Legislature in line with the fractional computation of what is currently provided to the Governor of Chuuk as prescribed by statute, and for other purposes.

Be it enacted by the Chuuk State Legislature:

1 Section 1. Title. This Act shall be known as "An Act to set Salary and Expense
2 Allowance of the members of Chuuk State Legislature".

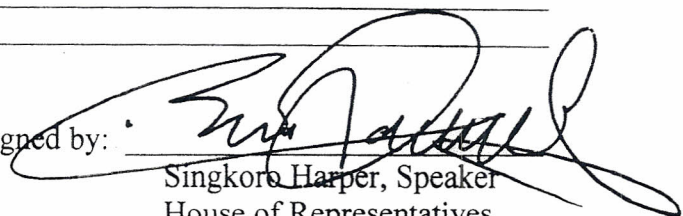
3 Section 2. Statement and Purpose. The purpose of this Act is to bring further
4 clarity to the salaries and expense allowances of all the members of the Chuuk State
5 Legislature based on what is currently provided to the Governor of Chuuk State as
6 prescribed by statute vis-à-vis constitutional mandate. Chuuk State Constitution, Article
7 V, Section 8, (a) and (b) states, "(a) except as limited by this Constitution, members of
8 the Legislature shall receive annual salaries as prescribed by statute. No member may
9 receive as salary and expense allowance a total amount greater than $\frac{3}{4}$ of the equivalent
10 to which the Governor is entitled by law; (b) The expense allowance for each member of
11 the Legislature may not exceed $\frac{1}{5}$ of the members' annual salary". The Governor is
12 currently entitled as prescribed by law a salary of \$36,000.00 and an expense allowance of
13 \$10,000.00, a total of \$46,000.00. Thus, applying such mandate, a correct and exact
14 fractional computation for the salaries and expense allowance for the members of Chuuk
15 State Legislature should be had in furtherance with equality and fair play.

16 Section 3. Entitlement. For the purpose of this act, salary and expense allowance
17 of the members of the Chuuk State Legislature shall be as follows:

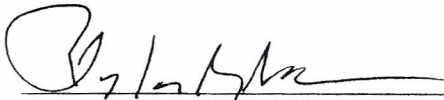
- 18 1) A salary and expense allowance of \$34,500 per year as defined by
19 statute; thus,
20 2) A salary of 28,750 per year; and
21 3) An expense allowance of \$5,750 per year.

22 Section 4. Effective Date. This Act shall become effective upon approval by the
23 Governor, or upon its becoming law without such approval.

Signed by:


Singkoro Harper, Speaker
House of Representatives
Chuuk State Legislature

Attested:

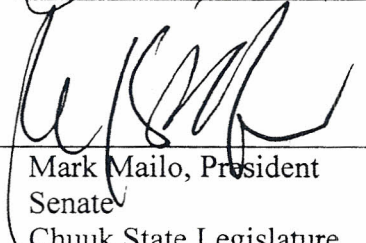


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

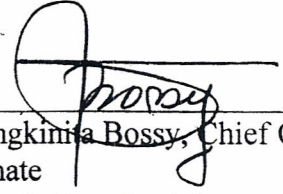
Date:

Oct. 6, 2009

Signed by:


Mark Mailo, President
Senate
Chuuk State Legislature

Attested:


Songkinia Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date:

Oct 6, 2009

Approved by:

Wesley W. Simina, Governor
Chuuk State Government

Date: _____

History : H.B.NO: 10-43
: H.S.C.R.NO: None
: S.S.C.R.NO:

AEWIN REGULAR SESSION,
AEWIN SPECIAL SESSION, APRIL, 2009

NOMOPUNG NO: 10-10

EW NOMOPUNG

A affata niwinin me allowance an monun ewe Anepwungun Mun Chuuk anongonong won pungun aritimetik on niwinin ewe Kepina non Chuuk fiti pungun annuk, me pwan ren ekkoch popun.

Epwe pwung meren ewe Anepwungun Mun Chuuk:

1 Tetten 1. Itenap. Ei Annuk epwe iteni "Niwinin me Expense Allowance an monun
2 ewe Anepwungun Mun Chuuk"

3 Tetten 2. Affatan Popun. Popun an forita ei Annuk an epwe affata fichi niwinin
4 me expense allowances an meinsin monun ewe Chuuk State Legislature anongonong
5 meta aukukun niwinin ewe Kepina non Chuuk ewe a affat me non annuk me ewe
6 Constitution. Chuuk State Constitution, Tetten 8, (a) me (b) a affata tiwenon chok met a
7 affat me non ena Constitution, pwe niwinin monun ewe Anepwung epwe affat me non
8 annuk. Emon member esap angei ew niwin me expense allowance epwe nap seni $\frac{3}{4}$ met
9 niwinin ewe Kepina epwe affat me non annuk. (b) Expense allowance an emon monun
10 ewe Legislature esap watte seni $\frac{1}{5}$ niwinin emon monun Legislature non ew year".
11 Ewe Kepina iei, usun met annuk a affata, a angei \$36,000.00, Expense Allowance
12 ukukun \$10,000.00 ewe a kapach fengen a ukukun \$46,000.00. Anongonong won
13 masowen annuk me pungun aritimetik nefinan ekkei niwin me expense allowance an
14 monun ewe Anepwungun Mun Chuuk iei popun a forr ei annuk an epwe afatafat.

15 Tetten 3. Entitlement. Fan itan ei annuk, niwinin me expense allowance an
16 monun ewe Anepwungun Mun Chuuk epwe iei usun pungun:

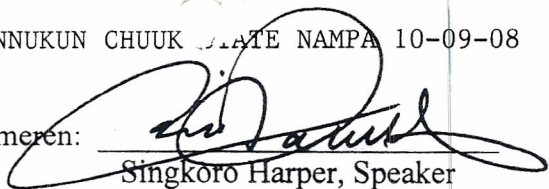
17 1) Niwinin me expense allowance ren emon monun ewe Anepwung epwe
18 ukukun \$34,500 ewin ier fiti pungun annuk; ina pun

19 2) Niwin non ew ier \$28,750; me


20 3) Expense allowance of \$5,750 ew ier.

21 Tetten 4. Poputan Pochokunan. Ei Annuk epwe poputa manamanan fansoun ewe
22 Kepina a apwungano ika fansoun chok a pwisin winini annuk won winikapan.

Sain meren:


Singkoro Harper, Speaker
House of Representatives
Chuuk State Legislature

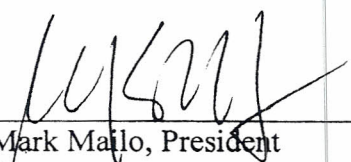
Anetatta:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

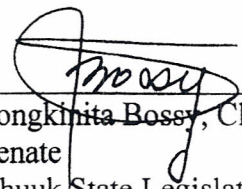
Date:

Oct. 7, 2009

Sain meren:


Mark Mailo, President
Senate
Chuuk State Legislature

Attested:


Songkinita Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date:

Oct 7, 2009

Kopunguno:

Wesley W. Simina, Governor
Chuuk State Government

Date:

Uruon : H.B.NO: 10-43
: H.S.C.R.NO: None
: S.S.C.R.NO: