

AN ACT

To amend the Chuuk State Constitution, Article V, Sections 1 through 8 and Section 11 through 19, Article VI, Sections 2,3,11 and 12, Article VII, Sections 7 and 8, Article VIII, Section 9, Article IX, Sections 4 and 5, Article X, Sections 3 and 4, Article XIV, Section 2 and Article XV, Sections 6, 7 and 10, to change the bicameral to unicameral and to provide for the effective date of the amendments, and for other purposes.

Be it enacted by the Chuuk State Legislature:

1 Section 1. Amendment. Sections 1 through 8 and Sections 11 through 19 of
2 Article V of the Constitution of the State of Chuuk are hereby amended to read as
3 follows:

4 "Section 1. The legislative power of the State Government shall be vested
5 in the Legislature. This power extends to all rightful subjects of legislation not
6 inconsistent with this Constitution or the Constitution of the Federated States of
7 Micronesia.

8 Section 2. The Legislature shall be composed of 28 members, who shall
9 be called as Representatives and who shall be elected from each of the Representative
10 District of the State based on population and geographical configuration. A
11 Representative District shall have at least one member.

12 Section 3.

13 (1) Northern Namoneas, Representative District 1, consisting of Weno,
14 Fonoton, and Piis-Panewu, 5 members;

15 (2) Southern Namoneas: Representative District 2, consisting of Tonon
16 and Eten, 2 members; Representative District 3, consisting of Fefen, Parem, Sifs, Totiw,
17 3 members; Representative District 4, consisting Uman, 2 members.

18 (3) Faichuk: Representative District 5 consisting of Udot, Foneisom
19 Eot, Ramanum, Fanapanges, 2 members; Representative District 6 Polle, Paata and
20 Oneisom, 2 members, Representative District 7 consisting of Tolensom, 3 members;

21 (4) Mortlocks; Representative District 8, consisting of Nema, Losap, Piis-
22 Emwar, 2 members, Representative District 9 consisting of Namoluk, Etal, Moch and

1 Kuttu, 2 members; Representative District 10, consisting of Ta, Satowan, Lekinioch and
2 Oneop, 2 members;

3 (5) Northwest Islands; Representative District 11 consisting of Nomwin,
4 Fananu, Ruo and Murilo, 1 member; Representative District 12, consisting of Onoun,
5 Makur, Onou, Unanu, Piherarh, 1 member; Representative District 13 consisting of
6 Houk, Polowat, Tamatam, and Pollap, 1 member.

7 Section 4. The members of the legislature shall be elected for a term of 4 years
8 which shall begin, unless otherwise provided by law at noon on the sixth Tuesday
9 following the general election.

10 Section 5. Every 4 years when a new Legislature convenes, it shall organize by
11 the election of one of its members as presiding officer, who shall be designated Speaker
12 of the Legislature. Other officers may also be elected, as provided by its rules of
13 procedure.

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

17 Section 7.

18 (a) No person is eligible to serve as member of the Legislature unless at
19 least 25 years of age on the day of election, was a born Chuukese, has been a resident and
20 registered voter of the Representative District from which elected for at least 5 year prior
21 to the day of election, and is a citizen of the Federated States of Micronesia.

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

26 (c) The Legislature is the sole judge of the elections and qualifications of
27 its members.

28 Section 8.

29 (a) Except as limited by this Constitution, members of the Legislature
30 shall receive annual 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 $\frac{1}{5}$ of the member's annual salary.

(c) Upon request of the Governor or 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, 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.

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 not in session, or by a vote of a majority of the members present 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 presiding officer of the legislature shall appoint a committee to formally inform the Governor 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. The Legislature may adjourn for 2 days, and may adjourn sine die.

Section 14.

(a) Every bill passed by the Legislature shall be certified by the Speaker and the Chief Clerks of the Legislature and shall be presented to the Governor. The Governor shall have 10 days to consider a bill presented when 10 or more days remain before adjournment sine die, and 30 days to consider a bill presented or presented after

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

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

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

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

16 Section 15.

17 (a) A majority of the members of the Legislature constitute a quorum of
18 for the transaction of business. However, a smaller number not less than $\frac{3}{4}$ of the
19 number of members required for a quorum, may compel an absent member to
20 attend session of the Legislature by ordering loss of salary and expense
21 allowance, suspension, or both. Such action may be overturned only by a vote of
22 $\frac{2}{3}$ of all of the members of the Legislature, but the Legislature may not overturn
23 a loss of salary or expense allowance for any session days which the member has
24 failed to attend.

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

28 Section 16.

29 (a) In order to become a law, a bill shall pass 2 readings, on separate days.
30 The final passage of a bill shall be by majority roll call vote of all of the members.

1 which shall be entered upon the journal. Adoption of a resolution is by a majority
2 vote of the members present.

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

8 (c) Every bill when passed by the Legislature shall immediately be
9 certified by the presiding officer and the clerk.

10 Section 17. The Legislature shall keep and publish a journal of its proceedings.
11 The business of the Legislature, its committees, and of its committee of the whole, shall
12 be transacted publicly and not in secret session.

13 Section 18. The Legislature shall have and exercise all the authority and
14 attributes inherent in legislative assemblies, and may institute and conduct investigations,
15 issue subpoenas, and administer oaths.

16 Section 19.

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

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

23 (c) The Legislature has the sole power to try the impeachment. A
24 conviction of impeachment requires a 3/4 vote of all the members of the Legislature.

25 When the Governor has been impeached, the Chief Justice shall preside at the trial.

26 (d) Judgments in case of impeachment shall not extend beyond removal
27 from office and disqualification to hold any office of trust, honor, or profit in the
28 government. A person so convicted may nevertheless be liable and subject to indictment,
29 trial, judgment, and punishment according to law.

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

1 Section 2. Amendment. Sections 2, 3, 11 and 12 of Article VI of the Constitution
2 of the State of Chuuk are hereby amended to read as follows:

3 "Section 2.

4 (a) The Governor may, except in cases of impeachment, grant pardons,
5 reprieves, and commutations, but only after conviction and after receipt of a favorable
6 recommendation by a board prescribed by statute. No pardon, reprieve, or commutation
7 may be granted to a person for a crime committed while holding the office of Governor,
8 Lieutenant Governor, Justice of the State Supreme Court, or member of the Legislature.

9 (b) The Governor may, with the advise and consent of a majority of all
10 the members of the Legislature appoint the Chief Justice and Associate Justice of the
11 State Supreme Court, the principal officers of the Executive Offices and Departments of
12 the State Government, and the principal advisors to the Governor. The principal officers
13 and advisors serve during the current term of the appointing Governor unless sooner
14 removed by the Governor.

15 Section 3. Unless acting in a temporary capacity as prescribed by statute,
16 no unconfirmed person may hold an office or position requiring the advice and
17 consent of the Legislature beyond adjournment sine die of the Legislature, if in
18 session when the appointment is made, or, if not in session, beyond adjournment
19 sine die of the next session of the Legislature. If the Legislature has at least 10
20 working days to act on an appointment before adjournment sine die and fails to
21 reject it, the appointment is deemed confirmed. A person whose appointment has
22 been rejected may not again be appointed to the same position during the current
23 term of the appointing Governor.

24 Section 11.

25 (a) If the Governor dies, resigns, suffers a major incapacity, or is removed
26 from office with one year or less of the term remaining, the Lieutenant Governor
27 becomes Governor. However, if any such event occurs with more than one year of the
28 term remaining, the Lieutenant Governor becomes Acting Governor until a Governor is
29 elected and takes office. The election shall be held on the fifth Wednesday after the
30 event occurs. If the Lieutenant Governor dies, resigns, is removed from office, or
31 succeeds the Governor, the Governor shall appoint a Lieutenant Governor with the advice

1 and consent of 2/3 of all of the members of the Legislature. The order of succession after
2 the Lieutenant Governor shall be the-Speaker of the Legislature.

3 (b) If the Governor is impeached or temporarily disabled, the Lieutenant
4 Governor shall become Acting Governor until the Governor is acquitted or is no longer
5 disabled. If the Lieutenant Governor is also impeached or temporarily disabled, the
6 Speaker of the Legislature shall become Acting Governor, in that order, until the
7 Lieutenant Governor is acquitted or is no longer disabled. The Legislature shall
8 established procedures to determine the existence a termination of a temporary disability,
9 which shall include physical or mental incapacity, disappearance, kidnapping, and total
10 inability to discharge the powers and duties of the office.

11 Section 12.

12 (a) If required to preserve public peace, health, or safety at t time of
13 extreme emergency caused by civil disturbance, natural disaster, or immediate threat of
14 war or insurrection, the Governor may declare a state of emergency and issue appropriate
15 decrees. A decree may not involve the expenditure of unappropriated public funds unless
16 approved by the Legislature.

17 (b) A declaration of emergency may not impair the power of the judiciary
18 except that the declaration shall be free from judicial interference for 15 days after it is
19 first issued. A declaration of emergency may impair civil rights to the extent actually
20 required for the preservation of peace, health, or safety.

21 (c) Within 15 days after the declaration of emergency, the Legislature
22 shall convene at the call of the Speaker of the Legislature or at the call of the Governor or
23 consider revocation, amendment, or extension of the declaration. Unless it expires by its
24 own terms or is revoked or extended, a declaration of emergency is effective for 15 days.

25 Section 3. Amendment. Section 7 and 8 of Article VII of the Constitution of the
26 State of Chuuk are hereby amended to read as follows:

27 "Section 7. The Governor shall nominate and appoint, with the advice and
28 consent of the Legislature, the Chief Justice and Associate Justice of the State
29 Supreme Court, who shall hold their offices during good behavior. The
30 Legislature shall prescribe by statute for the appointment and removal of the
31 judges of inferior state courts and municipal courts.

1 Section 8. If the Chief Justice is disabled, the most senior Associate
2 Justice shall serve as Chief Justice. If an Associate Justice is disabled, the Chief
3 Justice shall appoint a temporary Justice who shall have the same qualifications
4 required for Justices under Section 9 of this Article. If the Chief Justice or an
5 Associate Justice is disabled for more than 6 months, or if the office of the Chief
6 Justice or an Associate Justice is vacant, a new Chief Justice or Associate Justice
7 shall be appointed by the Governor subject to the confirmation of the Legislature.
8 The Legislature may prescribe by statute for the determination of the disability of
9 a Justice.”

10 Section 4. Amendment. Section 9 of Article VIII of the Constitution of the State
11 of Chuuk is hereby amended to read as follows:

12 “Section 9.

13 (a) There shall be an independent Public Auditor appointed by the
14 Governor and confirmed by the Legislature. The Auditor shall serve for a 6 year term
15 and until a successor is confirmed. The Auditor shall be a certified public accountant
16 with auditing experience.

17 (b) The Auditor shall conduct audits of all financial transactions of all
18 branches, departments, offices, agencies and instrumentalities of the government, and of
19 all accounts kept by or for them. The Auditor shall certify the accuracy of all financial
20 statements issued by the State Government. The Auditor shall annually report findings
21 and recommendations to the Legislature, the Governor, and the municipalities, and shall
22 provide additional reports and information as may be required by law or as the Auditor
23 deems appropriate.

24 (c) If the Auditor discovers that any public monies have been misused or
25 misappropriated, the Auditor shall report such misuse or misappropriation to the
26 appropriate prosecutor's office.

27 (d) The Auditor may be removed for cause by the vote of 2/3 of the
28 members of the Legislature. Upon the removal, resignation, or incapacity of the Auditor,
29 the Chief Justice of the State Supreme Court shall appoint within one month an Acting
30 Public Auditor having the qualifications required for a full term. The Acting Public

1 Auditor shall serve until a successor is confirmed. The Governor shall appoint and the
2 Legislature shall confirm a successor Auditor within 6 months.”

3 Section 5. Amendment. Sections 4 and 5 of Article IX of the Constitution of the
4 State of Chuuk are hereby amended to read as follows:

5 “Section 4.

6 (a) There shall be an Independent Prosecutor with the power and duty to
7 prevent, combat and eliminate corruption in government through investigation and
8 prosecution. The Prosecutor may issue subpoenas and compel attendance of witnesses,
9 administer oaths, and exercise other powers and duties as prescribed by statute.

10 (b) The Prosecutor shall be selected for a single 3 year term by a majority
11 of all the mayors of the State of Chuuk, and may be removed for cause by the Governor
12 with the consent of the Legislature. No person is eligible to serve unless a law school
13 graduate. The selection procedures and additional qualifications may be prescribed by
14 statute.

15 Section 5.

16 (a) A petition for recall of the Governor or Lieutenant Governor may be
17 initiated by a majority of all mayors in the State of Chuuk, or by registered voters equal
18 in number to at least 15 percent of those who voted in the last general election for
19 Governor and Lieutenant Governor.

20 (b) A petition for recall of a member of the Legislature may be initiated
21 by a majority of all mayors in the applicable Representative District or, or by registered
22 voters from such district equal in number to at least 20 percent of those who voted in the
23 last general election in such district.

24 (c) A recall petition shall contain the name and office of the official who is
25 the subject of the recall, and the grounds for the recall. The sufficiency of the signatures
26 on a recall petition shall be validated by the Election Commission within 30 days after
27 receipt of the petition. Validation may not extend to the grounds for recall stated on the
28 petition. Upon validation of a petition, a recall election shall be held within 60 days after
29 receipt of the petition.

1 (d) Upon validation of a petition, and until the recall is rejected by the
2 voters, the official who is the subject of the recall may not discharge the powers and
3 duties of the office.

4 (e) A Governor, Lieutenant Governor, or member of the Legislature is
5 removed from office upon approval of the recall by a majority of the votes cast on the
6 question. An official may not be recalled during the last 6 months of the term for which
7 elected.

8 (f) An amount not to exceed that actually spend for the most recent
9 general election for Governor, in the case of recall of a Governor or Lieutenant Governor,
10 or for the Legislature in the applicable Representative District, in the case of recall of a
11 member of the Legislature, is appropriated out of the general fund and allotted to the
12 Election Commission for the conduct of the recall election. Expenditure of such funds
13 shall be reported to the Legislature within 3 months of the election.”

14 Section 6. Amendment. Section 3 and 4 of Article X of the Constitution of the
15 State of Chuuk are hereby amended to read as follows: .

16 “Section 3. There shall be a governing Board of Education, consisting of
17 8 member, with each member appointed by the Governor with the advice and
18 consent of the Legislature . One of the members shall serve from the public
19 school system, one from the private school system, and one who is known for
20 knowledge and expertise in a field related to education. The members of the
21 Board shall serve staggered terms, as prescribed by statute.

22 Section 4. A head of the Education Department shall be appointed by the
23 Governor with the advice and consent of the Legislature from among 3 candidates
24 nominated by the Board of Education. The board shall have the power, as
25 prescribed by statute, to formulate policy and to exercise control over the public
26 school system through the head of the Education Department. The head of the
27 Education Department shall serve as the executive director of the Board and may
28 only be removed by the Board.”

29 Section 7. Amendment. Section 2 of Article XIV of the Constitution of the State
30 of Chuuk is hereby amended to read as follows;

1 "Section 2. A proposed amendment shall become effective if approved in the next
2 general election by a majority of a votes cast on that amendment and if a majority of the
3 registered voters have cast votes on the amendment. PROVIDED THAT, amendments to
4 change bicameral to unicameral legislature shall become effective on the next General
5 Election after the majority of the registered voters have cast votes on the amendment
6 prior to the next General Election.

7 Section 8. Amendment. Section 6, 7 and 10 of Article XV of the Constitution of
8 the State of Chuuk are hereby amended to read as follows:

9 "Section 6. All gubernatorial appointments and Legislative confirmations
10 provided for under this Constitution, or under statutes adopted in implementation
11 thereof, shall be made by the respective officers elected in the first general
12 election in 1990.

13 Section 7. The First Legislature elected under this Constitution may
14 consider any bill disapproved by the governor under the Charter and not returned
15 in time to be considered by its predecessor.

16 Section 10. No change in salary pursuant to this Constitution may take
17 effect until after the general election held in March of 1990. Until prescribed by
18 statute, these annual salaries shall apply. Governor - - \$25,000; Lieutenant
19 Governor -- \$22,000; Chief Justice -- \$23,000; and each Associate Justice --
20 \$20,000.

21 Section 11.

22 (a) The Governor shall appoint and the Legislature shall confirm a Public
23 Auditor within one year of the effective date of this Constitution.

24 (b) The first Independent Prosecutor shall be selected within one year of
25 the effective date of this Constitution.


26 (c) The State of Chuuk shall develop procedures for the participation of
27 municipal governments in the state budget appropriation process within one year
28 of the effective date of this constitution.

29 (d) All municipalities shall adopt their constitution within 3 years of the
30 effective date of this constitution."


1 Section 9. Voting. The constitutional amendments proposed in sections 1 to 8 of
2 this act shall be submitted to the people for approval during the General Election on
3 March 8, 2011.

4 Section 10. Effectivity of the Amendments. Amendments to the Constitution to
5 change bicameral to unicameral legislature shall become effective on the next General
6 Election in March, 2013 after the majority of the registered voters have cast votes on the
7 amendment prior to the next General Election.

8 Section 11. Effective Date. This is act shall take effect upon approval by the
9 Governor, or upon its becoming law without such approval.

Signed by: 
Singkoro Harper, Speaker
House of Representatives
Chuuk State Legislature

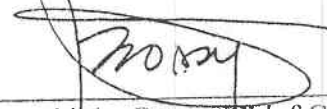
Attested:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

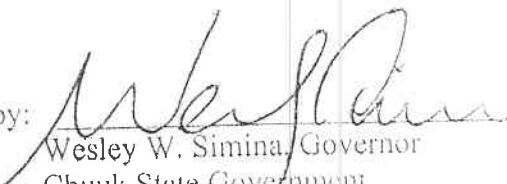
Date: Dec 2, 2010

Signed by: 
Mark Mailo, President
Senate
Chuuk State Legislature

Attested:


Songkinita Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date: Dec. 6, 2010

Approved by: 
Wesley W. Simina, Governor
Chuuk State Government

Date: Dec. 14, 2010

History: H.B.NO: 10-93;HD1
: H.S.C.R.NO: NONE
: S.S.C.R.NO: NONE