
AN ACT

To change the bicameral legislature to a unicameral by amending the Chuuk State Constitution, Article V, Sections 1 through 8 and Sections 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; and XV, Sections 6, 7 and 10, 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 Chuuk State Government is
5 vested in the Legislature. This power extends to all rightful subjects of legislation
6 not inconsistent with this Constitution or the Constitution of the Federated States
7 of Micronesia.

8 Section 2. Membership in the Legislature shall be composed of 25
9 members, who shall be called Senators, and who shall be elected from each
10 Senatorial Region based on population and geographical configuration. A
11 Senatorial Region shall have at least two members.

12 Section 3.

13 (a) For purposes of representation in the Legislature, the State of Chuuk is
14 divided into 5 Senatorial Regions, as follows: (1) Northern Namoneas,
15 consisting of the islands of Weno, Fono, and Piis Panewu; (2) Southern
16 Namoneas, consisting of the islands of Tonoas, Eten, Fefen, Parem, Siis, Toliw,
17 and Uman; (3) Faichuk, consisting of the islands of Udot, Eot, Ramanun,
18 Fanapanges, Polle, Paata, Wonei, and Tol; (4) Mortlocks, consisting of the
19 islands of Nema, Losap, Piis Emmwar, Namoluk, Ettal, Moch, Kuttu, Ta,
20 Satowan, Lukunoch, and Oneop; and (5) Northwest Islands, consisting of the

1 islands of Nomwin, Fananu, Ruo, Murilo, Onoun, Makur, Onou, Unanu, Piherarh,
2 Houk, Polowat, Tamatam, and Pollap.

3 For the purposes of representation in the Legislature, the Senators shall be
4 elected as follows:

- 5 (1) Northern Namoneas. Senatorial Regional 1, consisting of
6 Weno, Fono, and Piis-Panewu, 4 members;
- 7 (2) Southern Namoneas: Senatorial Region 2, consisting of
8 Tonous, Etten, Fefen, Parem, Siis, Totiw, and Unan, 6
9 members;
- 10 (3) Faichuk; Senatorial Region 3, consisting of Udot, Eot,
11 Ramanum, Fanapanges, Polle, Paata, Oneisom, and Tol, 6
12 members;
- 13 (4) Mortlocks; Senatorial Region 4, consisting of Nema, Losap,
14 Piis-Emmwar, Namoluk, Ettal, Moch Kuttu, Ta, Satowan,
15 Lukunoch, and Oneop, 5 members;
- 16 (5) Northwest Islands; Senatorial Region 5, consisting of
17 Nomwin, Fananu, Ruo, Murilo, Onoun, Makur, Onou, Unanu,
18 Piherarh, Houk, Polowat, Tamatam, and Pollap; 2 members.

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

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

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

29 Section 7.

- 30 (a) No person is eligible to serve as a Senator unless at least 35
31 years of age on the day of election; was a born Chuukese, has

1 been a resident and registered voter of the Senatorial Region
2 from which elected for at least 5 years prior to the day of
3 election, and is a citizen of the Federated States of Micronesia.

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

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

11 Section 8.

12 (a) Except as limited by this Constitution, members of the Legislature
13 shall receive annual salaries as prescribed by statute provided that, no
14 member may receive as salary an amount greater than $\frac{3}{4}$ of the amount
15 which the Governor is entitled by law.

16 (b) The expense allowance for each member of the Legislature may not
17 exceed $\frac{1}{5}$ of the member's annual salary.

18 Section 11.

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

21 (b) A special session, which may not exceed 15 working days as provided
22 by law, shall be convened at the call of the Governor, at the written
23 order signed by a majority of all of the members if the Legislature is
24 not in session, or by a vote of a majority of the members present if the
25 Legislature is in session. No subjects of legislation may be considered
26 at a special session called by the Governor other than those specified
27 in the call or in any message by the Governor to the Legislature while
28 in session.

29 (c) At the start of a regular or special session, the presiding officer of the
30 legislature shall appoint a committee to inform the Governor that the
31 Legislature is prepared to transact business.

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

3 Section 13. The Legislature may adjourn for not more 2 consecutive days, and
4 may adjourn sine die by the majority roll call vote of all the members of the Legislature.

5 Section 14.

6 (a) Every bill passed by the Legislature shall be certified by the Speaker
7 and the Chief Clerks of the Legislature and shall be presented to the
8 Governor. The Governor shall have 10 days to consider a bill
9 presented when there is 10 or more days remain before adjournment
10 sine die, and 30 days to consider a bill presented when less than 10
11 days remain before adjournment sine die. If the Governor signs the
12 bill within the time period required for consideration, it shall become a
13 law. If the Governor disapproves, he shall so indicated and return the
14 bill with objections to the Legislature within the time period required
15 for consideration. If the Governor takes no action and does not return
16 the bill within such period, it shall become a law in like manner as if
17 signed.

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

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

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

28 Section 15.

29 (a) A majority of the members of the Legislature constitute a quorum for
30 the transaction of business. However, a smaller number not less than
31 $\frac{3}{4}$ of the number of members required for a quorum, may compel an

1 absent member to attend session of the Legislature by ordering loss of
2 salary and expense allowance, suspension, or both. Such action may
3 be overturned only by a vote of 2/3 of all of the members of the
4 Legislature, but the Legislature may not overturn a loss of salary or
5 expense allowance for any session days which the member has failed
6 to attend.

7 (b) The Legislature may punish a member for misconduct, disorderly
8 behavior, or neglect of duty by censure or, upon 2/3 vote of its
9 members, by suspension or expulsion.

10 Section 16.

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

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

21 (c) Every bill when passed by the Legislature shall immediately be
22 certified by the presiding officer and the chief clerk.

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

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

29 Section 19.

30 (a) The Governor, Lieutenant Governor, or a Justice of the Supreme
31 Court shall be removed from office upon conviction of impeachment

1 for not carrying out the duties and responsibilities of the office as
2 mandated by this Constitution or by law, or for misfeasance or
3 malfeasance in office.

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

7 (c) When the Governor has been impeached, the Chief Justice shall
8 appoint a tribunal and presides at the trial. The tribunal shall consist
9 of three Justices. Judgment in case of impeachment shall not extend
10 beyond removal from office and disqualification to hold any office of
11 trust, honor, or profit in the government. A person so convicted may
12 nevertheless be liable and subject to indictment, trial, judgment, and
13 punishment according to law.

14 (d) No officer may exercise the powers and duties of his or her office
15 upon the adoption of a resolution of impeachment until acquitted."

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

18 "Section 2.

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

26 (b) The Governor may, with the advise and consent of a majority of all the
27 members of the Legislature appoint the Chief Justice and Associate
28 Justice of the State Supreme Court, the principal officers of the
29 Executive Offices and Departments of the State Government, and the
30 principal advisors to the Governor. The principal officers and advisors

1 serve during the current term of the appointing Governor unless sooner
2 removed by the Governor.

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

12 Section 11.

13 (a) If the Governor dies, resigns, suffers a major incapacity, or is
14 removed from office with one year or less of the term
15 remaining, the Lieutenant Governor becomes Governor.
16 However, if any such event occurs with more than one year of
17 the term remaining, the Lieutenant Governor becomes Acting
18 Governor until a Governor is elected and takes office. The
19 election shall be held on the fifth Wednesday after the event
20 occurs. If the Lieutenant Governor dies, resigns, is removed
21 from office, or succeeds the Governor, the Governor shall
22 appoint a Lieutenant Governor with the advice and consent of
23 $\frac{2}{3}$ of all of the members of the Legislature. The order of
24 succession after the Lieutenant Governor shall be the Speaker
25 of the Legislature.

26 (b) If the Governor is impeached or temporarily disabled, the
27 Lieutenant Governor shall become Acting Governor until the
28 Governor is acquitted or is no longer disabled. If the
29 Lieutenant Governor is also impeached or temporarily
30 disabled, the Speaker of the Legislature shall become Acting
31 Governor, in that order, until the Lieutenant Governor is

1 acquitted or is no longer disabled. The Legislature shall
2 established procedures to determine the existence a termination
3 of a temporary disability, which shall include physical or
4 mental incapacity, disappearance, kidnapping, and total
5 inability to discharge the powers and duties of the office.

6 Section 12.

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

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

19 (c) Within 15 days after the declaration of emergency, the
20 Legislature shall convene at the call of the Speaker of the
21 Legislature or at the call of the Governor to consider
22 revocation, amendment, or extension of the declaration.
23 Unless it expires by its own terms or is revoked or extended, a
24 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
15 serve for a 6 year term and until a successor is confirmed. The
16 Auditor shall be a certified public accountant with auditing
17 experience.
- 18 (b) The Auditor shall conduct audits of all financial transactions of
19 all branches, departments, offices, agencies and
20 instrumentalities of the government, and of all accounts kept
21 by or for them. The Auditor shall certify the accuracy of all
22 financial statements issued by the State Government. The
23 Auditor shall annually report findings and recommendations to
24 the Legislature, the Governor, and the municipalities, and shall
25 provide additional reports and information as may be required
26 by law or as the Auditor deems appropriate.
- 27 (c) If the auditor discovers that any public monies have been
28 misused or misappropriated, the Auditor shall report such
29 misuse or misappropriation to the appropriate prosecutor’s
30 office.

1 (d) The Auditor may be removed for cause by the vote of 2/3 of
2 the members of the Legislature. Upon the removal,
3 resignation, or incapacity of the Auditor, the Chief Justice of
4 the State Supreme Court shall appoint within one month an
5 Acting Public Auditor having the qualifications required for a
6 full term. The Acting Public Auditor shall serve until a
7 successor is confirmed. The Governor shall appoint and the
8 Legislature shall confirm a successor Auditor within 6
9 months."

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

12 "Section 4.

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

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

27 Section 5.

28 (a) A petition for recall of the Governor or Lieutenant Governor
29 may be initiated by a majority of all mayors in the State of
30 Chuuk, or by registered voters equal in number to at least 15

1 percent of those who voted in the last general election for
2 Governor and Lieutenant Governor.

3 (b) A petition for recall of a member of the Legislature may be
4 initiated by a majority of all mayors in the applicable
5 Senatorial Region, or by registered voters from such region
6 equal in number to at least 20 percent of those who voted in the
7 last general election in such region.

8 (c) A recall petition shall contain the name and office of the
9 official who is the subject of the recall, and the grounds for the
10 recall. The sufficiency of the signatures on a recall petition
11 shall be validated by the Election Commission within 30 days
12 after receipt of the petition. Validation may not extend to the
13 grounds for recall stated on the petition. Upon validation of a
14 petition, a recall election shall be held within 60 days after
15 receipt of the petition.

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

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

24 (f) An amount not to exceed that actually spent for the most
25 recent general election for Governor, in the case of recall of a
26 Governor or Lieutenant Governor, or for the Legislature in the
27 applicable Senatorial Region, in the case of recall of a member
28 of the Legislature, is appropriated out of the general fund and
29 allotted to the Election Commission for the conduct of the
30 recall election. Expenditure of such funds shall be reported to
31 the Legislature within 3 months of the election.”

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

3 "Section 3. There shall be a governing Board of Education, consisting of
4 8 member, with each member appointed by the Governor with the advice and
5 consent of the Legislature . One of the members shall serve from each of the 5
6 Senatorial Regions, one from the public school system, one from the private
7 school system, and one who is known for knowledge and expertise in a field
8 related to education. The members of the Board shall serve staggered terms, as
9 prescribed by statute.

10 Section 4. A head of the Education Department shall be appointed by the
11 Governor with the advice and consent of the Legislature from among 3 candidates
12 nominated by the Board of Education. The board shall have the power, as
13 prescribed by statute, to formulate policy and to exercise control over the public
14 school system through the head of the Education Department. The head of the
15 Education Department shall serve as the executive director of the Board and may
16 only be removed by the Board."

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

19 "Section 6. All gubernatorial appointments and Legislative confirmations
20 provided for under this Constitution, or under statutes adopted in the implementation
21 thereof, shall be made by the respective officers elected in the first general election in
22 1990.

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

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

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

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

3 (c) The State of Chuuk shall develop procedures for the participation of
4 municipal government in the state budget appropriation process within one year of the
5 effective date of this Constitution.

6 (d) All municipalities shall adopt their constitution within 3 years of the effective
7 date of this Constitution.”

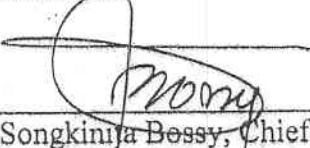
8 Section 8. Voting. The constitutional amendments proposed in sections 1 to 7 of
9 this act shall be submitted to the people for approval during the General Election on
10 March 8, 2011 that shall take effect after the general election in March, 2013.

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

Signed by:


Mark Mailo, President
Senate
Chuuk State Legislature


Attested:


Songkinita Bessy, Chief Clerk
Senate
Chuuk State Legislature

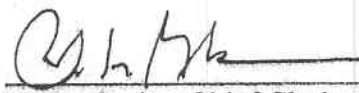
Date:

12-8-10

Signed by:


Singkoro Harper, Speaker
House of Representatives
Chuuk State Legislature

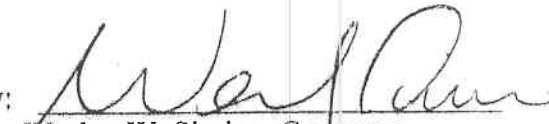
Attested:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

Date:

Dec. 8, 2010

Approved by:


Wesley W. Simina, Governor
Chuuk State Government

Date:

Dec. 14, 2010

History: S.B.NO: 10-65
: S.S.C.R.NO:
: H.S.C.R.NO: NONE