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AN ACT

To repeal CSL 7-04-08 in its entirety and establish a Chuuk Political Status Commission to review and recommend possible political status suitable for long term financial survival of Chuuk State after the economic assistance provided under the amended Compact between the Federated States of Micronesia and the United States expires in 2023, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1           Section 1. Short Title. This Act shall be known and may be cited as the "Chuuk State  
2 Political Status Commission Act of 2011."

3           Section 2. Finding. It is the finding of the Chuuk State Legislature:

4                 (1) That United Nations General Assembly Resolution 1541 permits free  
5 association with, or full and equal integration into, another political state, but that these  
6 options are subject to strict limitations to prohibit unlawful colonialism.

7                 (2) That the Federated States of Micronesia which comprised the states of  
8 Chuuk, Kosrae, Pohnpei, and Yap adopted its own constitution and became an  
9 independent nation in 1979; it entered into a Compact of Free Association with the  
10 United States in 1986 and became a member of the United Nations 1991.

11                (3) That the financial grant provisions under the amended Compact with the  
12 United States will expire in 2023 and that Chuuk State's share of the Trust Fund created  
13 to contribute to the long term budgetary self-reliance of the FSM is not sufficient to meet  
14 the social and economic development needs of Chuuk State now and beyond 2023.

15                (4) That Chuuk State desired to reexamine whether continuing in a federation  
16 relationship with the other FSM states is in its best interest, or whether some other  
17 political status will better enable it to fulfill its aspirations of full and meaningful self-  
18 government.

19           Section 3. Purpose. The purpose of this Act is to create a political status commission,  
20 representative of the people of Chuuk State, which will have broad authority to examine  
21 alternative political options for Chuuk State, and to make one or more recommendations  
22 regarding a desirable future political status to the Legislature and the Governor for approval by  
23 the people of Chuuk State in a plebiscite under applicable state or national laws.

24           Section 4. Chuuk State Political Status Commission.

1 (a) It is hereby establish a Chuuk State Political Status Commission, referred  
2 to in this Act as "the Commission".

3 (b) The Commission shall consist of 12 voting members<sup>3</sup> who are not elected  
4 municipal, state, or national officials and two non-voting ex-officio members as follows:

5 (1) Two members shall be domiciled in the Northern senatorial region  
6 and shall be appointed by resolution of the Northern Namoneas legislative  
7 delegation to the Chuuk State Legislature;

8 (2) Two members shall be domiciled in the Southern Namoneas  
9 senatorial region and shall be appointed by resolution of the Southern Namoneas  
10 legislative delegation to the Chuuk State Legislature;

11 (3) Two members shall be domiciled in the Faichuk senatorial region  
12 and shall be appointed by resolution of the Faichuk legislative delegation to the  
13 Chuuk State Legislature;

14 (4) Two members shall be domiciled in the Faichuk senatorial region  
15 and shall be appointed by resolution of the Mortlocks legislative delegation to the  
16 Chuuk State Legislature;

17 (5) Two members shall be domiciled in the Northern senatorial region  
18 and shall be appointed by resolution of the Northwest legislative delegation to the  
19 Chuuk State Legislature;

20 (6) Two members shall be appointed by the Governor, one of whom  
21 shall be from the Chuuk Chamber of Commerce and one shall be from the public  
22 sector;

23 (7) The Speaker of the House of Representatives and President of the  
24 House of Senate shall serve as non-voting, ex-officio members of the  
25 Commission.

26 (c) No person shall be appointed to, or shall serve on, the Commission unless  
27 he or she is over thirty five years of age, has never convicted of a felony, is a naturally

1 born Chuukese, and has been domiciled in Chuuk State for at least five years at the time  
2 of appointment.

3 (d) Appointment of all initial members shall be made by the person or bodies  
4 charged with the duties of making those appointments, as set out in Section 4(b) of this  
5 Act, no later than sixty calendar days after the effective date of this Act. The term of  
6 each appointment shall commence upon appointment and shall last until the work of the  
7 Commission is completed. A vacancy on the Commission shall be filled in the same  
8 manner as the original appointment, no later than 30 calendar days following the creation  
9 of the vacancy.

10 (e) The voting members of the Commission shall be compensated at \$20.00  
11 per meeting day. However, employees of the government shall receive no compensation  
12 for their work on the Commission in addition to their regular salaries. All members shall  
13 be entitled to reimbursement for reasonable, necessary and actual expenses incurred by  
14 them in the course and scope of their work for the Commission, in accordance with the  
15 government rates in effect. The Chairman of the Commission shall certify to the Director  
16 of the Department of Administrative Services all claims for payment.

17 (f) The Commission shall be deemed operational upon the appointment of the  
18 majority of the members, and it shall continue in existence until the Legislature, by joint  
19 resolution, certifies that the work of the Commission has been completed and dissolves it.

20 Section 5. Organization.

21 (a) The members shall hold their first meeting no later than thirty calendar  
22 days after the appointment of all the members. The Speaker of the House of  
23 Representatives shall convene the first meeting and shall preside until such time as  
24 Chairman is elected. The voting members shall elect from among them a Chairman, Vice  
25 Chairman, and other officers as it may require.

26 (b) The Commission may adopt such rules of procedure as it deems necessary  
27 and appropriate to exercise its powers and duties under this Act. A written record of all  
28 meetings shall be kept. All public meetings shall be preceded by notice at least one week



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1 prior to the meeting. The public shall be given meaningful and adequate time to  
2 participate in all meetings. The minutes and other documents of the Commission  
3 pertaining to non-public executive sessions shall remain secured at a designated  
4 repository as provided Section 8 of this Act, and shall be made available upon official  
5 request pursuant to applicable laws. Records of all public meetings shall be made  
6 available for public inspection and shall be made available upon payment of a reasonable  
7 cost.”

8 Section 6. Powers and Duties of the Commission. The Commission shall have the  
9 following powers and duties:

10 (a) To examine the present political and economic status of Chuuk State, and  
11 to assess the financial benefits it derives under the amended Compact as one of the four  
12 states in the federation.

13 (b) To make such studies as it may deem necessary concerning the present  
14 and future political status of Chuuk State, including but not limited to, complete  
15 independence from any political state, independence with free association with the United  
16 States, maintain the status quo, or as a territory or state of the United States.

17 (c) To conduct political education with the Chuukese people here and abroad,  
18 to conduct polls or otherwise to ascertain their desires regarding their present and future  
19 political status.

20 (d) To make recommendations what status is in the best interest of the  
21 Chuukese people, and to produce draft treaties, agreements and laws reflecting any such  
22 status.

23 (e) To employ secretaries, legal counsel or other consultants or staff as it may  
24 require to fulfill its responsibilities. Upon request of the Chairman of the Commission,  
25 the Legislature and the Executive Branch shall make available any technical assistance as  
26 they may be able to provide. The selection of employees or consultants shall be made on  
27 the basis of merit, skill, and knowledge.

1 (f) To acquire, hold, operate, use and maintain any interest in personal or real  
2 property, and to enter into and to perform such contracts, leases or other agreements or  
3 transaction as may be necessary or proper to the fulfillment of the obligations of the  
4 Commission under this Act.

5 (g) To execute all instruments necessary and appropriate in the exercise of  
6 any of its functions.

7 (h) To accept gifts or donation of services or of real or personal property as  
8 may aid its activities in fulfilling its obligations under this Act.

9 (i) To submit periodic reports to the Legislature concerning its activities  
10 pursuant to this Act, no less frequently than every three months once it becomes  
11 operational, and to submit a final report to the Legislature and the Governor containing  
12 its final findings and recommendations no later than 18 calendar months after the date the  
13 Commission becomes operational. Before the final report is submitted to the Legislature  
14 and the Governor, the Commission shall conduct public hearings in the 40 municipalities  
15 any place outside of Chuuk as necessary to provide the public adequate opportunity to  
16 comment on the proposed draft report.

17 Section 7. Adoption of the Commission's Final Report.

18 (a) Upon receipt by the Legislature of the Commission's final report  
19 containing its findings and recommendations, the Legislature shall have 30 days when in  
20 session to certify by joint resolution that the work of the Commission is complete and  
21 that the Commission is dissolved or to return the final report to the Commission  
22 requesting clarifications or further examination as specified in detail by the Legislature.  
23 If the Legislature fails to act within the thirty days time period, then the final report will  
24 be deemed certified transmitted to the Chuuk State Election Commission pursuant to  
25 Section 7(b).

26 (b) Unless the final report recommends that no action be taken, the presiding  
27 officers of the Legislature shall cause to be transmitted to the Chuuk State Election  
28 Commission the final recommendation or recommendations to be submitted to the



1 Chuukese people for adoption in a plebiscite. Not earlier than four calendar months and  
2 not later than six calendar months, after its this transmittal, the Chuuk State Election  
3 Commission shall cause a special plebiscite on the recommendation or recommendations  
4 of the Commission to be conducted, and shall certify the results of the plebiscite to the  
5 presiding officers of the legislature.

6 (c) If more than one recommended political status is on the ballot, and if no  
7 one political status receives a majority of the votes cast in the plebiscite, a run-off  
8 plebiscite shall be held forty-five calendar days from the date upon which the result of the  
9 first plebiscite was certified to the Legislature between the two status recommendations  
10 which received the highest number of votes.

11 Section 8. Repositories for Commission Documents. The Chuuk State Supreme Court  
12 shall be the repository for all public records and materials pertaining to the work of the  
13 Commission. All non-public records and documents of the Commission shall be transferred by  
14 the Commission to the Legislature Administrative Officer for secured retention in accordance  
15 with the confidentiality provisions of Section 5(b) of this Act. The Commission shall transfer all  
16 of its official public documents to the appropriate repository upon completion of its work.

17 Section 9. Appropriation and Authorization for Appropriation.

18 (a) The sum of \$50,000 from the Chuuk State's Fiscal Year 2012 Budget is  
19 hereby authorized to be appropriated by the Legislature as an advance to the Commission  
20 to begin its operations. The legislature is authorized to appropriate such additional funds  
21 as may be necessary to carry out the purposes of this Act.

22 (b) The Commission shall submit a budget detailing the proposed  
23 expenditures of the initial \$50,000 appropriation to be legislature no later than sixty days  
24 after the appointment of all members.

25 (c) The Commission shall make quarterly reports to the legislature regarding  
26 the actual expenditure for all funds appropriated to the Commission;

27 (d) The Director of the Department of Administrative Services shall create a  
28 special account for the Commission, into which all funds appropriated to it shall be

1 deposited. The Director shall release funds from this account upon the certification of the  
2 Chairman of the Commission, who shall have sole expenditure authority over all such  
3 funds.

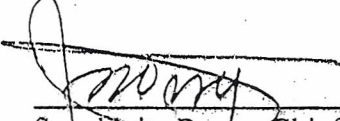
4 (e) Funds appropriated to the Commission may be spent without regard to  
5 fiscal year limitation.

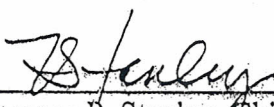
6 Section 10. Severability. If any provisions of this Act or the application of any such  
7 provision to any person or circumstance should be held invalid by a court of competent  
8 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
9 circumstances other than those to which it is held invalid shall not be affected thereby.

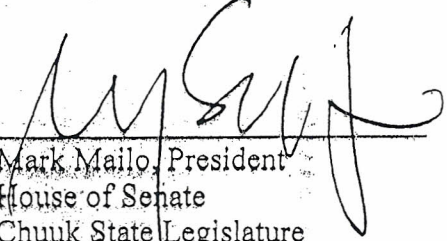
10 Section 11. Repeal. Chuuk State Law No. 7-04-08 is hereby repealed in its entirety.

11 Section 12. Effective Date. This Act shall take effect upon approval of the Governor, or  
12 upon its becoming law without such approval.

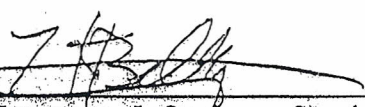
ATTESTED:

  
Songkinita-Bossy, Chief Clerk  
House of Senate  
Chuuk State Legislature

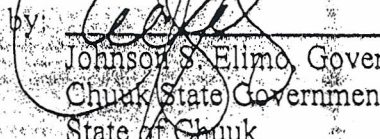
  
Florence P. Stanley, Chief Clerk  
House of Representatives  
Chuuk State Legislature

Signed by:   
Mark Mailo, President  
House of Senate  
Chuuk State Legislature

Date: Feb. 21, 2012

Signed by:   
Innocente I. Onisom, Speaker  
House of Representatives  
Chuuk State Legislature

Date: Feb. 22, 2012

Approved by:   
Johnson S. Elimo, Governor  
Chuuk State Government  
State of Chuuk

Date: 03/08/12

History:  
S.B.NO.: 11-35  
S.S.C.R. NO.: 11-1R-2S-04  
H.S.C.R. NO.: 11-1R-2S-15  
Introduced by: Alanso Cholymay, Senate Floor Leader  
Introduced Date: 05/05/11