

FIRST TRUK LEGISLATURE OF THE STATE OF TRUK — TRUK STATE LAW NO. 3-82
THIRD REGULAR SESSION, SECOND SPECIAL SESSION
BEGUN & HELD ON MOEN IS. TRUK STATE F.S.M. ON MONDAY
THE NINETEENTH OF JANUARY NINETEEN HUNDRED EIGHTY ONE ACT NO. 1-136

AN ACT

Calling a Constitutional Convention for the State of Truk, prescribing its powers, duties and functions, authorizing money therefor, and for other purposes.

Be it enacted by the Legislature of Truk.

Section 1. Constitutional Convention. A Constitutional Convention is established for the purpose of drafting a constitution for the State of Truk. The Convention shall be known as the Truk Constitutional Convention.

Section 2. Sessions of Convention. The Convention shall be convened at 9:30 a.m. on October 12, 1981, and shall continue to be in session for no longer than sixty meeting days. The Convention shall meet Monday through Friday except legal holidays; PROVIDED that Convention sessions may be held on weekends or holidays, or the Convention may recess for a period not to exceed thirty days by a majority vote of the delegates of the Convention.

Section 3. Delegates. The Convention shall consist of fifty-eight delegates, all of whom shall be citizens of the Federated States of Micronesia and residents of the State, selected as follows:

(1) Each of the Thirteen Legislative Election Districts, as designated in the State Charter, shall elect at a special or general election prior to July 17, 1981, delegates in the numbers shown in Article XI of the Truk State Charter.

(2) All recognized traditional chiefs in each of the Thirteen Legislature Election Districts shall select from among themselves one delegate.

(3) All State Senators in each of the Thirteen Legislative Election Districts, as designated in the State Charter, shall elect from among themselves one delegate.

(4) Other delegates by virtue of their positions or offices include:

- (a) Governor;
- (b) Speaker;
- (c) Chief Justice; and
- (d) Chairman of the State Magistrate Conference.

(5) Selection results under subsections 2 and 3 shall be made known to the State Election Commissioner within ten days of selection.

Section 4. Elections. The delegates to be elected under Subsection 1 of Section 3 of this Act shall be elected as follows:

(1) All citizens of the Federated States of Micronesia who are qualified to vote in state elections are qualified to vote for delegates to the Convention. Registration to vote in state elections shall also be registration to vote for delegates to the Convention.

(2) Any person who is twenty-five years of age or older who is a citizen of the Federated States of Micronesia and is a qualified voter for state elections shall be eligible for election as a delegate from the election district of residence.

(3) The name of any candidate for election as a delegate shall be printed on an official ballot to be used at the election for choosing candidates only if prior to 4:30 p.m., July 17, 1981, a nomination paper shall have been filed in the office of the Election Commissioner on his behalf which states his intention to represent a particular district together with the signature of not less than twenty-five qualified voters of that particular district. There shall be deposited with each nomination paper a non-refundable fee of twenty-five dollars. The Election Commissioner shall pay over all such nomination fees to the State Treasurer to remain available for defraying costs of the election.

(4) The names of candidates for each election district shall be on separate ballots which shall be substantially in the same form as those used for general election of public officers.

(5) The Election Commissioner, or his designee, shall upon receipt of the nomination paper indorse thereon the day, hour and minute that such nomination paper is received.

(6) In case of a tie vote in the election for a delegate, the candidates who received the same number of votes shall draw lots under the supervision of the Election Commissioner to determine who shall serve as a delegate.

(7) Each person voting for delegates shall be permitted to vote for the number of delegates to which the election district in which he votes is entitled, and the candidates receiving the highest number of votes cast from each election district shall be delegates to the Convention from that election district. The candidates not elected shall be designated as alternates in the order in which their vote totals appear.

(8) Except as otherwise specifically provided in this act, the election of delegates to the Convention shall be conducted, the returns made, the results ascertained, and the certifications of persons elected to be delegates to the Convention, pursuant to the State Election Act of 1978.

(9) The Convention shall be the sole judge of the election returns and qualifications of delegates.

Section 5. Vacancies.

(1) As used in this Section, the term "vacancy" includes a vacancy from:

(a) death;

(b) resignation; and

(c) incapacity to serve as a delegate by reason of illness, upon a finding of the same by the Convention.

(2) A vacancy for any delegate elected or selected shall be filled by the candidate receiving the next highest number of votes in the election, or selection of delegates from the same election district. In the event there is no alternative delegate, the Governor shall appoint a resident of the district involved who has the qualifications of a delegate to fill the vacancy.

Section 6. Pre-Convention Committee.

(1) There shall be a Pre-Convention Committee which shall consist of the seventeen delegates elected and selected under Subsections (3) and (4) of Section 3 of this act. The committee shall hold meetings not less than twenty days prior to the first meeting day of the Convention. At the meetings the delegates shall:

(a) organize into a committee and shall elect a chairman, a vice-chairman and a secretary;

(b) draft proposed rules of procedure for adoption by the Convention;

(c) facilitate the work of the Convention by ensuring that accommodations and facilities for the Convention are in proper order; and

(d) take such reasonable and appropriate actions to accomplish the above duties and the purpose of the Convention.

Section 7. Procedure.

(1) The Convention shall convene on Moen Island at a location selected by the Pre-Convention Committee;

(2) The Chairman of the Pre-Convention Committee, or in his absence, the Vice-Chairman, shall act as President of the Convention until the Convention shall select a President from among its membership.

(3) The Convention shall elect, from among its membership, a President and such additional officers as it may deem necessary and appropriate.

(4) The Convention shall establish such committees as it may deem necessary and appropriate to carry out its duties.

(5) The Convention shall adopt its own rules of procedure not inconsistent with this act; PROVIDED, HOWEVER, that no constitutional provision may be finally adopted by the convention except by the affirmative votes of not less than three-fourths of the delegates present, a quorum being present, and that no voting except in person shall be permitted, and that abstentions shall not be counted as affirmative votes in determining the result of any vote by the Convention to finally adopt a constitutional provision.

(6) A quorum shall consist of two-thirds of the delegates, unless the Convention by its rules of procedure may provide for a

greater number.

Section 8. Investigative Powers. The Convention and its committees and subcommittees shall be investigating committees as defined in Truk State Law No. 27-37 and shall have all of the powers and authorities with all the appropriate penalties which may be given to investigating committees as set forth in Truk State Law No. 27-37.

Section 9. Duties. The Convention shall draft a constitution for the State of Truk. The Constitution shall contain provisions for the exercise of legislative, judicial, and executive functions, for the guarantee of individual rights, for establishment of a government that is directly responsive to the freely expressed wishes of the people of Truk. It shall provide for an effective date, and shall require approval by a popular referendum as specified in this act. The Convention shall transmit a certified copy of the adopted and signed Constitution and Convention Journal to the Governor and the Speaker of the Legislature. Upon receipt of the Constitution the Governor shall call a referendum on the Constitution subject to the provisions of Section 14 of this act. Prior to his calling the referendum on the Constitution, the Governor shall cause the Constitution to be translated into Trukese language.

Section 10. Support.

(1) The officers and employees of the State Government shall cooperate with the Convention by furnishing such information as may be called for in connection with research activities of the Convention.

(2) The State Government shall provide such administrative, technical and staff assistance to the Convention and Pre-Convention Committee as may be necessary.

Section 11. Administrative Leave. Officials and employees of the State Government who are delegates to the Convention shall be granted administrative leave with pay to attend the Convention and any Pre-Convention activities as may be determined by the Pre-Convention Committee.

Section 12. Salaries and Expenses of Delegates.

(1) Delegates to the Convention who are not employed by the State, National, and Trust Territory Government shall receive a salary as determined by the Pre-Convention Committee, and made available to the Convention.

(2) All Delegates shall be entitled to reasonable and necessary expenses as determined by the Pre-Convention Committee and made available to the Convention.

Section 13. Public Education. The Director of Public Affairs shall conduct education programs on the Convention and the draft Constitution from the time the Convention convenes until the date of the referendum on the Constitution adopted by the Convention.

Section 14. Referendum.

(1) The Governor by proclamation shall set a date for the referendum for the ratification of the Constitution adopted by the Convention, which shall be held no later than the first Tuesday following the first Monday in March 1983.

(2) Except as otherwise provided in this Section, the provisions of the Truk State Election Act of 1978 shall apply to the referendum.

(3) The referendum ballot shall appear substantially as follows:

STATE CONSTITUTIONAL REFERENDUM

Do you approve of the Constitution of the State of Truk as adopted by the Truk Constitutional Convention?

YES NO

(4) The results of the referendum shall be certified by the Election Commissioner who shall transmit such certification to the Legislature which shall be the sole judge of the referendum and the results thereof.

Section 15. Authorization.

(1) The sum of \$200,000, or so much thereof as may be necessary, is authorized from the General Fund of the Legislature for the purpose of carrying out the provisions of this act as follows:

(a) Election of Delegates _____; and

(b) Expenses of the Convention _____.


(2) The sum authorized by Section 15 (1) (a) of this act shall be allotted to the Governor who shall be responsible for ensuring that these funds are used only for the purpose specified in Section 15 (1) (a) and that no obligations are incurred in excess of the sum appropriated. Any part of this appropriation not obligated as of October 12, 1981, shall revert to the General Fund of the Truk Legislature.


(3) The Governor shall submit a report to the Legislature not later than October 13, 1981, which shall provide for the full disclosure of the obligations incurred against the sum appropriated by Section 15 (1) (a) of this act.

(4) The sum appropriated by Section 15 (1) (b) of this act shall be allotted to the President of the Convention who shall be responsible for ensuring that these funds are used only for the purpose specified in Section 15 (1) (b) and that no obligations are incurred in excess of the sum appropriated. Any part of this appropriation not obligated as of January 14, 1982, shall revert to the General Fund of the Legislature.

(5) The President of the Convention shall submit a report to the Legislature not later than February 15, 1982, which shall provide for a full disclosure of the obligations incurred against the sum appropriated by Section 15 (1) (b) of this act.

Section 16, Effective Date. This Act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by: 
for Tadashi C. Wainit, Speaker
Truk Legislature

Attested to: 
for Datasi Albert
Legislative Clerk/Secretary
Truk Legislature

Date: April 7, 1981