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AN ACT

Establishing a Constitutional Convention for the State of Truk, prescribing its powers, duties and functions, authorizing appropriation thereof, and for other purposes.

Be it enacted by the Legislature of Truk State:

1           Section 1. Constitutional Convention. A Constitutional  
2           Convention is established for the purpose of drafting a Con-  
3           stitution for the State of Truk.

4           Section 2. Members of the Convention. Members shall be  
5           known as delegates. The Convention shall consist of 28 dele-  
6           gates all of whom shall be residents of Truk and citizens of  
7           the Federated States of Micronesia. Each of the 13 Election  
8           Precincts, as designed in the State Charter, shall elect at a  
9           special or general election on the Second Tuesday of November,  
10          1987, delegates in the numbers shown in Article IX of the Truk  
11          State Charter.

12          Section 3. Vacancies.

13           1) As used in this Section, the term "Vacancy" includes  
14           a vacancy from death, resignation, and incapacity to serve as  
15           a delegate by reason of illness, upon finding of the same by  
16           the Convention.

17           2) A vacancy for any delegate shall be filled by the candi-  
18           date receiving the next highest number of votes in the election.  
19           In the event that there is no alternative delegate, the Governor  
20           shall appoint a resident of the election precinct involved who  
21           has the qualifications of a delegate to fill the vacancy.

22          Section 4. Session of the Convention. The Convention shall  
23          be convened at 9:30 a.m. on the First Monday in January 1988,  
24          and shall continue to be in session for a period of not more  
25          than a total of 60 meetings or working days. The Convention  
26          shall meet Monday through Friday except, holidays, PROVIDED,  
27          that the Convention sessions may be held on weekend or holidays,  
28          or the Convention may recess for a period not to exceed a total  
29          of 30 days by a majority vote of the Convention delegates.

Section 5. Procedure.

1 The Convention shall convene on Moen at a location  
2 to be selected by the Pre-Convention Committee.

3) The Chairman of the Pre-Convention Committee or in  
4 his absence, the Vice-Chairman, shall act as President of the  
5 Convention until the Convention shall elect a President from  
6 among its members.

7) The Convention shall elect, from among its members, a  
8 President, a Vice-President, and a Floor Leader, and such addi-  
9 tional officers as it may deem necessary and appropriate.

10) The following committees are established to carry out the  
11 duties of the Convention:

- 12 a) Committee on Executive;
- 13 b) Committee on Legislative;
- 14 c) Committee on Judiciary;
- 15 d) Committee on Other Provisions; and
- 16 e) Committee on Style and Arrangement.

17) Other Committees may be established by the Convention  
18 as it deems appropriate. The Committee on Style and Arrangement  
19 shall provide the necessary translation of the new Draft  
20 Constitution.

21) The Convention shall adopt its own Rules of Procedure  
22 not inconsistent with this Act; PROVIDED, HOWEVER, that no  
23 constitutional provisions may be finally adopted by the Convention  
24 except by the affirmative votes of not less than 3/4 of the  
25 delegates present, a quorum being present, and that no voting  
26 except in person shall be permitted, and that abstentions  
27 shall not be counted as affirmative votes in determining the  
28 result of any vote by the Convention to finally adopt a consti-  
29 tutional provision.

30) A quorum shall consist of 2/3 of all the delegates.

Section 6. Investigative Powers. The Convention and  
31 its committees and subcommittees shall be investigating committees  
32 as defined in Truk State Law 27-37, and shall have all the powers  
33 and authorities with all the appropriate penalties which may

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be given to investigating committees as set forth in Truk State Law No.27-37.

Section 7. Duties. The Convention shall draft a Constitution for the State of Truk. The Constitution shall contain provisions for the exercise of Legislative, Executive and Judicial functions, for the guarantee of individual rights, for establishment of a government that directly expresses the wishes of the people of Truk. The Convention may use the Draft Constitution of Truk and the Truk State Charter, both English and Trukese versions, as reference and informational materials for its work. It shall provide in the Draft Constitution an effective date, and shall require approval by 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 Speaker of the Legislature. Upon receipt of the Constitution, the Governor shall call a referendum on the Constitution subject to the provisions of Section 12 of this Act.

Section 8. Support.

1) The officers and employees of the Truk State Government at all levels shall cooperate with the Convention by furnishing such information and assistance as may be called for in connection with the research activities of the Convention and any other work of the Convention.

2) The State Government shall provide such administrative secretarial, technical and staff assistance to the Convention as may be deemed necessary by the Convention.

3) The Governor shall provide every assistance required to enable the smooth opening of the Convention as provided for in Section 4 and 5 of this Act, including its future sessions until the work of the Convention is completed.

Section 9. Administrative Leave. Officials and employees of the State Government who are delegates to the Convention shall be granted administrative leave with pay.

Section 10. Salaries and Expenses of Delegates.

1) Delegates who are not employed by the State, National

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any government shall receive a salary of not more than  
per working or meeting day. Any delegate employed  
the State or National Government receiving a salary of more  
than \$30.00 per work day shall not be entitled to any additional  
salary; however, any delegate employed by the State, National  
or any other government receiving a salary of less than \$30.00  
per work day shall be entitled to receive the difference.

2) All delegates shall be entitled to receive an allowance  
of \$15.00 per working or meeting day.

Section 11. Education Program. The Delegates and staff  
members under the general supervision of the Director of Public  
Affairs shall conduct the education program on the works of the  
Convention and the Draft Constitution immediately following the  
conclusion of the Convention, but prior to the date of the referendum.

Section 12. Referendum.

1) The Governor shall, by proclamation, set a date for  
the referendum on the Constitution no later than 90 days after  
receipt by the Governor of a copy of the adopted and signed Constitution  
as transmitted by the Convention.

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

3) The referendum ballot shall appear substantially  
as follows: "STATE CONSTITUTIONAL REFERENDUM:

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

YES  NO

4) The results of the referendum shall be certified  
by the Election Commissioner whose certification shall be the solemn  
declaration of the approval of the Constitution by the people  
of the State of Truk. Should there be any question regarding  
the referendum and the results thereof, the decision of the Truk  
State Legislature shall be final.

Section 13. Pre-Convention Committee. There shall be  
a Pre-Convention Committee which shall consist of five delegates,

1 two of whom shall be chosen by the Governor, two by the Speaker  
2 of the Truk State Legislature and one by the Chief Justice of  
3 the Truk State Court from among the 28 delegates elected under  
4 Section 2 of this Act; PROVIDED, that the five delegates so chosen  
5 shall each represent one of the five Congressional Election Precincts.

6 The Committee shall hold its first meeting on a day and at a place  
7 to be designated in writing by the oldest member and such other  
8 meetings 20 days prior to the first meeting day of the Convention.

9 During the first meeting, the Committee shall elect its Chairman,  
10 Vice-Chairman and a Secretary. Also during the first and subsequent  
11 meetings, the Committee shall:

12 a) draft proposed rules of procedure for adoption by the  
13 Convention;

14 b) facilitate the work for the Convention by ensuring that  
15 accommodations and facilities for the Convention are in prior order;  
16 and

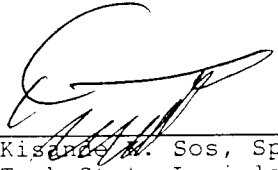
17 c) take such reasonable and appropriate actions to accomplish  
18 the above duties and the purpose of the Convention.

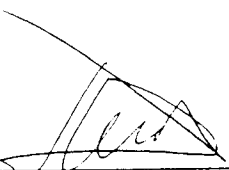
19 Section 14. Effective Date of the Constitution. The effective  
20 date of the Constitution shall be so fixed as to permit the current  
21 Legislature and Administration to serve out their full 4-year  
22 terms.

23 Section 15. Appropriation Authorization. There is hereby  
24 authorized to be appropriated from the General Fund of the State  
25 such sum and at such time as may be necessary for the purpose  
26 of carrying out the provisions of this Act relating to the expenses  
27 and operation of the Constitutional Convention.


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Section 14. Effective Date of this Act. This Act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by:   
Kisande M. Sos, Speaker  
Truk State Legislature

Attested to:   
Datasi Albert, Chief Clerk  
Truk State Legislature

Date: June 16, 1987

Approved by:   
Gideon K. Doone, Governor  
of the State of Truk

Date: June 18, 1987

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