



**GOVERNMENT OF KOSRAE**

**Office of the Governor**

**Post Office Box 158**

**Kosrae, Federated States of Micronesia 96944**

**Telephone: 691-370-3002/3003..Facsimile: 691-370-3162**

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April 26, 2016

The Honorable Tulensa W. Palik  
Speaker  
Eleventh Kosrae State Legislature  
Tofol, Kosrae FM 96944

Dear Mr. Speaker:

Kulo nu sin God ke moul lasr. Paing kom a Honorable Members ke Sroasr Masap kewa.

Nga sim in tukakin la L.B. No. 11-46, L.D.2, el inge masap se lun State su orala Kosrae State Law No. 11-65 su sifwa u fwak ouinge:

**"ESTABLISHING THE FOURTH KOSRAE STATE CONSTITUTION  
CONVENION; AND FOR OTHER PURPOSES."**

Certified copy ke masap se inge pa attached nuke letter luk.

Kulo ma lulap.

Lyndon H. Jackson  
Governor, State of Kosrae



ELEVENTH KOSRAE STATE LEGISLATURE

P.O. BOX 187

Tofol, Kosrae State

Federated States of Micronesia 96944

Telephone: (691) 370-3019/3177

Web Page: [www.kosraelegislature.org](http://www.kosraelegislature.org)

March 29, 2016

Tulensa W. Palik  
SPEAKER

Robert I. Taulung  
VICE SPEAKER

Jarinson M. Charley  
FLOOR LEADER

LELU:  
Albert T. Welly  
Gilton A. Esahu  
Reedson P. Abraham  
Salpasr E. Tiffas

TAFUNSAK:  
Alokoa Jb. Sigrah  
Maker L. Palsis  
Robert I. Taulung  
Rolner L. Joe

MALEM:  
Jarinson M. Charley  
Morgan S. Jonas  
Sasaki L. George

UTWE:  
Josajah F. Waguk  
Rinson H. Edmond

The Honorable Lyndon H. Jackson  
Governor  
State of Kosrae  
Tofol, Kosrae FM 96944

Dear Governor Jackson,

I have the honor to transmit herewith for your consideration and action on  
**L.B. No. 11-46, L.D. 2; ESTABLISHING THE FOURTH KOSRAE STATE  
CONSTITUTIONAL CONVENTION; AND FOR OTHER PURPOSES;**  
which passed the Legislature, Sixth Special Session, by two-thirds of the  
Members of the Legislature, a quorum being present.

Respectfully yours,

Andy J. Andrew  
Deputy Chief Clerk  
Eleventh Kosrae State Legislature

Enclosures

LEGISLATIVE BILL No. 11-46, L.D. 2

**ELEVENTH KOSRAE STATE LEGISLATURE  
SIXTH SPECIAL SESSION  
MARCH 16-24, 2016**

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**A BILL FOR AN ACT**

**ESTABLISHING THE FOURTH KOSRAE STATE CONSTITUTIONAL  
CONVENTION; AND FOR OTHER PURPOSES.**

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**INTRODUCED BY:** Senator

Albert T. Welly

**DATE:** July 28, 2015

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**ACTION BY THE LEGISLATURE**

**PASSED FIRST READING:** November 13, 2015

**REFERRED TO:** COW Report No. 11-07 (Adopted 02/18/16)

**SECOND READING:** March 11, 2016

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Andy J. Andrew  
Deputy Chief Clerk  
Kosrae State Legislature



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LEGISLATIVE BILL No. 11-46, L.D. 2

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Sixth Special Session, 2016, by two-thirds of the members of the Legislature, a quorum is present.

Tulensa W. Palik  
Speaker  
Eleventh Kosrae State Legislature

Andy J. Andrew  
Deputy Chief Clerk  
Kosrae State Legislature

A BILL FOR AN ACT

Establishing the Fourth Kosrae State Constitution Convention; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1           Section 1. Constitutional Convention. The Fourth Kosrae State Constitution Convention,  
2 hereinafter referred to as “the Convention,” is hereby established, for the purpose of proposing  
3 amendments to the Constitution of Kosrae State, pursuant to Article XV of the Constitution and  
4 the referendum approved by the voters at the special election held on Wednesday, July 1, 2015.

5           Section 2. Session of the Convention. The Convention shall convene at 10:00 a.m. on a date  
6 to be set by the Governor, and shall continue in session for no longer than 20 working days. Said  
7 session may be extended by five working days by a vote of the delegates. The Convention may  
8 recess during the period of session.

9           Section 3. Delegates to the Convention. The Convention shall consist of 14 delegates  
10 representing the four municipalities of Kosrae who shall be elected at a special election on a date  
11 to be set by the Governor. The delegates shall come from the municipalities as follows:

- |    |              |           |
|----|--------------|-----------|
| 12 | (a) Lelu     | 5 members |
| 13 | (b) Tafunsak | 4 members |
| 14 | (c) Malem    | 3 members |
| 15 | (d) Utwe     | 2 members |

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

3 (a) Conduct of the election, including voter registration and qualifications, shall  
4 be pursuant to Title 3 of the Kosrae State Code except to the extent  
5 inconsistent with this act.

6 (b) Any FSM citizen who is 25 years of age or older, is a qualified voter in a  
7 municipality listed on the register for that municipality at the time of  
8 determination of his qualification as a delegate, and is not currently under a  
9 judgment of mental incompetency or insanity, or was convicted as a felon by  
10 any court, shall be eligible for election as a delegate from that municipality.  
11 The payment of a non-refundable twenty five dollar (\$25.00) fee shall be  
12 required for a candidate's name to be placed on the ballot or, in the case of a  
13 write-in candidate, for votes he has received to be treated as valid as provided  
14 for under Section 3.1509 of the Kosrae State Code.

15 (c) Each person voting for delegates shall be permitted to vote for the number of  
16 delegates to which the municipality in which that person votes is entitled. The  
17 candidates not elected shall be designated as alternates in the order of their  
18 vote totals.

19 (d) In the case of a tie vote for a delegate slot, the candidates who received the  
20 same number of votes for that slot shall draw lots under the supervision of the

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1 Election Commissioner to determine who shall serve as a delegate.

2 (e) The Convention shall be on the sole judge of the election returns and  
3 qualifications of delegates.

4 Section 5. Vacancies.

5 (a) As used in this Section, the term “vacancy” includes a vacancy due to

6 (1) Death;

7 (2) Resignation; or

8 (3) Incapacity to serve as a delegate by reason of illness, non-

9 qualification or a loss of eligibility under Section 4(b) of this act upon  
10 a finding of the same by a majority of the delegates to the Convention.

11 (b) A delegate vacancy shall be filled by the candidate receiving the next  
12 highest number of votes in the election of delegates from the same  
13 municipality. In the event that there is no alternate delegate, the Governor  
14 shall fill the vacancy by appointing a person who qualifies under Section  
15 4(b) of this act to represent the municipality.

16 Section 6. Pre-Convention Committee; Cooperation from Government.

17 (a) There shall be a Pre-Convention Committee which shall consist of the  
18 two delegates from each of the four municipalities who received the  
19 highest number of votes in their municipalities, provided that, where there  
20 is a tie vote, the older of the delegates involved in the tie shall serve on the

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L.B. No. 11-46 L.D. 2

1 Pre-Convention Committee. The delegate receiving the Committee shall  
2 meet for a maximum of 10 working days prior to the Convention. At the  
3 meetings, the Committee shall:

- 4 (1) Choose its own officers and organize according to its  
5 own rules and procedures;
- 6 (2) Make arrangements for accommodations, equipment  
7 and facilities;

8 PROVIDED, however, that the Pre-Convention Committee shall  
9 whenever possible arrange to utilize State Government equipment  
10 and facilities;

- 11 (3) Ensure that all staffing needs of the Convention will be  
12 met;
- 13 (4) Prepare a budget for the Convention to be submitted to  
14 the Legislature;
- 15 (5) In its discretion, prepare the delegates for their  
16 Convention duties through meetings, materials, poll or  
17 otherwise;
- 18 (6) Confer with the various municipal delegations to  
19 identify those issues that each delegation wishes to raise  
20 at the convention;



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- (7) Commission any research that it feels should be performed on issues identified by the municipal delegations prior to the convening of the Convention;
- (8) Examine and report to the Convention on the qualifications of the delegates;
- (9) Prepare proposed rules and procedures;
- (10) Take such reasonable and appropriate actions as may be necessary to accomplish the above duties for the benefit of the Convention.

(b) The Committee Chairman, with the approval of the Pre-Convention Committee, and the presiding officer, with the approval of the Convention, may enter into agreements or understandings with State and National Government officials, or officials-elect, and with private individuals, for the staffing and material needs of the Convention. State Government officials and employees shall make every effort compatible with their government duties to assist the work of the Convention and the Pre-Convention Committee.

Section 7. Organization Rules.

(a) The Convention shall convene at a location selected by the Pre-Convention Committee.

1 (b) The Chairman of the Pre-Convention Committee, or in his absence the Vice  
2 Chairman, shall preside at the Convention until the Convention shall elect a  
3 permanent presiding officer.

4 (c) The Convention shall select from among its membership a presiding officer  
5 and such other officers as it may deem necessary and appropriate.

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

8 (e) The Convention shall adopt its own rules of procedure not inconsistent with  
9 this act. The rules shall provide the form of proposed amendments, which in  
10 any case shall be numbered and each given a descriptive title and effective  
11 date.

12 Section 8. Immunity. No delegate may be held to answer before any other tribunal for  
13 any speech or debate in the Convention. Delegates are, in all cases except felony for  
14 breach of the peace, privileged from arrest during their attendance at sessions or  
15 committee meetings for the Convention, and in going to and returning from the same.

16 Section 9. Investigative Powers. The Convention may exercise, according to procedures  
17 established by it, all the authority and attributes inherent in legislative bodies, including,  
18 but not limited to, the power to institute and conduct investigations, issue subpoenas to  
19 witnesses and other interested parties, and administer oaths.

20 Section 10. Administrative Leave. Officials and employees of the State Government

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SECOND SPECIAL SESSION, JULY 2015

L.B. No. 11-46 L.D. 2

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1 who are delegates, staff, witnesses or advisors to the Convention shall receive  
2 administrative leave with pay to perform their respective functions at the Convention.  
3 Section 11. Compensation of Delegates. A Convention delegate who is not a Kosrae  
4 State Government employee shall receive compensation from funds appropriated for that  
5 purpose at a rate of \$25.00 for each day on which the delegate performs an authorized  
6 activity of the Convention or the Pre-Convention Committee, PROVIDED, that there  
7 shall be deducted from each day's payment any amount which the delegate received for  
8 that day, either for actual performance of his governmental or other employment duties or  
9 by way of leave the calculation of a deduction pursuant to this Section, a governmental  
10 salary based on a yearly, bi-weekly, or other rate shall be prorated to a daily rate.

11 Section 12. Public Information and Discussion. The Office of the Governor shall be  
12 responsible for a thorough, balanced program of information and discussion on the  
13 Convention and the proposed Constitutional amendments from the time the Convention  
14 convenes until the date of the referendum on the proposed Constitutional amendments.  
15 The Office of the Governor shall take all reasonable steps to have the program reach  
16 persons who are qualified to vote in the referendum and reside outside Kosrae State.

17 Section 13. Proposed Constitutional Amendments; Adjournment Sine Die; Record and  
18 Property. The proposed amendment to the Constitution shall be expressed by the  
19 Convention in the Kosraean and English languages in the form finally adopted by the  
20 Convention. Upon adoption of the proposed amendments to the Constitution, the

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1 Convention shall transmit each in certified form to the Governor who shall be responsible  
2 for its publication. Upon vote of a majority of the delegates, or upon expiration the term  
3 of the Convention, whichever comes first, the Convention shall adjourn sine die and  
4 expire, and thereupon all materials, equipment, unused supplies or other property  
5 purchased with funds appropriated by this act shall be accounted for by the allottee(s) of  
6 the funds to the Speaker of the Legislature and shall immediately be transferred to the  
7 Legislature for its use or disposition according to law; PROVIDED, that all files,  
8 documents, and video, oral and printed records of the Convention shall be accounted for  
9 by the permanent presiding officer of the Convention to the Governor and shall be given  
10 into the possession of the Governor as State Government property for preservation by  
11 him and for access to the public upon reasonable conditions to be made by him.

12 Section 14. Referendum.

13 (a) The Governor by proclamation shall set a date for the referendum on the proposed  
14 amendments to the Constitution. If a date specific is given as the effective date for  
15 one or more of the amendments adopted by the Convention, the referendum shall be  
16 held no later than the earliest of any such dates specific. In any event, the referendum  
17 shall be held within 90 days of the adjournment sine die of the Convention.

18 (b) To the extent consistent with this act, the referendum shall be conducted in  
19 accordance with the provisions of Title 3 of the Kosrae State Code.

20 (c) The Election Commissioner shall cause a referendum ballot to be prepared in

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1 Kosraean and English, which for each proposed amendment adopted by the  
2 Convention shall set forth the title of the proposed amendment and the text of the  
3 amendment, along with the effective date, followed immediately by the question:

4 "Do you approve this proposed amendment to the Constitution of the State of  
5 Kosrae adopted by the Fourth Kosrae State Constitutional Convention?

6  Yes  No"

7 (d) A proposed amendment takes effect as provided by Article XV, Section 2 of the  
8 Constitution.

9 (e) The Election Commissioner certifies and announces the results of the election with  
10 respect to each proposed amendments upon determining that the conduct of the  
11 election was lawful.

12 (f) In the event conflicting constitutional amendments submitted to the voters at the same  
13 election are approved, the amendment receiving the highest number of affirmative  
14 votes shall prevail to the extent of the conflict.

15 Section 15. Effective Date. This act takes effect upon its approval by the Governor or  
16 upon its becoming law without such approval.


ELEVENTH KOSRAE STATE LEGISLATURE


SECOND SPECIAL SESSION, JULY 2015

L.B. No. 11-46 L.D. 2

1 PASSED BY THE ELEVENTH KOSRAE STATE LEGISLATURE ON THE 11<sup>TH</sup> DAY OF  
2 MARCH, 2016.

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4 Tulensa W. Palik  
Speaker, Eleventh Kosrae State Legislature

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7 Attested by:   
Deputy Chief Clerk

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10   
Lyndon H. Jackson  
Governor, State of Kosrae

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13 Date: 4/26/16