

HR 1974

AN ACT

Calling a constitutional convention for Micronesia; prescribing its powers, duties and functions appropriating money therefor; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. Constitutional Convention. There is hereby
2 created a constitutional convention in and for the Trust Territory
3 of the Pacific Islands. The convention shall be known as the
4 Micronesian Constitutional Convention.

5 Section 2. Delegates. The convention shall consist of
6 sixty (60) delegates, all of whom shall be Trust Territory
7 citizens, selected as follows:

8 (1) Each district's delegation to the Congress of Micro-
9 nesia shall select one delegate from among its membership. Selec-
10 tion of such delegates shall be made not later than June 30, 1974,
11 and shall be made in writing by the district Congressional delegation
12 to the President of the Senate of the Congress of Micronesia.

13 (2) Forty-two delegates shall be elected from the following
14 delegate districts, as follows:

15 (a) Mariana Islands District, four delegates, elected
16 from the following delegate districts, each electing
17 the following delegates:

18 District No. 1, consisting of the municipalities
19 of Tinian and Rota, and Municipal District No. 6 as
20 defined by municipal ordinance of the Municipality of
21 Saipan, as of the effective date of this act, electing
22 one delegate;

1 District No. 2, consisting of the
2 Municipal Districts No. 1, 2, 3, and 4 of Saipan,
3 electing one delegate;

4 District No. 3, consisting of Municipal Districts
5 No. 7 and 11 as defined by municipal ordinance of the
6 Municipality of Saipan, as of the effective date of this
7 act, electing one delegate;

8 District No. 4, consisting of Municipal Districts
9 No. 5, 8, 9 and 10 as defined by municipal ordinance
10 of the Municipality of Saipan, as of the effective
11 date of this act, and islands north of Saipan Island,
12 namely Agrihan, Pagan, Alamagan, Sarigan and Anatahan;
13 electing one delegate.

14 (b) Marshall Islands District, nine delegates, elected
15 from the following delegate districts, each electing
16 the following delegates;

17 District No. 1, consisting of the municipalities of
18 Majuro Atoll, electing one delegate;

19 District No. 2, consisting of the municipalities of
20 Arno and Mili, electing one delegate;

21 District No. 3, consisting of the municipalities of
22 Wotje, Maloelap, Erikub and Aur, electing one delegate;

23 District No. 4, consisting of the municipalities
24 of Ebon and Namorik, electing one delegate;

25 District No. 5, consisting of the municipalities

1 electing one delegate.

2 (d) Ponape District, nine delegates, elected from
3 the following delegate districts, each electing the
4 following delegates:

5 District No. 1, consisting of Kusaie Island,
6 electing two delegates;

7 District No. 2, consisting of the municipalities
8 of Kolonia Town and Pingelap, electing one delegate;

9 District No. 3, consisting of the municipalities
10 of Mokil, Kapingamarangi, Nukuor and Ngatik, electing one
11 delegate;

12 District No. 4, consisting of the municipality
13 of Uh, electing one delegate;

14 District No. 5, consisting of the municipality
15 of Metelanihm, electing one delegate;

16 District No. 6, consisting of the municipality of
17 Kiti, electing one delegate;

18 District No. 7, consisting of the municipality of
19 Sokehs, electing one delegate.

20 District No. 8, consisting of the municipality of
21 Net, electing one delegate.

22 (e) Truk District, twelve delegates, elected from
23 the following delegate districts, each electing the
24 following delegates:

25 District No. 1, consisting of the municipality of

1 Moen, electing two delegates;

2 District No. 2, consisting of the municipality

3 of Dublon, electing one delegate;

4 District No. 3, consisting of the municipality

5 of Uman, electing one delegate;

6 District No. 4, consisting of the municipalities

7 of Parem, Tsis, and Fefan, electing one delegate;

8 District No. 5, consisting of the municipalities

9 of Tol, Polle, Wonei and Pata, electing two delegates;

10 District No. 6, consisting of the municipalities

11 of Udot, Fela-Beguets, Eot, and Romalum, electing

12 one delegate;

13 District No. 7, consisting of all the municipalities

14 of the Mortlock Islands, electing three delegates;

15 District No. 8, consisting of all the municipalities

16 in the Hall Islands, Namonouito Atoll and the Western

17 Islands, electing one delegate.

18 (f) Yap District, three delegates, elected from the

19 following delegate districts, each electing the following

20 delegates:

21 District No. 1, consisting of all the municipalities

22 in the Yap Islands Proper, electing two delegates;

23 District No. 2, consisting of all the remaining

24 municipalities of Yap District, electing one delegate.

25 (3)(a) The remaining twelve delegates shall be

1 selected as follows: The recognized paramount and
2 traditional chiefs of each administrative district shall
3 meet and select from among their members two nonvoting
4 delegates to the convention.

5 (b) Notwithstanding the provisions of paragraph (a)
6 of this Subsection, any district which does not have
7 traditional chiefs shall be entitled to select two
8 nonvoting delegates to the Convention: PROVIDED, HOWEVER,
9 that the district legislature shall select one such member,
10 and the District Administrator shall select the other. In
11 making selections under the provisions of this paragraph,
12 the appointing authority shall ensure that ethnic minority
13 groups not otherwise represented on the district's
14 delegation to the convention shall be represented insofar
15 as practical.

16 (c) Appointments made under the provisions of this
17 Subsection shall be made not later than June 30, 1974,
18 and shall be transmitted in writing by the presiding officer
19 of the district legislature, in the case of district
20 legislature appointees, or the District Administrator, in
21 the case of his appointees, to the President of the Senate
22 of the Congress of Micronesia. The District Administrator
23 shall also transmit to the President of the Senate of the
24 Congress of Micronesia the names of the nonvoting delegates
25 selected by the paramount and traditional leaders of the

1 district concerned.

2 Section 3. Elections. The delegates to be elected under Section
3 2, Subsection (2) of this act shall be elected as follows:

4 (1) All citizens of the Trust Territory who have the qualifications
5 of voters for members of the House of Representatives of the Congress of
6 Micronesia are hereby eligible to vote for and choose delegates to the
7 Convention. Registration to vote for members of the Congress of Micronesia
8 shall also be registration to vote for delegates to the Convention.

9 (2) The election of delegates shall be held on the first Tuesday
10 following the first Monday in June, 1974.

11 (3) Any person who is eighteen years of age or older, has
12 fulfilled the residence requirements in the representative district for
13 registration as a voter, as set forth in Title 43 of the Trust Territory
14 Code, is not currently under a judgment of mental incompetency or insanity,
15 and is not currently under parole, probation, or sentence for any felony for
16 which he has been convicted by any court of the Trust Territory or any court
17 within the jurisdiction of the United States, shall be eligible for election
18 as a delegate from that representative district.

19 (4) The name of any candidate for election as a delegate shall
20 be printed on an official ballot to be used at the election for choosing
21 candidates only if at least twenty days prior to such election a nomination
22 paper shall have been filed in the office of the Election Commissioner of
23 the administrative district concerned in his behalf nominating him as a
24 candidate for a delegate from the particular delegate district concerned, and
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1 signed by not less than twenty-five qualified voters of the delegate
2 district involved. There shall be deposited with each nomination
3 paper a fee of ten dollars. Such nomination fee shall be paid
4 over to the Treasurer of the Trust Territory as a local revenue
5 general realization, available for appropriation by the Congress
6 of Micronesia. No such nomination paper shall contain any
7 reference to, or designate any political party, and the ballots
8 used at such election shall not contain any reference to or
9 designation of the political party or affiliation of any candidate.
10 The names of the candidates in each delegate district
11 shall be on separate ballots. Except as herein provided, the
12 ballots for election of the delegates shall be in substantially
13 the same form as those for the general election for members of
14 the Congress of Micronesia. The Election Commissioner shall,
15 upon receipt of the nomination paper, indorse thereon the day,
16 hour and minute that such nomination paper is received.

17 (5) In case of a tie vote at the election for delegates,
18 the candidates so tied shall draw lots under the supervision of
19 the Election Commissioner of the administrative district concerned
20 to determine which of them shall be selected as delegates.

21 (6) Each person voting for delegates shall be permitted
22 to vote for the number of delegates to which the delegate district
23 in which he votes is entitled, and the candidate or candidates
24 receiving the highest number of votes from each delegate district
25 shall be the delegates to the Convention from that delegate district.

1 The candidates not elected shall be designated as alternates in
2 the order in which their vote totals appear.

3 (7) Except as otherwise specifically provided by this
4 act, the election for such delegates shall be conducted, the
5 returns made, the results ascertained, and the certificates of
6 persons elected to be delegates to such Convention issued in the
7 same manner as is prescribed by Title 43 of the Trust Territory
8 Code relating to elections for members of the Congress of
9 Micronesia.

10 (8) The Convention shall be the sole judge of the
11 elections, returns, and qualifications of delegates.

12 Section 4. Vacancies. (1) Vacancies for any delegate
13 appointed by a district delegation to the Congress of Micronesia
14 shall be filled by appointment by that district's delegation
15 to the Congress of Micronesia. (2) Vacancies for any delegate
16 elected from a delegate district shall be filled by the candidate
17 receiving the next highest number of votes in the election of
18 delegates from the same delegate district. (3) Vacancies for any
19 nonvoting delegate appointed under the provisions of Subsection (3)
20 of Section 2 of this act shall be filled in the same manner as
21 the original appointment.

22 Section 5. Pre-Convention Committee.

23 (1) There shall be a Pre-Convention Committee, which
24 shall consist of seven members, selected as follows:

25 (a) Each district's delegation to the Convention,

1 consisting of all the delegates selected under the provisions of
2 Section 2, shall be called into meeting by the delegate who is
3 a member of the Congress of Micronesia. The delegation shall then
4 select a delegation chairman from its membership, who shall be
5 the district's representative on the Committee. Such selection
6 shall be made not later than July 31, 1974, and shall be made in
7 writing by the district's delegation to the President of the
8 Senate of the Congress of Micronesia.

9 (b) The President of the Senate of the Congress
10 of Micronesia shall be Chairman of the Pre-Convention Committee.

11 (2) The duties of the Pre-Convention Committee shall
12 be to facilitate the work of the Convention. To this end, the
13 Committee shall ensure that accommodations and facilities for
14 the convention are in proper order, and may take such other
15 steps as it may deem necessary or appropriate to accomplish this
16 purpose.

17 (3) Members of the Committee shall be entitled to per
18 diem and travel expenses, at standard Trust Territory rates, while
19 on the business of the Committee.

20 Section 6. Procedure.

21 (1) The Constitutional Convention shall convene in
22 Saipan, Mariana Islands District and shall continue in session for
23 not longer than ninety (90) calendar days. The Pre-Convention
24 Committee shall specify the actual date for the convening of the
25 convention.

1 (2) The President of the Senate of the Congress of
2 Micronesia shall act as President of the Convention until
3 the Convention shall select a President from among its membership.

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

7 (4) The Convention shall adopt its own rules of
8 procedure not inconsistent with this act; PROVIDED, HOWEVER,
9 that no question shall be decided affirmatively by the Convention
10 except by the affirmative votes of not less than three-fourths of
11 the delegates entitled to vote in the Convention, a quorum being
12 present; and that no voting except in person shall be permitted;
13 and that abstentions shall not be counted as a vote cast in
14 determining the result of any question.

15 (5) A quorum shall consist of thirty-six voting delegates,
16 unless the Convention by its rules of procedure shall provide for a
17 greater number.

18 Section 7. Powers of Convention. (1) The President of
19 the Constitutional Convention, or the Chairman of any duly
20 established Committee thereof, shall have the power and authority
21 to issue subpoenas requiring the attendance of witnesses
22 or the production of books, documents, or other evidence,
23 in any matter related to the purpose of the Constitutional
24 Convention.

25 Any subpoena or other process issued under the

1 authority of the Convention shall run in the name of the Trust
2 Territory of the Pacific Islands and shall be addressed to any
3 police officer of the Trust Territory or of any administrative
4 district. Such subpoena or other process shall be signed by the
5 President, shall contain a reference to this Section, and shall
6 set forth in general terms the matter or questions with reference
7 to which such testimony or other evidence is to be taken.

8 Any officer to whom the process described in this
9 Subsection is directed, if within his jurisdiction, shall forthwith
10 serve or execute the same upon delivery thereof to him, without charge
11 or compensation; PROVIDED, HOWEVER, that any officer serving or
12 executing such subpoena or process shall be compensated for his
13 actual expenses, if any, in connection therewith.

14 (2) The President or the Chairman of any duly established
15 Committee may administer oaths to witnesses in any matter under the
16 examination of the Convention.

17 Every person who, having been summoned as a
18 witness by the Convention to give testimony or to produce
19 papers upon any matter under inquiry before the Convention,
20 refuses to make oath or affirmation, or to answer any question or
21 inquiry, shall be guilty of contempt of the Constitutional
22 Convention and upon conviction thereof shall be fined not more
23 than one thousand dollars or imprisoned for not more than one
24 year, or both.

25 (6) Whenever a person violates any of the provisions

1 of this Subsection, the President shall certify a statement of such
2 facts to the Attorney General of the Trust Territory who shall prosecute
3 the offender in any appropriate court of the Trust Territory.

4 (3) The officers and employees of the Trust Territory
5 Government and each district government shall cooperate with the
6 Convention by furnishing such information as may be called for in
7 connection with research activities of the Convention.

8 Section 8. Duties. The Convention shall draft a Constitu-
9 tion for the future government of the state of Micronesia. Such
10 Constitution shall make adequate provision for the exercise of
11 legislative, judicial, and executive functions, and shall
12 guarantee to all the citizens of Micronesia a form of government
13 which permits the free democratic expression of their views. It
14 shall provide for an effective date, and shall require approval
15 by a popular referendum as specified in this act. When said
16 Constitution shall be drafted as aforesaid, the Convention shall
17 notify the High Commissioner that it has completed its deliberations.
18 Upon receipt of such notification, the High Commissioner shall transmit
19 a copy of the constitution adopted by the Convention to the Congress of
20 Micronesia, and shall call a referendum on the Constitution, authority
21 for which is hereby granted to the High Commissioner, subject to
22 the provisions of Section 11 of this act. Prior to his calling
23 of the referendum on the Constitution, the High Commissioner
24 shall translate or cause to be translated the Constitution
25 framed by the Convention from English to the predominant

1 languages of Yap, Palau, Ponape and the Marshalls, the Marianas,
2 Kapingamarangi, Kusaie, Ulithi, and Truk.

3 Section 9. Staff Support. The Convention and Pre-Convention
4 Committee shall be assisted in its tasks by:

5 (1) The Staff of the Congress of Micronesia, which
6 shall provide such administrative and technical assistance as
7 may be necessary;

8 (2) Such other staff as the Convention or Committee
9 may deem necessary toward the performance of its tasks, within
10 the limits of the funds made available to it by this act and
11 by other acts.

12 Section 10. Compensation of Delegates.

13 (1) Delegates to the Convention shall not be employed
14 for gain or profit while serving as delegates, but may take
15 leave without pay from their regular employment during their
16 service as delegates.

17 (2) Delegates shall be entitled to all necessary travel
18 expenses, and to per diem at standard Trust Territory rates, while
19 on the business of the Convention or a committee thereof.

20 (3) Delegates shall be paid at the rate of twenty-five
21 (\$25.00) dollars per day while on the business of the Convention
22 or a committee thereof; PROVIDED, HOWEVER, delegates who are members
23 of the Congress of Micronesia, selected under the provisions of
24 Subsection (1) of Section 2 of this act, shall not be entitled to
25 be paid twenty-five dollars (\$25.00) per day but shall be entitled

1 to receive travel expenses and per diem as provided under Subsection
2 2 of this Section.

3 Section 11. Conduct of Referendum.

4 (1) Except as otherwise provided in this Section, the
5 provisions of Title 43 of the Trust Territory Code regarding
6 election of members to the Congress of Micronesia shall apply
7 to the referendum authorized by Section 8 of this act.

8 (2) The referendum shall be held on the date the High
9 Commissioner shall specify.

10 (3) The Referendum Ballot shall appear substantially
11 as follows:

12 "CONSTITUTIONAL REFERENDUM
13 Do you approve of the Constitution of Micronesia, as adopted by
14 the Micronesian Constitutional Convention? YES _____ NO _____"

15 (4) Notwithstanding the provisions of Subsection
16 (3) of this Section, any voter so requesting shall be provided
17 with a ballot printed in the vernacular commonly in use in the
18 district in which he votes, instead of in English. The Election
19 Commissioner shall be responsible for the accurate translation
20 of the English language into each such vernacular.

21 (5) The Election Commissioner shall certify the results
22 of the referendum to the High Commissioner, who shall transmit
23 such certifications to the Presiding Officers of the Congress of
24 Micronesia as soon as practicable after their receipt.

25 (6) No recounts shall be permitted, unless the Congress of

1 Micronesia so authorizes. The Congress shall be the sole judge of
2 the referendum and the results thereof.

3 Section 12. Appropriation.

4 (1) The High Commissioner is authorized and directed
5 to obligate such sums as may have been appropriated for the
6 purposes of the Micronesian Constitutional Convention as part of
7 United States Annual Grant Fund appropriations to the President
8 of the Senate as Chairman of the Pre-Convention Committee, prior
9 to June 30, 1974.

10 (2) There is appropriated out of the General Fund
11 of the Congress of Micronesia the sum of \$100,000 for the purposes
12 of the Micronesian Constitutional Convention, which appropriation
13 shall include such sums as may be necessary to provide for such
14 functions as are provided for in this act for which sums have
15 not been appropriated, or have not been appropriated in sufficient
16 quantity, by the United States Congress as part of the Annual
17 Grant to the Trust Territory of the Pacific Islands.

18 (3) As used in this Section, the term "Micronesian
19 Constitutional Convention" shall include the Convention, the
20 election of delegates thereto, the holding of a referendum on
21 the Constitution adopted by the said Convention, the meetings of
22 all Committees of the Convention, and any other activity provided
23 for in this act which is associated with the functions of the
24 Convention.

25 (4) The sums appropriated by this act shall remain

1 available for the purposes specified herein until June 30, 1975,
2 at which time any sums remaining unexpended and unencumbered
3 shall revert to the General Fund to the extent that sums have
4 been appropriated out of the General Fund for such purposes,
5 or shall otherwise lapse in accordance with applicable provisions
6 of United States law, to the extent that amounts appropriated
7 by the United States have not been expended or obligated for
8 expenditure on such date.

9 (5) The President of the Convention shall, not later
10 than August 30, 1975, transmit to the Congress of Micronesia and
11 to the High Commissioner a complete report showing the status
12 of all funds appropriated or obligated by this act. The Trust
13 Territory Government shall provide all assistance which may be
14 necessary to the President of the Convention in the preparation
15 of this Report.

16 Section 13. Effective date. This act shall take effect upon
17 its approval by the High Commissioner, or upon its becoming law
18 without such approval.

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_____, 1974

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Edward E. Johnston
High Commissioner
Trust Territory of the Pacific Islands