

AN ACT

Amending Public Law 5-60 calling a Constitutional convention for Micronesia; prescribing its powers, functions; and for other purposes.

FILE - MAR 9 1974

BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

1 Section 1. Subsection (8) of Section 3 is hereby repealed in its
2 entirety.

3 Section 2. Subsection (3) of Section 5 of Public Law 5-60 is
4 repealed and a new Subsection (3) is enacted in lieu thereof
5 to read as follows:

6 "(3) (a) The Pre-Convention Committee shall appoint a
7 Credentials Committee consisting of three delegates to the Constitutional
8 Convention who are not members of the Pre-Convention Committee; PROVIDED,
9 HOWEVER, that no delegate shall be appointed or may serve as a member
10 of the Credentials Committee whose credentials have been contested,
11 or who has direct knowledge bearing upon the outcome of any contested
12 case. The Pre-Convention Committee shall designate one of the three
13 delegates so appointed to be Chairman of the Credentials Committee. The
14 Credentials Committee shall be the sole judge of the election,
15 appointment, and qualification of delegates to the Convention subject to
16 an appeal to the Pre-Convention Committee, as provided in this Subsection.

17 "(b) The Credentials Committee shall notify all delegates
18 to file with the Credentials Committee at a designated time and place
19 their credentials as delegates to the Constitutional Convention. Persons
20 objecting to the credentials of a particular delegate or to the seating
21 of the delegate at the Convention may file their objections in writing
22 with the Credentials Committee within fourteen days following the last

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1 date on which credentials may be filed.

2 (c) The Credentials Committee shall first consider the
3 credentials of the delegates against whom no objections have been
4 filed. The delegates whose credentials are approved by the Credentials
5 Committee shall be immediately reported to the Pre-Convention Committee
6 with the recommendation that these delegates be seated in the
7 Constitutional Convention. Those whose credentials are disapproved
8 shall be given at least five days' notice in writing of a time and place
9 where the delegate may appear personally before the Credentials Committee
10 and present oral or written evidence in support of his credentials and
11 may be represented by counsel of his own choosing, or appear through
12 his counsel, if he so desires.

13 (d) The Credentials Committee shall then consider the
14 credentials of delegates against whom written objections have been
15 filed. The Credentials Committee shall for each contested delegate
16 position give at least five days' notice in writing of a time and place
17 where the parties may appear before the Credentials Committee and present
18 oral and written evidence in support of their position. Parties shall
19 have the right to be represented by counsel of their own choosing, or to
20 appear through such counsel, if they so desire.

21 (e) The Credentials Committee shall within five days
22 after a hearing pursuant to Paragraphs (c) or (d) notify each affected
23 party and the Pre-Convention Committee of its decision to approve or to
24 disapprove the credentials of the delegate concerned and its recommendations
25 on each. Facts supporting the decision must be stated in the report.

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1 In the event that the Committee recommends that a special election
2 be called in any delegate district, the High Commissioner shall, as
3 soon as practicable after the determination of any appeal or after
4 the expiration of the period for filing appeals under this Subsection,
5 call such special election. The special election shall be held on the
6 date specified by the High Commissioner, and in all other respects shall
7 be held in accordance with the provisions of Section 3 of this act.

8 (f) Any person aggrieved by the decision of the Credentials
9 Committee may, within ten days following the notification of decision
10 by the Credentials Committee as provided in Paragraph (e) of this
11 Subsection, request a review by the Pre-Convention Committee of a decision
12 and recommendation of the Credentials Committee. The Pre-Convention
13 Committee shall within five days after receipt of a request, review the
14 decision of the Credentials Committee and make a decision on the credentials
15 of the delegate which shall be final."

16 Section 3. Section 4 of Public Law 5-60 is hereby amended by the
17 addition of new Subsections (4) and (5) to read as follows:

18 "(4) As used in this Section, the term 'vacancy' shall
19 mean a vacancy other than that resulting from a decision of the
20 Credentials Committee, as specified in Section 5 of this act,
21 and includes a vacancy resulting from (i) death, (ii) resignation,
22 (iii) wilful failure or refusal of an appointed delegate to serve,
23 (iv) incapacity to serve as a delegate by reason of illness,
24 upon a finding of the same by the Convention; or (v) in the
25 case of members of the Congress of Micronesia appointed by

and the... (i) ... (ii) ...
(iii) ...
(iv) ...
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1 a district delegation to the Congress, the
2 termination of membership in the Congress of Micronesia;
3 PROVIDED, HOWEVER, that in the event of such termination,
4 the district Congressional delegation need not declare a
5 vacancy but may retain its appointee despite the fact that
6 such appointee shall no longer be a member of the Congress
7 of Micronesia, and in such case such appointee shall continue
8 as a delegate.

9 (5) No appointment as a delegate to the Convention may be
10 revoked by the appointing authority."

11 Section 4. No delegate to the Convention shall be held to answer
12 before any tribunal other than the Convention for any speech or debate
13 in the Convention, and the delegates shall in all cases, except treason,
14 felony, or breach of the peace, be privileged from arrest while on the
15 business of the Convention or in attendance thereat, and in going to and
16 from the same.

17 Section 5. Section 10 of Public Law 5-60 is amended to read
18 as follows:

19 "Section 10. Compensation of Delegates.

20 (1) Delegates to the convention shall not be employed
21 for gain or profit while serving as delegates, but may take leave without
22 pay from their regular employment during their service as delegates.
23 Employees of the Trust Territory Government covered under the provisions
24 of the Trust Territory Merit System shall be granted within-grade increase
25 upon completion of twelve full months of satisfactory service, notwithstanding

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1 the period of leave without pay taken if a delegate to the
2 Micronesian Constitutional Convention.

3 (2) (a) Delegates shall be entitled to all
4 necessary travel expenses, and to per diem at standard Trust Territory
5 rates, while on the business of the Convention.

6 (b) The phrase 'business of the Convention'
7 includes the business of any duly established committee thereof,
8 including but not limited to the Pre-Convention Committee and the
9 Credentials Committee.

10 (c) The Pre-Convention Committee shall have
11 authority to determine what constitutes the 'business of the Convention'.
12 within the meaning of this Section, under circumstances not specifically
13 set forth herein and at times other than when the full Convention is in
14 session.

15 (3) Delegates shall be paid at the rate of twenty-five
16 (\$25.00) dollars per day while on the business of the Convention or a
17 committee thereof; PROVIDED, HOWEVER, delegates who are members of the
18 Congress of Micronesia shall not be entitled to be paid twenty-five
19 dollars, (\$25.00) per day but shall be entitled to receive travel expenses
20 and per diem as provided under Subsection 2 of this Section."

21 Section 6. Subsection (4) of Section 6 of Public Law 5-60 is
22 hereby amended to read as follows:

23 "(4) The Convention shall adopt its own rules of
24 procedure not inconsistent with this act; PROVIDED, HOWEVER,
25 that no question shall be decided affirmatively by the Convention

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1 except by the affirmative votes of not less than three-fourths
2 of the delegates present and voting in the Convention, a
3 quorum being present; and that no voting except in person
4 shall be permitted; and that abstentions shall not be
5 counted as a vote cast in determining the result of any
6 question."

7 Section 7. Subsection (5) of Section 6 of Public Law 5-60 is
8 hereby amended to read as follows:

9 "(5) A quorum shall consist of thirty-two delegates,
10 unless the Convention by its rules of procedure shall provide
11 for a greater number."

12 Section 8. Subsection (2) of Section 11 of Public Law 5-60 is hereby
13 amended to read as follows:

14 "(2) The referendum shall be held on the date the High
15 Commissioner shall specify; PROVIDED, HOWEVER, that the
16 referendum shall be conducted simultaneously with the conducting
17 of a plebiscite on the question of the future political status
18 of Micronesia, as certified to the people of Micronesia by the
19 Congress of Micronesia; and PROVIDED FURTHER, that the
20 referendum shall be held simultaneously in each of the districts
21 of the Trust Territory of the Pacific Islands which are
22 established under Trust Territory law as of the effective date
23 of this act and which may hereafter be established prior to
24 the holding of the referendum."

25 Section 9. A new Subsection, to be designated Subsection (7) is hereby

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1 added to Section 11 of Public Law 5-60, to read as follows:

2 "(7) The Constitution shall be deemed to have been
3 approved by the people of Micronesia if it is approved by a
4 majority of those voting in the referendum in the Trust
5 Territory and by a majority of those voting in at least
6 two-thirds of the districts of the Trust Territory which
7 are established under Trust Territory law as of the effective
8 date of this act and which may hereafter be established prior
9 to the holding of the referendum; PROVIDED, HOWEVER, that the
10 Constitution shall not take effect in any such district if it
11 is disapproved by two-thirds of those voting at the referendum
12 in that district."

13 Section 10. This act shall take effect upon its approval by the
14 High Commissioner, or upon its becoming law without such approval.

15
16
17 date of this _____, 1974

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

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25
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