

STANDING COMMITTEE REPORT NO. 17-148

RE: C.B. NO. 17-154/J&GO

SUBJECT: CONSTITUTIONAL CONVENTION

SEPTEMBER 25, 2012

The Honorable Isaac V. Figir  
Speaker, Seventeenth Congress  
Federated States of Micronesia  
Fifth Regular Session, 2012

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 17-154, entitled:

"A BILL FOR AN ACT TO PROVIDE FOR THE SELECTION OF  
DELEGATES AND PROCEDURES FOR THE CONSTITUTIONAL  
CONVENTION APPROVED IN THE REFERENDUM OF MARCH 2011,  
AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

Pursuant to article XIV, section 2, of the FSM Constitution, "At least every 10 years, Congress shall submit to the voters the question: 'Shall there be a convention to revise or amend the Constitution?'. If a majority of ballots cast upon the question is in the affirmative, delegates to the convention shall be chosen no later than the next regular election, unless Congress provides for the selection of delegates earlier at a special election." Such a question having been submitted to voters at the General Election of March 2011, and a majority of ballots cast being in the affirmative, Congress is obligated under the Constitution to pass enabling legislation for a Constitutional Convention.

A public hearing was held by this Committee on the bill in Palikir on September 21, 2012, and was attended by the National Election

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Commissioner and representatives of his office and of the Department of Justice and the Office of the President.

Members noted that aside from the substitution of dates as appropriate, this bill is identical to the bill passed to authorize the last Constitutional Convention. It was expected that once the bill had been passed, the President would submit a bill for the appropriation of necessary funding, as had been the practice previously.

Members raised the question of whether members of Congress were also permitted to serve as members of the Constitutional Convention, or whether this was prohibited by article IX, section 13 of the Constitution, which bars members of Congress from holding other public office or employment. The Acting Secretary of the Department of Justice stated he would issue an opinion on this issue shortly.

Members also questioned whether amendments were necessary to the bill to vary the timetable set out in Title 9 in order to accommodate the timing of this bill. Staff subsequently confirmed that the earliest date stipulated by Title 9 is 120 days before the election, the deadline for the filing of nomination petitions, which with respect to the next election will fall on November 5, 2012. However, the Election Commissioner indicated his willingness to push back that date to 70 days prior to the election in order to give candidates for the Constitutional Convention more time to prepare and file their petitions. Your Committee therefore offers the following amendment to the bill:

1. Page 3, line 16, insert new subsection: "(6) The deadline for candidates to file nomination petitions for the election shall be seventy (70) days prior to the election."

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Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 17-154, and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final reading in the form attached hereto as C.B. No. 17-154, C.D.1.

Respectfully Submitted,

/s/ David W. Panuelo  
David W. Panuelo, chairman

/s/ Bonsiano F. Nethon  
Bonsiano F. Nethon, vice chairman

Tiwiter Aritos, member

/s/ Isaac V. Figir  
Isaac V. Figir, member

/s/ Yosiwo P. George  
Yosiwo P. George, member

/s/ Dohsis Halbert  
Dohsis Halbert, member

/s/ Roger S. Mori  
Roger S. Mori, member