

# RULES OF PROCEDURES

## KOSRAE STATE LEGISLATURE

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## **Kosrae State Legislature**

### **Rules of Procedure**

#### **Part I. GENERAL**

**Rule 1.1 Scope of Rules.** The rules treat all matters pertaining to the organization and proceedings of the Legislature and its committees which are not of an administrative nature.

**Rule 1.2. Purpose of Rules.** The primary constitutional function of the Legislature is to make wise laws efficiently for the State's benefit. The purpose of these rules is to provide the internal structure, procedure and discipline to enable the Legislature to fulfill its primary constitutional function in the fairest, most efficient, and most constitutionally responsible manner possible.

**Rule 1.3. Adoption, Amendment and Repeal of Rules.** The Legislature adopts, amends and repeals the rules by resolution.

**Rule 1.4. Terms.** Unless the rules otherwise expressly provide, the following terms, or words clearly to that effect, have the indicated meaning:

- a. "Administrative Directive": policy directives promulgated by the Speaker.
- b. "Appeal": appeal to the Legislature for its determination by a majority of the Senators then present.
- c. "Chamber": the regular meeting room of the Legislature.
- d. "Committee": a committee of the Legislature.
- e. "Committee Quorum": a majority of the committee's members.
- f. "Day": calendar day.
- g. "Family": a Senator's spouse, children, parents, grandparents, grandchildren, siblings, spouse's parents, and spouse's siblings, including person in relationship by adoption.
- h. "The Legislature": the Kosrae State Legislature.
- i. "Legislative Counsel": the Office of the Legislative Counsel for the Kosrae State Legislature.
- j. "Majority": a number greater than one half of the total in question.
- k. "Majority Vote": an affirmative vote of eight or more Senators.

- l. “Majority vote of the quorum”: is an affirmative vote of six or more Senators, depending on the number of Senators then present.
- m. “Matters”: a measure, communication or subject addressed to, or being acted upon by the Legislature or a committee.
- n. “Measure”: a bill or resolution introduced in the Legislature.
- o. “Meeting”: a formal gathering called to order and adjourned pursuant to rule.
- p. “The Officers”: the Speaker, Vice Speaker and Floor Leader.
- q. “Present”: then physically present in the room where the proceedings are occurring.
- r. “Rules”: the Procedural Rules of the Legislature.
- s. “Senators”: the 14 Senators of the Legislature.
- t. “Speaker”: the Speaker of the Legislature or the Senator then lawfully presiding over or directing Legislature proceedings.
- u. “Session”: a regular, special, emergency or convening session of the Legislature, consisting of one or more meetings.
- v. “Three-fourths Vote”: an affirmative vote of eleven or more Senators.
- w. “Two-thirds Vote”: an affirmative vote of ten or more Senators.
- x. “Four-fifths Vote”: an affirmative vote of twelve or more Senators.

**Rule 1.5. Suspension of Rules.** Any rule may be suspended by majority vote with the following exceptions:

- a. Rule 1.5. (Suspension of Rules)
- b. Rule 4.8. (Committee Report of Measures)
- c. Rule 7.2. (Time)

**Rule 1.6. Interpretation.** Upon request of a Senator or of his own initiative, the Speaker interprets the rules for the guidance of Legislative proceedings. In making an interpretation the Speaker may initially defer to the Floor Leader, consult with a Senator or seek an interpretation by the Legislative Counsel.

**Rule 1.7. Absence of Rules.** In the absence of a rule applicable to the situation, the Speaker determines a procedure for the situation.

**Rule 1.8. Appeal.** Any procedural or other act of the Speaker taken pursuant to the rules is subject to appeal.

**Rule 1.9. Meaning.** A statement in the rules presented in the present tense declarative creates a power and duty, unless a contrary intent is clear.

**Rule 1.10. Repeal.** With the exception stated in Rule 5.1., the Interim Rules of Procedure are repealed upon the adoption of the Rules.

## **Part 2. SESSIONS AND MEETINGS**

**Rule 2.1. Convening Quadrennially.** Upon convening pursuant to Article IV, Section 10 of the Constitution, on the second Monday of January, or as soon thereafter, following a general election in the Chamber of the Kosrae State Legislature and at a time set by the Speaker Pro Tempore, the Legislature:

- a. judges the qualification of Senator-elect, taking any required action;
- b. elects officers; and
- c. conducts other business of an organizational nature in its discretion.

**Rule 2.1.2. Speaker Pro Tempore.** The Senators-elect who is senior in holding Legislature office and whose surname ranks first in alphabetical order is Speaker Pro Tempore who conducts the meeting until election of a Speaker.

**Rule 2.1.3. Judging Qualifications.** Senator-elect holding membership in the Committee on Judiciary and Governmental Operations at the end of the preceding Legislature constitute a Select Committee of Senators to review qualifications of Senators-elect and report to the Legislature. The Select Committee shall retain five Senators-elect. If there are vacancies in the Select Committee, the Speaker Pro Tempore fills the vacancies by appointment.

If, after examination, the Committee finds that the credentials of a quorum of the members-elect appear to be in order, then the Committee shall so report to the Legislature and the roll shall be called.

If the credentials of any member-elect, on the first examination, do not appear to be in order, the Committee may make any inquiry it deems necessary and report its findings and recommendations to the Legislature at the time of its initial report. The adoption of the reports of the Committee shall be final. If the Legislature determines by resolution that a Senator-elect does not meet a qualification of office at its convening meeting, or at any other time, a vacancy in the office in question results.

**Rule 2.1.4. Oath of Office.** The oath of office for members of the Kosrae State Legislature shall be administered on the second Tuesday of January. Any member being

elected during a special election shall take the oath of office as soon as practical after their qualifications are determined by the Legislature.

**Rule 2.2. Regular Session.** The Kosrae State Legislature shall convene in regular session two times a year on such days or as soon thereafter as possible for such periods as specified in the Kosrae State Constitution. The Kosrae State Legislature shall not meet for more than thirty-calendar day, excluding Sundays, pursuant to Article IV, Section 10 of the Constitution.

**Rule 2.2.1. Special Session.** Upon a Senator's request for call of a special session or on his own initiative the Speaker polls the membership concerning the request and other details of convening. A special session may be called when two-thirds of the Senators support said request in writing. A notice of special session call by the Speaker states the time, place and intended duration of the session and may state a proposed session agenda. When a special session is convened upon the call of the Governor, pursuant to Article IV, Section 10, he shall specify the item or items to be considered during such session.

**Rule 2.3. Informing Governor.** At the first meeting of a session immediately following call of the roll and at the last day of a session immediately following miscellaneous business the Speaker appoints a Select Committee to inform the Governor respectively of the session's commencement and forthcoming adjournment. The Select Committee may make an oral or written report to the Legislature upon their return.

**Rule 2.4. Daily Order of Business.** The daily order of business in the Legislature is:

1. Call to order
2. Prayer
3. Roll call
4. Consideration of Journal
5. Governor's Message
6. Chief Justice's Message
7. National Government Message
8. Municipal Government Message
9. Miscellaneous Communications
10. Members' Communications
11. Introduction of Bills

12. Introduction of Resolutions
13. Report of Standing Committees
14. Report of Select Committee
15. Report of Committee of the Whole
16. Assignment of Measures
17. Unfinished Business
18. Consideration of Bills
  - A. First Reading
  - B. Second Reading
19. Consideration of Resolutions
20. Delegation Communication/Special Reports
21. Miscellaneous Business
22. Announcements

On the final day of a session the order of business shall include an Item entitled Closing Prayer.

Before each meeting of the Legislature, the Chief Clerk distributes to each Senator a typed order of business for the meeting stating all items appropriate to the meeting.

**Rule 2.4.1. Miscellaneous Business.** Each Senator shall be allowed a total of 10 minutes of floor time during miscellaneous business. The Speaker shall control the floor discussion and allow each no more than two opportunities to speak. A Senator during miscellaneous business, except for a motion to adjourn and a motion to recess, shall make no motions.

**Rule 2.4.2. Change in the Order of Business.** Any Senator may move to suspend the Order of Business.

**Rule 2.5. Journals; Preservation of Recordings.** The Chief Clerk or his designee records and enters in the journal a verbatim account of each meeting of the Legislature, as well as other proceedings directed by the Speaker. By Administrative Directive, the Speaker provides for systematic preservation of recordings of Legislature or committee proceedings for an appropriate length of time.

**Rule 2.6. Quorum.** If at the scheduled time for commencement of a meeting of the Legislature the Senators then present do not constitute a quorum, the Speaker declares the fact and postpones the meeting to a designated time. Pursuant to Article IV, Section 13,

three-fourths of the Senators constitute a quorum for the conducting of ordinary business, for which a majority vote of the quorum is required. Unless otherwise provided in these rules or by law, disposition of business or matters pending before the Legislature shall be by a majority of a quorum.

### **Part 3. OFFICERS**

**Rule 3.1. Election of Officers.** At its quadrennial convening meeting, and in special session commencing on the second Tuesday of January in each odd-numbered year, the Legislature elects its officers by secret ballot in the following order by majority vote following secret nomination:

- a. Speaker
- b. Vice Speaker
- c. Floor Leader

In the nomination process for an office, which occurs immediately before the first ballot, each Senator is given the opportunity to designate no more than one nominee for an office. The number of nominations of a Senator is not announced. In the case of more than two nominees to an office, if no nominee receives a majority vote on the first ballot, a subsequent ballot or ballots are held eliminating the nominee with the lowest vote total until a nominee receives a majority vote. If there is a tie vote for lowest total, a vote is held to eliminate one of the nominees involved in the tie vote.

**Rule 3.1.2. Applies to the biennial election.** Before balloting, a nominee may address the Legislature concerning his intentions, if elected to office. In the case of more than two nominees to an office, if no nominee receives a majority vote on the first ballot, a subsequent ballot or ballots are held eliminating the nominee with the lowest vote total until a nominee receives a majority vote. If there is a tie vote for lowest total, a vote is held to eliminate one of the nominees involved in the tie vote.

**Rule 3.2. Holding Office.** An officer holds office until he ceases to be a Senator, he is removed from the office by the Legislature, a successor takes office, or the terms of Senators ends following a general election. Election to fill a vacant office is carried out promptly, and no longer than 30 days after the vacancy occurs, in a manner consistent with Rule 3.1.

**Rule 3.3. Removal of Officers.** An officer is removed by resolution, acted upon no earlier than five days after being introduced.

**Rule 3.4. Presiding Officers.** The Speaker presides over proceedings of the Legislature. In the absence of the Speaker, or the person then entitled to preside by this rule, the order of succession is as follows:

- a. Vice Speaker
- b. Floor Leader
- c. Chairman, Committee on Judiciary & Governmental Operations
- d. Chairman, Committee on Ways and Means
- e. Chairman, Committee on Health and Social Affairs
- f. Chairman, Committee on Resources and Development
- g. Chairman, Committee on Education and Cultural Affairs
- h. Chairman, Committee on Environment, Transportation, Communication and Infrastructure
- i. Chairman, Committee on Land and Municipal Affairs

**Rule 3.5. Duties of Legislative Officers.** The Officers of the Legislature shall have the duties assigned in these Rules and may assume other actions that best serve the interest of the Legislature. Additional duties may be implied to the Officers under the Constitution and the Kosrae State Code.

**Rule 3.5.1. Speaker.** It shall be the duty of the Speaker:

1. To open the sittings of the Legislature at the appointed hour by assuming the chair and calling the Legislature to order;
2. To maintain order and proper decorum in debate;
3. To announce the business before the Legislature in the order prescribed by the Rules’;
4. To receive and submit all matters properly brought before the Legislature by the members, to call for votes upon the same, and announce the result;
5. To receive all communications and present them to the Legislature and to direct the appropriate committees of the Legislature to consider the subjects of such messages;
6. To assign to each member a seat on the floor of the Legislature;

7. To clarify by his signature all official acts and papers of the Legislature and to transmit such papers as required;
8. To decide all questions of order subject to the right of any member to appeal to the Legislature from such decision;
9. To direct the activities of the Chief Clerk, Legislative Counsel, Legislative Fiscal Officer, Legislative Administrative Officer, officers and employees of the Legislature, and to oversee the administration of the Legislature, provided, however, that his actions are supported by and consistent with the Constitution, Kosrae State Code, these Rules of Procedure and the best interest of the Legislature;
10. To appoint a member to perform the duties of the Chair in his absence when the Vice Speaker or Floor Leader are unavailable to perform such duties. The member shall be known as the Speaker Pro Tempore while so serving.
11. To appoint members to the Committees of the Legislature;
12. To assign measures introduced by members to the appropriate Committee or Committees of the Legislature;
13. To serve as a member of the Committee of the Whole;
14. To serve as the contracting officer for the Legislature with the power to bind the Legislature by contracts; and
15. To perform such other duties as may be required by law and these Rules.

**Rule 3.5.2. Vice Speaker.** It shall be the duty of the Vice Speaker:

1. To exercise all the duties and powers of the Speaker in his absence;
2. To act as Chairman of the Committee of the Whole;
3. To serve as a member on each Standing Committee; and
4. To perform such other duties as the Speaker shall direct or as otherwise are provided in these Rules.

**Rule 3.5.2. Floor Leader.**

In the absence of the Floor Leader, the Speaker designates a Senator as acting Floor Leader. It shall be the duty of the Floor Leader:

1. To propose motions which contribute to orderly and speedy conduct of proceedings;
2. To coordinate committee activities to meet the Legislature's priorities; and

3. To oversee committee action on measures to avoid duplicity and conflict in pending measures.

**Rule 3.6. Legislative Counsel.** There shall be an Office of the Legislative Counsel.

The duties of the Legislative Counsel shall be:

1. To provide a comprehensive research and reference service to the Legislature;
2. To advise the Legislature on needed revisions of the laws of the State of Kosrae and the Rules of the Legislature;
3. To provide drafts of bills and resolutions at the request of Senators;
4. To render legal services to the Legislature and its Committees;
5. To advise any officer or member on questions of parliamentary procedure when required;
6. To review each bill or resolution as proposed for passage on final reading with respect to its form, legal sufficiency and grammar;
7. To render legal assistance to the officers and staff of the Legislature to aid them in performing their duties;
8. To perform all other legal duties as the Legislature shall from time to time direct;
9. To assist the Office of the Speaker in continuing to provide training to the Legislature's staff;
10. To supervise and direct the duties, functions and services of the legal aides; and
11. To perform such other duties as directed by the Speaker.

#### **Part 4. COMMITTEES**

**Rule 4.1. General.** The committees of the Legislature are Standing Committees, Select Committees, and the Committee of the Whole. Committees and their subcommittees have the authority and attributes of the Legislature provided by Article IV, Section 12 of the Constitution. A committee is subject to Legislature orders.

**Rule 4.2.1. Standing Committees.** The Legislature has the following Standing Committees:

- a. The Standing Committee on Ways and Means
- b. The Standing Committee on Resources and Development
- c. The Standing Committee on Health and Social Affairs
- d. The Standing Committee on Judiciary and Governmental Operations
- e. The Standing Committee on Education and Cultural Affairs

f. The Standing Committee on Environment, Transportation, Communication and Infrastructure

g. The Standing Committee on Land and Municipal Affairs

**Rule 4.2.2. Standing Committee Membership.** Each Standing Committee shall be comprised of at least 6 members. No Senator should serve more than five (5) Standing Committees. In addition, the Vice Speaker is a fully functioning member of each Standing Committee, except that the Vice Speaker only votes when a committee is equally divided. If two or more Standing Committees are meeting simultaneously, the Vice Speaker upon consultation with the Committee's Chairman, determines which meeting to attend. The Speaker makes permanent and temporary assignment of Senators to each of the Standing Committees, and may alter those assignments at his discretion.

**Rule 4.2.3. Standing Committee Officers.** The Chairman of each standing committee is selected, and may be removed by the Speaker. The Chairman of a committee shall call meetings, preside at the committee meeting, and prepare committee reports. A majority of the committee may require the Chairman to exercise his powers in a manner in which they direct. Each standing committee elects and removes a Vice Chairman pursuant to its own procedural rules. The Vice Chairman performs the duties of the Chairman in his absence. In the absence of the Chairman and Vice Chairman, the most senior Senator, and whose surname ranks first in alphabetical order, shall act as Chairman.

**Rule 4.2.4. Standing Committee Member's Assignment.** Upon consultation with the Committee, the chairman of a standing committee may assign specific areas of committee jurisdiction to each member for their special attention and development of expertise.

**Rule 4.2.5. Standing Committee Rules.** A standing committee may adopt procedural rules for conduct of its executive sessions, hearings and other procedural activities consistent with the Rules.

**Rule 4.2.6. Jurisdiction of Standing Committees.** Standing committees have jurisdiction and oversight as follows:

**A. The Standing Committee on Ways and Means.** It shall be the duty of this committee to consider and report on all bills and resolution, financial requests, and other matters referred to it by the Legislature pertaining to the finances and financial administration of the Government of Kosrae State, annual budgets, budget requests,

expenditures, appropriation measures, loans, borrowing, or indebtedness on public credit, monetary claims, funding arrangements or requirements, accounting and audits, past, present or proposed, and all taxation and revenue sharing matters contained in Title 9, and all commerce matters contained in Title 15 of the Kosrae State Code, as well as matters relating to:

1. The Department of Administration and Finance
2. The Division of Trade and Investment of the Department of Resources and Economic Affairs
3. The Office of the Governor

**B. The Standing Committee on Resources and Development.** It shall be the duty of this committee to consider and report on all bills, resolution, financial request, and other matters referred to it by the Legislature pertaining to the economy of the State of Kosrae and the resources thereof, including matters relating to foreign trade; foreign investment permits; any treaty related matters which would affect the State, economic planning, priorities and policies; public or private investments; and development loans, private savings and indebtedness, usury and banking, labor and manpower development, agriculture, forestry and fisheries development, exportation of land-based mineral resources, land management, industries, public utilities, regulation and management of ownership; exploitation and exploration of mineral or natural resources within the 12 nautical mile baseline of jurisdiction claimed by the State of Kosrae; relations between the State of Kosrae and the National FSM Government; other sovereign nations; the United Nations; and any other international organizations and other related subjects and other related subject matters. This committee may consider, investigate, or recommend needed revisions of existing laws or new legislation relating to any subject matter within its jurisdiction.

The Committee shall be responsible for reviewing specific subjects in the budget of the Governor, and all supplemental thereto, which make a request for an appropriation that relates to a subject matter within its jurisdiction. Pursuant to its review, the committee shall recommend whether the matters referred to it, or portions thereof, will be authorized, and if so, in what amount. Following its review the committee shall promptly report its recommendation to the Kosrae State Legislature. Those subjects which fall within the jurisdiction of this committee include, but are not limited to, the following:

1. The Kosrae Utility Authority
2. The Department of Resources and Economic Affairs

3. FSM Petroleum Corporation; and

**C. The Standing Committee on Health and Social Affairs.** The Committee has jurisdiction and oversight of all matters pertaining to bills, resolutions, and other matters referred to it, including Governor's nominations submitted to the Speaker during a session, which nominations require the advice and consent of the Legislature, pertaining to physical and natural environment, physical and mental health of the general public; public welfare; social security; military or veterans affairs; and general well-being of the people of the State of Kosrae; and any other related subjects. It shall be the duty of this committee to consider, investigate, or recommend needed revisions of existing laws or new legislation relating to any subject matter within its jurisdiction.

The committee shall be responsible for reviewing specific subjects, in the budget of the Governor, and all supplemental thereto which make a request for an appropriation that relates to a subject matter within its jurisdiction. Pursuant to its review the committee shall recommend whether the matters referred to it, or portions thereof, will be authorized, and if so, in what amount. Following its review the committee shall promptly report its recommendation to the Legislature. Those subjects which fall within the jurisdiction of the Committee include, but are not limited to, the following:

1. The Department of Health Services
2. The Sports Council
3. The Kosrae Island Veterans' Association (KIVA); and
4. The Kosrae Community Health Center

**D. The Standing Committee on Education and Cultural Affairs.** It shall be the duty of this committee to consider and report on all bills, resolutions, financial requests, and other matters referred to it by the Legislature pertaining to public education, cultural issues; traditional issues; and any other related subjects. It shall be the duty of this committee to consider, investigate, or recommend needed revisions of existing laws or new legislation relating to any subject matter within its jurisdiction.

This committee shall be responsible for reviewing specific subjects, in the budget of the Governor, and all supplemental thereto, which make a request for an appropriation that relates to a subject matter within its jurisdiction. Pursuant to its review the committee shall recommend whether the matters referred to it, or portions thereof, will be authorized, and if so, in what amount. Following its review the committee shall promptly report its

recommendation to the Legislature. Those subjects which fall within the jurisdiction of the committee include, but are not limited to, the following:

1. The Department of Education
2. The Scholarship Board

**E. The Standing Committee on Judiciary & Governmental Operations.** It shall be the duty of this committee to consider and report on all bills, resolutions, financial requests, and other matters referred to it by the Legislature pertaining to civil and criminal laws; judicial administration and organization; land laws and traditional rights; suffrage and state elections; proposed revisions of statutes; governmental organization, structure or functions; executive service; insurance, securities and insolvencies; proposed Constitutional amendments; judicial removal; suspension or expulsion of a member of the Legislature and such other related subjects. It shall be the duty of this committee to consider, investigate or recommend to the Legislature any needed revision of existing laws or new legislation relating to any subject matter within its jurisdiction.

The committee shall be responsible for reviewing specific subjects in the budget of the Governor, and all supplemental thereof, which make a request for an appropriation that relates to a subject matter within its jurisdiction. Pursuant to its review the committee shall recommend whether the matters referred to it, or portions thereof, will be authorized, and if so, in what amount. Following its review the committee shall promptly report its recommendation to the Legislature. Those subjects which fall within the jurisdiction of this committee include, but are not limited to, the following:

1. The Office of the Attorney General
2. The Election Commission
3. The Land Court
4. The Parole Board
5. Micronesia Legal Services Corporation
6. The Kosrae FSM Liaison Office
7. The State Court
8. The Kosrae State Legislature

**F. The Standing Committee on Environment, Transportation, Communication and Infrastructure.** It shall be the duty of this committee to consider and report on all bills, resolutions, financial requests, and other matters referred to it by the Legislature pertaining to transportation matters, communication matters and infrastructure projects and natural and

physical environment of the State, including matters relating to environmental protection, land, air and sea transportation, state regulation of navigation and shipping, maritime matters; communication services; the construction, maintenance or repair of roads, building and other capital improvement projects implemented by the State or contracted by the State; and other related subjects and other related subject matters. The Committee may consider, investigate or recommend to the Legislature any needed revision of existing laws or new legislation relating to any subject matter within its jurisdiction.

The Committee shall be responsible for reviewing specific subjects in the budget of the Governor, and all supplemental thereto, which make a request for an appropriation that relates to a subject matter within its jurisdiction. Pursuant to its review, the Committee shall recommend whether the matters referred to it, or portions thereof, will be authorized, and if so, in what amount. Following its review the Committee shall promptly report its recommendation to the Kosrae State Legislature. Those subjects which fall within the jurisdiction of this Committee include, but are not limited to the following:

1. The Department of Transportation and Infrastructure
2. Kosrae Island Resource Management Authority
3. Broadcasting Authority
4. Telecommunication Services

**G. The Standing Committee on Land and Municipal Affairs.** This Committee shall consist of the chairman of each municipal delegation including other members to be assigned by the Speaker. It shall be the duty of this committee to consider, report or take action on all bills, resolutions, financial request, and other matters referred to it by the Legislature pertaining to municipal government affairs and all matters in connection with land or any other related subjects.

The Committee may consider, investigate or recommend to the Legislature any needed revision on existing laws or new legislation relating to any subject matter within its jurisdiction.

The Committee shall be responsible for reviewing specific subjects in the budget of the Governor, and all supplemental thereto, which make a request for an appropriation that relates to a subject matter within its jurisdiction. Pursuant to its review, the Committee shall recommend whether the matters referred to it, or portion thereof, will be authorized, and if so, in what amount. Following its review the Committee shall promptly report its

recommendation to the Kosrae State Legislature. Those subjects which fall within the jurisdiction of this Committee include, but not limited to the following.

1. Municipal Government Affairs
2. Kosrae Land Court
3. Land matters

**Rule 4.2.7. Assignment of Matters.** The Speaker assigns matters to standing committees pursuant to Rule 4.2.6. When standing committee jurisdiction of a matter is not expressly provided the Speaker assigns the matter in a manner consistent with Rule 4.2.6.

**Rule 4.2.8. Joint Assignment.** When a matter treats subjects within the jurisdiction of more than one standing committee the Speaker may assign a matter to more than one standing committee and provide for coordination of their efforts.

**Rule 4.3. Select Committee.** In extraordinary circumstances, the Legislature establishes a select committee act on a specific subject for a limited time. Assignment to a select committee, and alteration thereof, are consistent with the final sentence of Rule 4.2.2.

**Rule 4.4. Committee of the Whole.** The Committee of the Whole is composed of the Senators acting in committee form. The Vice Speaker is the chairman of the committee. In the absence of the Vice Speaker the Speaker designates a Senator as acting chairman. The committee is activated by majority vote and remains in being until it majority vote to report to the Legislature.

**Rule 4.5.1. Committee Meetings.** Committees meet in executive session or for public hearing. A meeting in executive session is closed to the public unless the committee by majority vote determines otherwise. A meeting for public hearing is open to the public unless the committee by majority vote determines otherwise. Live broadcasting of committee public hearings may be decided by majority vote of the committee or upon the Speaker's approval.

**Rule 4.5.2. Presence of Members.** Committees may conduct meetings without the presence of a quorum. In the absence of a quorum, the committee may make binding committee decisions only concerning the manner of proceeding in the meeting, the call of absent members, and arrangements for subsequent meetings.

**Rule 4.6. Matters Referred to Committees.** A committee, subject to direction by the Legislature and the Speaker, may inquire into, and in its discretion report to the

Legislature concerning, any subject within its jurisdiction or any matter referred to the committee by the Speaker.

The Legislature by majority vote may withdraw from committee for treatment by the Legislature any matter assigned to a committee.

**Rule 4.7. Subcommittees.** A committee may function by subcommittee in its discretion for report to the committee.

**Rule 4.8. Committee Report of Measures.** Following its treatment of a measure a committee submits a written or an oral report of its findings and recommendations to the Legislature. Based on the nature of a measure, the Legislature by majority vote shall decide whether or not it is necessary to reduce an oral report in writing. Before acting on the measure the Legislature acts on the report. A position of dissent may be taken, or a minority report made, by a committee member.

A report shall be considered adopted by a committee when a majority of the members of the committee have signed the report concurring therein. Signing a report “with reservation” is counted as concurring therein. A member not concurring with the report of the majority may so indicate by signing the report “I do not concur” or by submitting a separate minority report. A majority report may be submitted during discussion of the motion to adopt a committee report on the same bill, resolution or other matter. The majority report as submitted becomes part of the discussion and therefore part of the journal. A measure (Resolution) intended to express condolences, appreciation, and acknowledgement to a certain individual or group of people shall be reduced to an oral report.

**Rule 4.9. Duties of the Committees.** It shall be the duty of a Committee to make diligent and careful inquiry into all of the facts and circumstances connected with any bill, resolution or other matter referred to it. Witnesses may be summoned and examined, documents and records searched and every effort shall be made to bring all facts pertaining to the matter before the Legislature.

**Rule 4.10. Order of the Legislature.** All committees of the Legislature shall be subject to the orders of the Legislature and shall faithfully carry out such orders.

## **Part 5. RULES OF ORDER**

### **Rule 5.1. Meetings.**

**Rule 5.1.1 Time and Place.** The Speaker shall inform the Senators of the time and place for the first day of a regular session, consistent with the Constitution. The Speaker

may designate the time and place for the first opening day of special session. Three-fourths of the members may reject the time and place designated by the Speaker, and designate another time and place.

**Rule 5.1.2 Attendance.** A majority of less than a quorum may compel the attendance of absent members, and may adjourn from day-to-day. The Speaker may declare the Legislature adjourned if there is no quorum present at the hour of opening. During a meeting of the Legislature, any member may call upon the Speaker to determine whether a quorum exists or not, and the Speaker shall so determine and announce his finding.

**Rule 5.1.3. Absence.** A member shall not be absent from the Legislature during a meeting unless he has leave of the Speaker with good cause. All absence which result from illness of a member, illness or death in a member's immediate family, a natural occurrence making the route to the place of meeting impassable, serious family obligations not related to death or illness, and absence while attending to Legislative business shall be deemed good cause or excusable. Only the absence while attending to Legislative business shall require prior approval by the Speaker. All other absences shall be deemed non-excused unless an extraordinary hardship is shown. The Speaker's decision to deny or grant leave of absence, or excuse an absence may be appealed to the Committee of the Whole, which may direct the Speaker to grant or deny leave or excuse a particular absence if it is determined that the Speaker's action was not in compliance with these Rules or contrary to the best interests of the Legislature. For purpose of these Rules "family" means spouse, children, parents, grandparents, grandchildren, siblings, spouse's parents, and spouse's siblings, including persons in relationship by adoption.

Each Senator shall have his salary reduced by ten dollars for each non-excused absence from a daily meeting of the Legislature. The name of a member not present to answer a quorum court, and not excused by the Presiding Officers, shall be noted in the journal as absent.

**Rule 5.2. Voting:**

**Rule 5.2.1. Methods of Voting.** There shall be four methods of voting:

- a. By voice vote
- b. By rising
- c. By secret ballot; and
- d. By call of roll of the members and recording of the vote of each member by the Chief Clerk.

**Rule 5.2.2. Voice Vote.** Voice vote shall be the usual and ordinary method of voting in the Legislature. Whenever the Legislature shall be ready to vote on any question, the Speaker shall state the question. He shall then request all those in favor of the motion to vote “Aye” in a clear, loud voice. Following this he shall request all those against the motion to vote “No” in a clear, loud voice. The Speaker shall then announce the results of the vote to the Legislature.

**Rule 5.2.3. Rising Vote.** If any member shall doubt the result as announced by the Speaker, he may request a rising vote. The Speaker shall again state the question. He shall call upon those in favor of the motion to rise and be counted by the Chief Clerk who shall report the number standing to the Speaker. The Speaker then shall call upon those against the motion to rise and be counted by the Chief Clerk who shall report the number standing to the Speaker. The Speaker shall announce the results of the vote to the Legislature.

**Rule 5.2.4. Secret Ballot.** If three members shall request a vote by secret ballot, the Speaker shall conduct such a vote, provided, that at the time of the request a roll call vote is not required or has not been requested. The Speaker shall distribute ballots to the members, restate the question, and instruct those in favor of the motion to write “Yes” on their ballot and those opposed to write “No”. The Chief Clerk shall collect and tally the ballots and report the results thereof to the Speaker who shall announce the results of the vote to the Legislature. The ballots shall be available during the remainder of the day’s session for inspection by any member.

**Rule 5.2.5. Call of the Roll.** Effective upon adoption of this rule the Chief Clerk prepares a written procedure whereby, before the beginning of each meeting of the Legislature on which a roll call vote may be taken, he draws by chance a number from one to thirteen. For the entirety of a meeting each roll call begins with the Senator whose name in alphabetical order of surnames of the Senators, with the exception of the Speaker, corresponds to the number drawn, and continues from there in such order, except that the Speaker votes last.

**Rule 5.2.6. Non-Voting.** No member shall refrain from voting unless excused in accordance with Rules 5.1.3. and 7.5 of this part. If any member present in the Legislature Chamber fails to respond to the call of his name upon a roll call, his name shall be immediately called again and if he fails to respond to the second call, the Speaker shall order

the Chief Clerk to state verbally that “Senator ( ) has abstained” and to record his vote in the affirmative.

**Rule 5.2.7. Mandatory Calls of the Roll.** The roll shall be called upon final reading or recommendation for filing of a bill or resolution, all advice and consent appointments and upon the question of passing a bill over the veto of the Governor.

**Rule 5.2.8. Change of Vote.** A member shall not be allowed to vote or change his vote after the announcement of the vote by the Speaker, or after the collection of the ballots if the vote is by secret ballot. This rule shall not apply if the Legislature has passed a motion to reconsider.

**Rule 5.2.9. Voting Requirements.** Unless the express terms or content of usage clearly indicate otherwise, the following definitions shall apply to the voting provision of these rules:

1. “Members of the Legislature”, or “the membership of the Legislature”, means the total number of representatives legally authorized to serve as members of the Legislature. Article IV, Section 2 of the Kosrae State Constitution requires the Legislature to be composed of fourteen members. Thus, the membership of the Legislature is fourteen. A vacancy or absence of a representative does not reduce the number of the “members” or “membership”, but only that of “members present.”
2. “Majority”, means one more than half, unless otherwise indicated. The following numbers shall constitute the percentage indicated:
  - A. Three-fourths of the members (quorum) 11
  - B. Two-thirds majority of the membership (vote) 10
  - C. Four-fifths majority of the membership (veto) 12

**Rule 5.3. Motions:**

**Rule 5.3.1 Seconding.** No motion shall be considered by the Legislature unless it has been seconded. The Speaker shall bring all motions to the floor in the order that the motions were seconded. This requirement shall not apply to points of privilege, information, or order.

**Rule 5.3.2. Disposition of all Motions.** After a motion is stated by the Speaker or read by the Chief Clerk, it shall be under the control of the Legislature and shall be disposed of by the Legislature unless withdrawn as provided in Rule 5.3.7.

**Rule 5.3.3. Main and Subsidiary Motions.** A member of the Legislature may be the mover for a main motion at the time provided for in the order of business, which main motion shall have as its purpose to carry out the business of the Legislature. Whenever any main motion shall be under discussion, the only motions relative thereto which shall be entertained are:

First: To lay on the table;

Second: To defer to the end of the calendar;

Third: To recommit (to send the bill or resolution or other matter to one or more committees, with or without instructions);

Fourth: To amend

These motions shall have precedence in the order named. The first and second motion shall be decided without debate and shall be put to a vote as soon as made and seconded. The third and fourth motions and the main motion shall be subject to debate and shall be put to a vote in accordance with the provisions of the Rules.

Whenever any of the first three subsidiary motions mentioned above shall be decided in the negative, it shall not again be in order in regard to the main motion under discussion until the intervention of a motion to amend or some other substantive business. If a motion to amend or some other substantive business. If a motion to amend in specific manner is defeated it shall not be revived while the original main motion is still before the Legislature. No more than one motion to amend an amendatory motion shall be in order at the same time. If a motion to amend an amendment is defeated, another amendment to the amendatory motion is in order.

**Rule 5.3.4. Privileged Motions.** A member of the Legislature may be a mover of a privileged motion at any such a motion is appropriate to the order of business. A privileged motion shall take precedence over main and subsidiary motions and shall be disposed of before the Legislature proceeds with other business.

A member may raise a point of privilege concerning a matter which related to him as a member of the Legislature or which related to privilege or welfare of the Legislature. When a member rises to a point of privilege, the Speaker shall interrupt the proceedings of the Legislature and ask the member to state the point. The point shall not be debatable.

**Rule 5.3.5. Motion to Recess.** A member may move to recess for a specific period of time, or to reconvene at the call of the Chair. The motion to recess shall be decided

without debate and shall be put to a vote as soon as made. The Speaker may consider the questions improper and choose not to consider the point.

**Rule 5.3.6. Point of Order Motion.** A member may raise a point of order at any time such a point is appropriate to the order of business. The subject of such a point shall be whether the rules are being observed. When a member raise to a point of order, the Speaker shall interrupt the proceedings and ask the member to state his point. The point of order shall not be debatable and shall be ruled upon by the Speaker as soon as raised, subject to appeal to the Legislature. If the ruling of the Speaker is appealed, the member raising the point of order and the Speaker shall be each allowed five minutes to explain their position or ruling to the Legislature.

**Rule 5.3.7. Withdrawal Motion.** A member may rise to withdraw his motion. When a member rises to withdraw his motion, the Speaker shall interrupt the proceedings and permit the motion to be withdrawn if there has no decision on or amendment made to the motion as of the time the member requests withdrawal of his motion.

**Rule 5.3.8. Division of Question Motion.** A member may move for division of a question when he finds two or more specific subjects within the same general subject to a bill or resolution before the Legislature and desires that each such specific subject be considered and voted on separately. When a member moves for division of question, the Speaker shall interrupt the proceedings and permit the mover to make his motion, which motion shall specify the subjects to be considered and voted upon separately. The motion shall be decided without debate and shall be put to vote as soon as made. If the motion for division of the question is adopted for final passage the bill or resolution shall be considered and voted on as single measure, as provided in these rules.

**Rule 5.3.9. Call of the House Motion.** A member may move for a call of the house at any time that he desires all present members to remain on the floor and all absent members to be required to attend the session. When a member rises to move for a call of the house, the Speaker shall interrupt the proceedings and permit the mover to make his point. The motion shall be decided without debate and be put to vote as soon as made.

The motion, if adopted, shall remain in effect until adjournment or the call of the Legislature is removed by action of the Speaker, subject to appeal to the Legislature. The Speaker may order a call of the house, subject to appeal of the Legislature.

A member may move to remove a bill or resolution from the table at an appropriate time in the order of business of the Legislature. The motion shall be decided without debate and shall be put to vote as soon as made.

The Speaker may recess the Legislature for a specific period of time, or to reconvene at the call of the Chair, subject to appeal to the Legislature by a member opposing such recess.

Member moves to adjourn and such motion shall take precedence over all other motions. The motion shall be decided without debate and shall be put to a vote as soon as made, PROVIDED, that the motion to adjourn to a specific time or sine die shall be subject to debate and amendment. If the motion to adjourn is adopted, action on the question before the Legislature shall be discontinued and shall be considered on the next meeting day during the regular order of business. If the motion to adjourn is defeated, such a motion shall not again be in order until the disposal of intervening business. The Presiding Officers may adjourn the Legislature for a specific time or to specific time as provided in Rule 5, subject to appeal to the Legislature by a member opposing such adjournment.

**Rule 5.3.10. Incidental Motions.** A member of the Legislature may be the mover of an incidental motion at any time such a motion is appropriate to the order of business.

A member may raise a point of information at any time on any subject, including the procedure governing the disposal of a matter or motion before the Legislature. When a member rises to a point of information the Speaker shall ask the member to state his point. The point shall not be debatable. The Speaker shall respond to the point of information as soon as raised or request another member of the Legislature to respond.

**Rule 5.3.11. Motion to Reconsider.** When a main motion has been made once and carried on the affirmative or negative, it shall be in order for any member of the Legislature who voted with the prevailing side to move to reconsider the motion on any succeeding day of the session in which the Legislature passed such main motion. The motion to reconsider shall take precedence over all other motions except a motion to adjourn or to recess. The motion to reconsider shall be decided without debate and shall be put to vote as soon as made. If the motion is passed and the matter is reconsidered, the Speaker shall not allow any debate or discussion and immediately take a vote on the matter. The same vote necessary to pass the motion originally shall be required for adopting the motion to reconsider. When a motion for reconsideration has been defeated, second motion for reconsideration of the same question shall not be in order.

**Rule 5.3.12. Motion to Recall.** When a bill, resolution or other matter upon which a vote has been taken has passed out of the possession of the Legislature, and has been transmitted to the Governor, it shall be in order to recall the bill, resolution or matter to the Legislature. Such motion shall take precedence over all other motions except a motion to adjourn or to recess. The same vote necessary to pass the measure originally shall be required for adopting the motion to recall. When a motion for recall has been defeated, a second motion for recall of the same matter shall be not in order. If the motion for recall is adopted and the bill, resolution or other matter returned as requested, it shall then be put before the Legislature for reconsideration in the regular order of business.

**Rule 5.3.13. Previous Question.** A member may move for the previous question, provided that the Speaker first ascertains that an opportunity to speak on the question has been provided to each member who wishes to speak on the question. The motion for the previous question shall be decided without debate and shall be put to vote as soon as made. Adoption of the motion shall require a majority of all members of the Legislature. The adoption of the motion for the previous question shall close debate and require the Speaker to put the question before the Legislature for a vote.

**Rule 5.4. Session, Debate, Decorum and Discipline.**

**Rule 5.4.1. Public Session.** Sessions of the Kosrae State Legislature and its committees shall be open to the public unless otherwise provided pursuant to these Rules.

**Rule 5.4.2. Language of the Proceedings.** All Legislative proceedings shall be conducted in Kosraean unless otherwise specified by the Speaker or Chairman of a committee subject to appeal to the Legislature or respective committee thereof.

**Rule 5.4.3. Public Media.** Representatives of public communications media desiring to report on the proceedings of the Legislature to the public may be admitted to the Legislature by the Speaker. The Speaker may assign such persons a place and facilities which will not interfere with the operation of the Legislature.

**Rule 5.4.4. Recognition.** When a member desires to be recognized, he shall raise his hand and address the Chair, "Mr. Speaker". When recognized he shall confine himself to the purpose for which he raises his hand.

**Rule 5.4.5. Manner of Address.** A member shall address or refer to his fellow members either as "The Senator from \_\_\_\_\_", or "The Honorable \_\_\_\_\_".

**Rule 5.4.6. Holding the Floor.** A member shall continue to hold the floor until such time as he sits down, ceases to speak to the question, or otherwise yields the floor, except that he may yield, for the rising of a point of information or order by another member and still retain the floor. The Speaker or Floor Leader may withdraw a Senator's right to hold the floor if the Senator is no longer addressing the issue before the Legislature.

**Rule 5.4.7. Closing Debate and Voting on the Question.** The Speaker may close debate and call for a vote on the question before the Legislature any time he is satisfied that every member desiring to speak to the question has spoken or has had an opportunity to do so, subject to appeal to the Legislature by a member opposing close of debate.

**Rule 5.4.8. Ruling of the Chair.** The Speaker shall decide all questions of order, whether or not specified in these Rules, subject to an appeal to the Legislature, which decision shall be considered overruled if two-thirds of the members present vote not to sustain the ruling of the Chair. A member may make a motion to appeal a ruling of the Chair. A member may make a motion to appeal a ruling of the Chair immediately following announcement of such ruling, and the Speaker shall entertain the motion at that time.

**Rule 5.4.9. Disorderly Manner.** If any member shall conduct himself in disorderly manner during any session of the Legislature the Speaker shall order such member to keep his seat and preserve the peace.

If the member shall persist in his disorderly conduct, the Speaker shall order the Sergeant-at-Arms to remove the member from his seat during the remainder of the day's session, unless the Speaker shall permit him to retake his seat thereafter.

**Rule 5.4.10. Interruption.** No member shall engage in private discourse when the Speaker or a member is speaking, nor leave the chamber, nor walk about the floor when the Presiding Officer is speaking, nor walk between a member who is speaking and the Presiding Officer.

## **Part 6. MEASURES**

**Rule 6.1. Measures as Property.** Each measure is the property of the Legislature, subject to its exclusive control by majority vote.

**Rule 6.2 Designation of Measures.** Bills and resolutions are respectively designated "L.B." and "L.R.", followed by a number indicating the Legislature of introduction in consecutive chronological sequence. Each subsequent re-draft of a measure

following amendments on the floor bears the additional designation “L.D.”, followed by the number of the re-draft.

**Rule 6.3. Format of Measures.** A measure is typed double space on paper sized 8 ½ X 11” with a left margin of 1 ½”. The lines of the text of the measure are numbered on the left of the page, such lines not to exceed twenty five in number.

**Rule 6.4. Proofreading of Measures.** The Speaker by administrative directive provides for proofreading of measures before introduction, upon report to the floor, following each re-draft, and before presentation or transmission following adoption.

**Rule 6.5. Introduction of Measures.** At least one Senator signs a measure as its introducer. An introducing Senator may add “by request” after his signature to indicate an introduction at the request of a party who is not a Senator.

**Rule 6.6.1. Assignment of Appropriation Bills.** An appropriation bill, including a budget bill, is assigned to the standing committee which has jurisdiction of the subject which the bill would fund.

**Rule 6.6.2. Ways and Means’ Comment on Appropriation Bills.** Upon assignment of an appropriation bill, the Speaker assigns the Committee on Ways and Means to prepare a fiscal comment on the bill, including the availability of the funds proposed for appropriation, similar past appropriations and their use, the bill’s compliance with law and the budget ceiling resolution, and other matters deemed relevant by the Committee on Ways and Means. The comment is promptly presented to the committee or committees that the bill is assigned. A committee does not report an appropriation bill to the floor, and an appropriation bill is not withdrawn from committee, before presentation and consideration by committee of the Ways and Means’ comment.

**Rule 6.7. Distribution of Measures to Senators.** Following a measure being introduced the Chief Clerk promptly distributes copies of the measure to the Senators.

**Rule 6.8. Certification and Transmission of Adopted Measures.** Each adopted measure is certified adopted by signature of the Speaker and Chief Clerk who notes on the measure the date of adoption. An adopted bill is presented to the Governor promptly by the Chief Clerk. An adopted or defeated resolution is promptly transmitted as may be directed in the resolution.

**Rule 6.9. Correction of Non-Substantive Errors in Adopted Measures.** During the preparation of an adopted measure in final form for presentation or transmittal the

Speaker may authorize in writing the correction of typographical, grammatical or other errors which make no substantive change in the measure or other change contrary to the clear intent of the Legislature.

**Rule 6.10. Carry-over Measures.** Any measure not finally disposed by the Legislature in a session is carried over with the same numerical designation for the attention of the next session.

**Rule 6.11. Veto Procedure.** In conformity with the Kosrae State Constitution, Article IV, Section 17, the following main motion are in order when a bill vetoed by the Governor is placed before the body:

1. A motion to amend the vetoed bill to meet the Governor's objections;
2. If a motion to amend is successful, a motion for final passage of such an amended bill; or
3. A motion to pass the vetoed bill or a vetoed line item over the Governor's objections. If the Governor vetoes more than one line item in a single bill, the motion may include all items or items or separate motions may be made for individual items vetoed by the Governor.

The motions have precedence in the order in which they appear above. Debate and appropriate subsidiary motions are permitted on any of the above motions as provided in Part 5 of these rules.

If no motion is made and no action is taken, the Governor's veto is sustained. If the vetoed bill is amended to meet the Governor's objections, it may be passed upon one reading if ten or more Senators vote in favor of passing the amended bill. A vetoed bill or a vetoed line item may be passed into law over the Governor's veto if twelve or more Senators vote in favor of passing the bill or item over the Governor's veto.

## **Part 7. MISCELLANEOUS**

**Rule 7.1. Disorderly Manner.** If a Senator conducts himself in a disorderly manner during a meeting of the Legislature, the Speaker may order the Senator to discontinue the conduct. If the Senator then persists in conducting himself in a disorderly manner, the Speaker may request the Senator to leave the chamber. If the Senator refuses to leave the chamber, the Speaker may direct the Sergeant-at-Arms to remove the Senator from the chamber for the remainder of the meeting then in progress, or for a shorter time in the Speaker's discretion.

**Rule 7.2. Time.** The Legislature observes time by the designated clock in the chamber that is maintained according to official local radio time and may not be altered for any reason.

**Rule 7.3. Security of Communication.** By administrative directive, the Speaker provides for a regular method whereby the distribution and divulgence of internal Legislature communications are limited to the parties addressed and authorized Senators and staff.

**Rule 7.4. Communication with the Executive.** By administrative directive and arrangements with the Governor the Speaker provide for an orderly, efficient method of communication between the Legislature and its committees, and the Executive.

**Rule 7.5. Standing to Vote.** A Senator may not vote on any matter that directly involves himself or his family, except that a Senator may vote on such a matter if it also has general application to the public at large. Before a vote is taken, any Senator may request the Speaker to rule on another Senator's standing to vote. When there is a question as to a Senator's standing, the Senator that raised the issue shall present facts to support the claim. If the Senator who has the conflict raises the matter himself, then the Speaker shall make the final determination regarding the conflict.

**Rule 7.6. Censure; Suspension; Removal.** The censure, suspension or removal of a Senator is by resolution, acted upon no earlier than five days following introduction. During a period of suspension a Senator may not perform any Legislature related activities.

**Rule 7.7. Dress.** When attending session of the Legislature, a Senator shall wear attire appropriate to the occasion. A male Senator shall wear a necktie and a female Senator shall wear a suitable island dress or an appropriate blouse and skirt or pants on the opening and closing days of any session of the Legislature and other special occasions designated by the Speaker. A Senator failing to wear proper attire may be refused admittance or be removed from the chamber by the Sergeant-at-Arms at the direction of the Speaker.

**Rule 7.8. Documentation and Reimbursement from Representation Funds.** Documentation of the official purpose for expenditures in the performance of official duties must be provided.

The Speaker shall authorize legitimate reimbursements when a Senator provides sufficient documentation for reimbursement.

Documentation is sufficient if it includes: 1) a brief statement describing the expenditure sought to be reimbursed; 2) a standard dated receipt giving the name and address or telephone number of the recipient of the expenditure, or 2a) in case where a receipt is unavailable, a sworn affidavit giving the name and address or telephone number of the recipient of the expenditure and the reason a receipt is unavailable; and 3) a concise statement of how the expenditure furthers official duties.

Representation funds may not be reimbursed for political campaigning or other personal expenditures. Representation funds may be used only to reimburse Senators for actual expenditures incurred in the performance of their duties within the following four categories:

- a. On-Island Transportation. This category includes expenditures for any on-island travel incurred in the performance of official investigative duties.
- b. Off-Island Transportation. This category includes expenditures for any off-island travel incurred in the performance of official investigative duties.
- c. Information. This category includes expenditures for gathering, copying, preparing, and distributing information in the performance of official duties.
- d. Public Hearing and Legislative Investigation. This category includes the expenditures for preparing, conducting, and concluding official public hearings and Legislative investigations.

The Fiscal Officer shall keep and make available to all Senators a current spreadsheet showing journal entries and reimbursements for each expenditure allocated from each Senator's representation fund. The spreadsheet shall show the net reimbursement fund available to each Senator at all times. The spreadsheet shall be a public record and shall be made available to any person requesting it.

The Speaker shall provide to the Fiscal Officer a copy of the monthly report from the Director of Administration and Finance. The Fiscal Officer shall immediately compare his current spreadsheet with the monthly report. If there are any discrepancies, the Fiscal Officer shall immediately make a written inquiry to the Director of Administration and Finance and advise the Speaker of the discrepancy.

The Speaker is the final arbiter of any dispute regarding a claim for reimbursement from representation funds.

## **Part 8. LEGISLATIVE INVESTIGATIONS AND HEARINGS**

**Rule 8.1. Scope of Investigative Power.** The Legislature and its standing committees have such powers of investigation and contempt as are in Legislative bodies. The Legislature and its standing committees shall exercise the power fully as necessary to fulfill the Legislature's function. The Legislature is entitled to truthful, complete testimony and other information on matters relevant to pending or future legislation or governmental oversight proceedings.

**Rule 8.2. Subpoena Power.** The Speaker or any standing committee Chairman may issue a subpoena (order to appear) or a subpoena duces tecum (order to appear and produce documents) to a person to require him to appear and, as the case may be, to produce documents. A subpoena is an order to enforce the Legislature Rules of Procedure within the meaning of Kosrae State Code Section 13.624.

**Rule 8.3. Subpoena Contents.** A subpoena shall contain the name of the witness, the name and place at which he is required to testify, the reasons for which his testimony is sought, an identification of any documents requested, and a warning that failure to comply with the subpoena may carry criminal and civil penalties. It shall be signed by the Speaker or the Chairman.

**Rule 8.4. Service.** A copy of the subpoena or subpoena duces tecum shall be personally served by the Sergeant-at-Arms or any other Legislative employee directed to do so by the Speaker or Chairman, on the subpoenaed party at his residence no later than twenty-four (24) hours prior to the time of hearing unless because of urgency the Speaker or Chairman orders otherwise. If the subpoenaed party is not present there, the Sergeant-at-Arms or Legislative employee shall leave a copy of the subpoena with a competent adult who resides there, and the Sergeant-at-Arms shall thereafter attempt to find the subpoenaed party and serve him with another copy to ensure that he receives actual notice.

**Rule 8.5. Duty of Witness; Privileges.** A subpoenaed witness shall appear at the time requested. The Legislature and its standing committee may issue an oath to a person giving testimony before it. Perjury and contempt charges apply pursuant to Kosrae State Code Section 13.612 and 13.624. The person giving testimony shall be required to provide an affirmative verbal response to the following oath: "Do you swear or affirm that the testimony that you are about to provide to this body the truth, the whole truth and nothing but the truth."

The witness has the privilege against self-incrimination and such other privileges as are provided pursuant to law to witnesses testifying in Kosrae State Court. A subpoenaed witness shall answer all relevant, non-privileged questions and produce all relevant, non-privileged documents. For any questions he claims are privileged, he shall identify the privilege.

**Rule 8.6. Failure to Comply; Arrest.** In the event of the witness's failure to appear, produce non-privileged documents in his possession or control, or answer a relevant, non-privileged question after being ordered to do so, or if in his testimony he willfully misrepresents any fact, a majority of the standing committee or the Legislature may vote on whether to arrest the witness. If a vote is in the affirmative, the Chairman or the Speaker shall order the witness arrested by the Sergeant-at-Arms.

The witness shall be arrested immediately or at the beginning of the next workday by the Sergeant-at-Arms and brought to the Legislature.

**Rule 8.7. Action upon arrest.** If there is probable cause to sustain a charge that the failure of the witness to appear, answer relevant, non-privileged questions, or to produce relevant non-privileged subpoenaed documents was willful, the Speaker or Chairman may direct.

- (a) that the witness be delivered to the custody of the police and that a complaint be filled for contempt of Legislature pursuant to Kosrae State Code Section 13.624; or, except for contempt based on willful misrepresentation.
- (b) that the witness be cited for contempt pursuant to Rule 8.8.

**Rule 8.8. Action upon citation in contempt.** If a citation in contempt shall issue, it shall be signed by the Chairman or the Speaker and shall:

- (a) direct the recusant witness to appear before the Legislature at a time and place specified in the citation to show cause, if any he has, why he should not be imprisoned for his contempt; and
- (b) be accompanied by a copy of the original subpoena if the witness failed to appear, or stating the questions which he failed to answer or the evidence which he failed to produce, as the case may be.

The time and place stated in the citation shall afford the recusant witness a reasonable opportunity to prepare his defense.

The citation shall be served personally upon the recusant witness, and may be served by any police officer or by the Sergeant-at-Arms.

**Rule 8.9. Hearing on contempt.** At the hearing on contempt, the recusant witness is entitled to:

1. the assistance of counsel
2. to produce witnesses and offer evidence in his behalf
3. to argue orally, in person or by counsel, within reasonable limits imposed by the Presiding Officer, and to present written arguments.

**Rule 8.10. Coercion against condemner.**

- (1) If the Legislature finds by resolution that the recusant witness has in fact committed a contempt:
  - (a) The witness may be required to pay a fine of not less than \$10 nor more than \$1,000, as fixed by the resolution, for each day he remains in contempt. A fine shall be collectible in the same manner as any other debt.
  - (b) A warrant for the arrest of the witness must be issued if the Legislature finds that the witness should be imprisoned.
- (2) A warrant issued pursuant to subsection (1)(b) must be signed by the Speaker, be directed to the Sergeant-at-Arms of the Legislature or any police officer, and order him to arrest the contemner and deliver him to the jail.
- (3) A copy of the warrant must be delivered to the contemner, and must fix the time of his imprisonment as thirty days or a shorter specified time. The warrant may provide for the release of the contemner before the expiration of his period of imprisonment if he testifies or produces evidence as originally required.

**Part 9. LEGISLATIVE DELEGATION OFFICES**

**Rule 9.1** Effective immediately and until further notice.

**Rule 9.2** Each Delegation shall designate a Chairman in writing to the Speaker. The Chairman shall serve until Delegation designates a new Chairman in writing to the Speaker, or until otherwise impossible to continue as Chairman.

**Rule 9.3** The Legislature shall contract leases for four Delegation Offices, one in each municipality. The leases shall be signed by the Speaker and the Chairman of Committee on Judiciary and Governmental Operations.