

SIXTH DAY

Tuesday, January 14, 2020

CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:36 a.m., Tuesday, January 14, 2020.

MOMENT OF SILENT PRAYER

President Killion: I now call our session to order, may we stand and observe a moment of silent prayer.

A moment of silent prayer was observed.

ROLL CALL

Chief Clerk Reyes called the roll, 22 delegates are present.

President Killion: Thank you. For the record, Vice President Iso Nahnken and Delegate Takesy are excused for this morning's session. So, we have a quorum to transact business. Now we can move on, Adoption of Journal.

Floor Leader Yatilman: Mr. President.

President Killion: Mr. Floor Leader.

Floor Leader Yatilman: I move to suspend the reading of the Journal until tomorrow.

President Killion: It's been moved. Any second?

Delegate Fritz: Second.

President Killion: There's a motion to suspend the reading of the Journal. Let's declare a short recess.

President Killion declared the Convention recessed at 10:39 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 10:44 a.m.

President Killion: We're now back to session. There was a motion from Floor Leader to dispense the reading of the Journal. There's a need for a second.

Delegate Fritz: There's second already.

President Killion: Oh, there's a second? Okay, all those in favor of the motion proposed by Floor Leader say Aye. All those opposed say Nay. Motion carried.

The motion carried by voice vote to suspend the reading of the Journal.

COMMUNICATIONS

President Killion: Moving on. Item 5, Communications?

Chief Clerk Reyes: Yes, Mr. President. For Communications, we have Pre-Constitutional Convention or PCC Communications, No. 4-1 to No. 4-5. We also have Delegation Communications No. 4-1 to No. 4-2. We have also FSM Congress Communication No. 4-1. We have FSM Supreme Court Communication also No. 4-1 and ending with Miscellaneous Communication, we have No. 4-1.

President Killion: Thank you, Secretary. Any discussions? These are just straight forward Communications. And those subject matters are attached. They are just been distributed. Any other discussion? If none, moving on, Unfinished Business.

UNFINISHED BUSINESS

President Killion: On Unfinished Business, I wish to report that there's been a legal opinion in writing from our Legal Counsel that addressed the issue which was raised by certain members previous days. And may I call for a short recess?

President Killion declared the Convention recessed at 10:46 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 11:16 a.m.

President Killion: Session is now back to business. We are on Unfinished Business. If no other matters on that item, we move on to Reports of Committees.

REPORTS OF COMMITTEES

Chief Clerk Reyes: For Item 7, there are no Committee Reports, Mr. President.

President Killion: First Reading of Committee Proposals?

FIRST READING OF COMMITTEE PROPOSALS

Chief Clerk Reyes: None, Mr. President.

President Killion: Second Reading of Committee Proposals?

SECOND READING OF COMMITTEE PROPOSALS

Chief Clerk Reyes: None also, Mr. President.

President Killion: Item 10. Final Reading of Proposed Constitutional Amendments?

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

Chief Clerk Reyes: None, Mr. President.

President Killion: Item 11, Consideration of Resolutions?

CONSIDERATION OF RESOLUTIONS

Chief Clerk Reyes: None also.

President Killion: Item 12, Introduction and Referral of Delegate Proposals and Resolutions? See Referral Sheet No. 4-03 attached to the order.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS

Delegate Nabeyan: Mr. President.

President Killion: Yes, Chairman Nabeyan.

Delegate Nabeyan: Yes, just a correction on the title of Committee Report No. 4-10 in the Referral Sheet. Second to the last line, under that item reads “resources exploited from the waters of the FSM”, it should read instead “resources exploited from the jurisdiction of the FSM”. Thank you.

President Killion: Thank you very much Chairman Nabeyan. Assuming that is the real wording of the actual proposed Proposal?

Delegate Nabeyan: Yes, it is. Thank you.

President Killion: Okay. It shall be reflected on the record. Okay, any other matters on that item?

Delegate Susaia: Mr. President.

President Killion: Yes, Chairman Susaia.

Delegate Susaia: I just wanted to state a concern. I was hoping that some of these Proposals can be jointly assigned to one or two Committees. Like for the Reef Proposal, I think Public Finance should be involved also.

President Killion: Perhaps if I am not mistaken...

Delegate Susaia: Just an idea.

President Killion: I declare a short recess.

President Killion declared the Convention recessed at 11:18 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 11:22 a.m.

President Killion: We're now back to order. If no other discussion on Item 12, Special Orders, Item 13.

SPECIAL ORDERS

Chief Clerk Reyes: None, Mr. President.

President Killion: Miscellaneous Business.

MISCELLANEOUS BUSINESS

President Killion: Any Delegates who wish to have miscellaneous business? This is a time for such.

Delegate Martin: President.

President Killion: Yes, who called for? Delegate Martin.

Delegate Martin: Thank you, Mr. President. First of all, with all due respect, good morning to everybody. I have two items to share under this line item. First, on behalf of our Chairman Iso, I would like to cordially inform this body or the Convention that Delegate Susaia has been designated as the Vice Chairman for the Delegation of Pohnpei by our Chairman. Second, in reference to all the activities done yesterday, I would like, on behalf of our Delegation, to convey our sincere thanks and appreciation to the President, Officers, and Delegates of this Convention for your attendance in the Joint Inauguration of the Governor, Lt. Governor, and the members of the 10th Pohnpei Legislature. Our apologies for the delay and mess, the traffic especially, but we really thank you and appreciate your attendance and participation in those historic activities. Thank you, Mr. President.

President Killion: Thank you very much, Delegate Martin. I'm sure all of us enjoyed the event yesterday in attending the Inauguration of the new government of Pohnpei State, both executive and legislative. Again, we wish to convey our congratulations to Governor Oliver Reed and Lt. Governor Perman and of course, members and leaders of the new legislature, which I understand should have been formed, the Speaker and so forth. Thank you. Any other miscellaneous business?

Delegate Asher: Mr. President.

President Killion: Yes, Chairman Asher.

Delegate Asher: Perhaps it would be proper if this Delegation, first of all, I would like to thank you for giving me this opportunity and my respects to all the delegates. I think it's proper that since most of us were there at the Inauguration for Pohnpei State Government, it's proper that we convey or reduce our congratulations and appreciation for the invitation to this ConCon, that we reduce it in writing especially in the form of a Resolution and transmitted to Pohnpei State government. Thank you.

President Killion: Thank you, Chairman Asher. I think that is proper so perhaps we can dispose of that here. Chairperson Sigrah.

Delegate Sigrah: Thank you very much. Good morning, Mr. President, good morning all. I just want to add to the discussion or comments made on public education. I know that some of the delegates captured the essence of the issue, why the delegates need to be included in the public awareness. I want to add that it's a must that delegates get involved with the public education because we got elected by the people to make changes to the Constitution. We are here and ready to do those changes. Our jobs do not end when those proposals pass. What's the value of a proposal that is passed at the Convention stage and does not get passed by the voters? Just think about the 2001 Convention that had about 24 proposals that did not get passed. There's millions of dollars involved, a lot of time and resources. It is not easy to be here. It takes a lot of time, a lot of money, a lot of shaking hands, a lot of smiling to be able to get someone like me, a woman from Kosrae, to be here. The work does not end for us here. I want to say that we have to try to do a balance between respecting what is being done in the past. Public education to be separated from the work before us now and balancing the need to have the budget for the Convention approved. I was told that the President's office oversees the public education phase and my first reaction was to ask myself, under what legal authority? I did a quick research and we like to use preliminary. I could not find the legal authority that places the very needed work of public education of the proposals under the jurisdiction of the Executive unless there's some Executive Order that I'm not aware of. The Convention is an independent institution and this made me start thinking that maybe it has to have its own separate proposal to make sure that the delegates get to be the ones involved in the public education the second time around. I wanted to add that the Constitution establishes a direct relationship between the delegates, our work, and the people of the Nation. The delegates are specifically chosen for the express purpose of revising the Constitution. It is expected that upon completion of our work, we are to report

back to the people with our products. This good language is from the *Constitutional Convention 1990 v. President*. And I have to join the others in appealing to you and my fellow delegates that we push for public education as part of our budget proposal to be placed before the Congress in the Regular Session. And I further appeal to my fellow delegates that in order to safeguard us that we write, write, write, and that the rationales may be part of some booklets that we can compile and put together for public education, and that is to safeguard all of our work here because it's not easy to come here, on leave for our proposals not to be voted by the people. And I'm sure that the delegates, because we have direct relationship with the people, it should be the delegates that go back to the same people that sent us here because those same people are the ones that's going to be voting on the proposals. So, I want to align myself with all of the delegates that support public education and that we, the delegates or some of the delegates, especially the proponents of the proposals be made part of the public education team. Thank you very much, Mr. President.

President Killion: Thank you very much, Chairperson. I declare a short recess.

President Killion declared the Convention recessed at 11:30 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 11:47 a.m.

President Killion: Our session is now back to order. We're on Miscellaneous Business, item 14. Any other miscellaneous business? If none, we move on to Announcements.

ANNOUNCEMENTS

Delegate Cantero: Mr. President, if I may.

President Killion: Yes, Delegate Cantero.

Delegate Cantero: Thank you. Thank you, Sir. Good morning. Just a very quick announcement. Our good Chairman, His Excellency, His Majesty, when he left, he kind of pulled me over to give me instructions to make sure to take the floor and convey his regrets. He's sorry, he apologizes he's not able to be here. He wanted me to do that on the floor so. He regrets that he's not able to join us for the

meeting today. He's one of our traditional leaders of the state and he has been called to discharge his traditional responsibilities with respect to a funeral that has taken place in his kingdom. So, he wanted to make sure that I do that so I have done that. Thank you, Mr. President.

President Killion: Thank you very much. As noted in the roll call, as mentioned, Iso Nahnken was excused and so was Delegate Takesy for today's session. Any other announcements?

Delegate Mori: Mr. President.

President Killion: Delegate Mori.

Delegate Mori: Yes, good morning to everyone. I'd like to make an announcement to the Chuuk Delegation if we can meet in the Delegation Room immediately after this session. Thank you.

President Killion: That's going to be immediately after this session? Okay. Chuuk Delegation will be meeting at the Committee Meeting Room immediately after this session. Okay, any other?

Delegate Albert: Mr. President.

President Killion: Chairman Albert.

Delegate Albert: Thank you. Just a kind reminder to the Committee on Civil Liberties that our meeting tomorrow is at 8:30 in the morning.

President Killion: Thank you. Committee on Civil Liberties and Customs. We're meeting tomorrow at 8 o'clock, 8:30 in the morning in the assigned room. Chairman Nabeyan?

Delegate Nabeyan: Just for your Committee on Government Structure and Functions is having its meeting tomorrow at 2:30 in the FSM Congress Hearing Room. I ask that all the proponents who've submitted proposals currently assigned to the Committee on Government Structure and Functions please appear tomorrow to briefly give us your rationale before the Committee delves into proposal. Thank you.

President Killion: Okay. So, Committee on Government Structure meeting tomorrow at 2:30 p.m. at the Committee Room. Okay, Chairman Saimon?

Delegate Saimon: Thank you, Mr. Chairman. I'm sorry, Mr. President. I apologize for that.

President Killion: It doesn't matter.

Delegate Saimon: Mr. President. My concern is if we start having meetings tomorrow, I know my Chairman mentioned a meeting tomorrow, but if we start discussing actual proposals, will there be a recording system already at that meeting room? Because those are critical to catch that discussion.

Delegate Sitan: Short recess.

President Killion declared the Convention recessed at 11:50 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 12:04 p.m.

President Killion: Our session is now back to order. We're on Announcements. Any other chairperson wish to make additional schedule meetings. Chairperson Sigrah?

Delegate Sigrah: Thank you very much, Mr. President. The Committee on General Provisions will not be meeting until further notice. We have an 8:30 slot, Tuesdays and Thursdays, but it can be given to the other committees. And that is because we have only two Referrals on the Referral Sheet, Proposal No. 4-03 and 4-16. And both proposals relate to amendment to Article 14, Section 1. So, read those and be ready to talk next time we get to meet. Thank you.

President Killion: Thank you, Chairperson Sigrah. Any other announcements? Chairman Saimon.

Delegate Saimon: Thank you, Mr. President. The Committee on Style and Arrangement has no meetings yet that have been scheduled. So, when one comes up after this, I will let you know. Thank you.

President Killion: Thank you, Chairman Saimon. Any others? Yes, Chairman Sitan?

Delegate Sitan: Thank you, Mr. President. Our allotted time tomorrow at 1 o'clock, Committee on Public Finance and Revenue will continue its meeting on some proposals we need to dispose, one by tomorrow and there are others on seabed mining revenue, which now I have two. If any other delegations have any, please include so we can also address tomorrow. We will be sending out maybe notice for witness, perhaps Secretary of Foreign Affairs and Secretary of Finance, one o'clock tomorrow at the meeting room. Thank you.

President Killion: So, one o'clock tomorrow, Committee on Public Finance and Revenue. Okay, any other announcements? So, if none, Floor Leader?

Floor Leader Yatilman: Mr. President. I move that this Convention stands in recess until 10 o'clock tomorrow morning.

President Killion: All those in favor say Aye. All those oppose say Nay. We stand in recess until tomorrow at 10 o'clock.

President Killion declared the Convention recess at 12:07 noon, until 10:00 a.m., Wednesday, January 15, 2020.

Respectfully submitted,

Atarino A. Helieisar
Journal Clerk