

SEVENTH DAY

Wednesday, January 15, 2020

CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:36 a.m., Wednesday, January 15, 2020.

MOMENT OF SILENT PRAYER

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

A moment of silent prayer was observed.

ROLL CALL

Chief Clerk Reyes called the roll, 23 delegates are present.

President Killion: Since we have quorum, we can transact business.

Delegate Albert: Mr. President.

President Killion: Yes, Chairman Albert.

Delegate Albert: Thank you. For the record, I just wish to have my name checked. I was not called so I'm just making sure. Thank you.

President Killion: Okay. Secretary, please note that from Chairman Albert. Since our Floor Leader is not here, I would like to request that Delegate Cantero shall be the Temporary Floor Leader for today. If there's no objection, it shall be it. So Item 4, Adoption of Journal.

Delegate Cantero: Thank you Mr. President and good morning to you all. Again, it continues to be an honor to serve under your leadership, Mr. President and the guidance of the collective membership of the Convention to serve as your Temporary Floor Leader. Thank you. Mr. President, with respect to this Agenda item, you see in front of you, Journals that we captured Day 3 and Day 6. It should be right in front of you. I move to dispense reading of adoption of the Journals.

Just to give you time to review what has been provided in front of you. At the same time Mr. President, I was advised by the Secretariat that come tomorrow, we should be able to have concrete movements of all our Journals spanning from Day 2 to day 7. So that would update our efforts on the Journal process. I was also advised that the Day 1 Journal is currently in development and that also should be available sometime next week. On behalf of the Convention Secretary, I convey their apologies for that but they should be able to get Day 1 records and Journals across sometime next week. So that is the motion, Mr. President.

President Killion: Thank you Temporary Floor Leader. So is there any second to the motion by Temporary Floor Leader Cantero? The motion was to dispense with the reading of the Journal given that we have these Journals of the previous days as he has stated, Journal for Days 2 to 6 had been distributed for your review and of course Journal for No.1 is still being worked on Day 1 and of course today is Day 7. So any second to the motion?

Delegate Mori: Second.

President Killion: It's been moved and seconded that we dispense with the reading of the Journal. All those in favor say Aye? All those oppose 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: For Item 5, Communications, there are no Communications Mr. President.

UNFINISHED BUSINESS

President Killion: Unfinished Business?

Chief Clerk Reyes: None at the moment, Mr. President.

REPORTS OF COMMITTEES

President Killion: Reports of Committees?

Chief Clerk Reyes: There are no Committee Reports, Mr. President.

FIRST READING OF COMMITTEE PROPOSALS

President Killion: First Reading of Committee Proposals?

Chief Clerk Reyes: None, Mr. President.

SECOND READING OF COMMITTEE PROPOSALS

President Killion: Item 9, Second Reading of Committee Proposals?

Chief Clerk Reyes: None also, Mr. President.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

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

Chief Clerk Reyes: None, Mr. President.

CONSIDERATION OF RESOLUTIONS

President Killion: Item 11, Consideration of Resolutions?

Chief Clerk Reyes: We do not have any Resolutions Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

President Killion: Item 12, Introduction and Referral of Delegate Proposals and Resolutions? Please see Referral Sheet No. 4-04 which is attached to the Order. Today's Order. As we discussed yesterday, any of the Committees wish to have some measures to be also jointly assigned to their Committee by our means? They can request that and decisions can be considered.

SPECIAL ORDERS

President Killion: So moving on Item 13, Special Orders?

Chief Clerk Reyes: None, Mr. President.

MISCELLANEOUS BUSINESS

President Killion: Item 14, Miscellaneous Business. For Miscellaneous Business, I wish to introduce our staff Ms. Claudia David. For the record, she's been appointed as our new staff to be our new PIO. Let's give her a round of applause. (Applause by Delegates and Staff)

Delegate Albert: Mr. President.

President Killion: Yes, Chairman Albert.

Delegate Albert: Thank you, Mr. President. Aih tungol sakarada wahu ong komwi Iso. My respect to you all and all those in the gallery. During our deliberations this morning, your Committee on Civil Liberties, a matter of concern came up and this is in respect to the communication from your office requesting the Chairmen of the Committees to appoint or elect the Secretary from the members. This issue was discussed then it is the wish of the Committee to request that your office provide a Secretary for all the Committees. The main concern is having Delegates take reports or do the actual Journals.

President Killion: Thank you. I declare a short recess.

President Killion declared the Convention recessed at 10:42 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 11:15 a.m.

President Killion: Our session. A while ago, there was an issue on Committee Reports. Yes, Chairman Sitan?

Delegate Sitan: Thank you Mr. President. I move that we suspend certain portion of Rule 23 starting from where it says "Each Committees\ shall maintain a Summary Journal of its Proceedings and its Business Schedule for which it will be available to the delegates, news media and incase member of the public." That's my motion.

President Killion: Any second?

Delegate Susaia: Second.

President Killion: It's been moved and seconded. Discussion on the motion by Chairman Sitan?

Delegate Sitan: Mr. President?

President Killion: Yes, Chairman Sitan.

Delegate Sitan: Yeah with the understanding like we said there are people available later on, maybe we can reinstate it. For now until such time, we shouldn't have this. I don't believe the National Government employees can spend their time here. With due respect, our Floor Leader keeps coming late because he has work with the National Government. That's an example of government responsibility. Thank you.

Delegate Nabeyan: Mr. President, can I?

President Killion: Yes, Chairman Nabeyan. Thank you, Chairman Sitan.

Delegate Nabeyan: Can I ask the movant to clarify the duration of the suspension? Thank you.

President Killion: Chairman Sitan, you have been requested by Chairman Nabeyan to further clarify the motion.

Delegate Sitan: I think at some point we will decide and then we will reinstate back and that's the duration.

Delegate Susaia: Mr. President?

President Killion: Yes, Delegate Susaia.

Delegate Susaia: Thank you, Mr. President. Let's be practical, when we suspend the particular provision of Rule 23, how can we go back and start again writing Journals for the Committees? If we suspend, we suspend for the duration of

the Convention. Somebody will pick up the Journal of the Committees and it begins on Day 23 or Day 24. So when we suspend, we suspend permanently.

President Killion: Well it's up to the Delegates, they can always bring it back anytime based on the votes.

Delegate Susaia: So I move for the previous question.

Delegate Fritz: Second. If we can always bring it back.

President Killion: It's been moved and seconded that we close debate and vote on the motion. All those in favor of the motion, say Aye. All those opposed say Nay. Motion carried. So, we're now back to the main motion at hand. The main motion from Chairman Sitan is at hand to vote on.

Motion carried by oral vote of delegates.

Delegate Naich: Mr. President.

President Killion: Yes. Delegate Naich? Before we vote.

Delegate Susaia: Discussion is closed. Closed for discussion.

President Killion: Oh, we're now going to vote on the main motion, thank you. I declare 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 11:36 a.m.

President Killion: We're now back to session. There was a motion by Chairman Sitan and it was seconded to amend the Rules, the specific section of the Rules pertaining to recording of committee meetings. Yes, Delegate Susaia?

Delegate Susaia: Motion to amend the motion, the main motion.

President Killion: Yes, the motion to amend the motion.

Delegate Susaia: The motion that I wish to place before the Plenary is the wording suggested by Delegate Sitan is clarified and instead of deleting the whole sentence, we'll just delete maintaining a summary journal.

Delegate Sitan: President, short recess.

President Killion declared the Convention recessed at 11:37 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 11:41 a.m.

President Killion: We are now back to order. We have a main motion at hand as proposed by Chairman Sitan. And we have to vote on it. As per our rule, we need a minimum of sixteen votes affirmative to pass and it's going to be by roll call. So, may I request our secretary to call those in favor of the motion.

Chief Clerk Reyes called the roll for those in favor of the motion.

Delegate Albert: Yes, with understanding that there be a different motion afterwards.

Delegate Asher: No

Delegate Bossy: Yes

Delegate Cantero: Yes

Delegate Choor: No

Delegate Fritz: Yes

Delegate Hashiguchi: No

Delegate Iriarte: Yes

Delegate Kanto: Yes

Delegate Liwy: No

Delegate Martin: No

Delegate Mori: No

Delegate Nabeyan: No

Delegate Naich: No

Delegate Noket: No

Delegate Palsis: No

Delegate Saimon: No

Delegate Samo: No

Delegate Sigrah: Yes

Delegate Sitan: No

Delegate Susaia: I vote with my Chairman of my delegation, Yes

Delegate Takesy: Yes

Floor Leader Yatilman: No

President Killion: I don't know, No

Chief Clerk Reyes: Mr. President, we have nine affirmative votes, fifteen against.

President Killion: Thank you. So, the motion did not pass. It was defeated. So, moving on. We're still on Miscellaneous Business.

Delegate Nabeyan: Mr. President.

President Killion: Yes.

Delegate Nabeyan: I would like to go on record to state the reason behind my vote and very simply, I think it's reasonable that the presiding officers try to staff up the committees and by next week if we're still in the same place, I would support a motion to suspend the Rule because the committees have to work. Thank you.

President Killion: Thank you very much. That is an understanding. So, the leadership will take that into account and take action, appropriate action.

Delegate Albert: Mr. President.

President Killion: Yes, Chairman Albert?

Delegate Albert: I just want to state for the record that since we've voted to keep the Rules, it puts our committee in a bind because we currently have proposals that we're discussing so we don't have a secretary yet, so what will happen to the proposal that we discussed this morning? I need some assistance from all the legal counsels.

President Killion: Thank you. The leadership will take immediate action to address your issue, Chairman Albert. And it's a very important matter so we need to address it after this meeting. Yes, Delegate Noket?

Delegate Noket: Since the legal counsel was present during our meeting, he didn't do anything, didn't render any legal opinion or research or what. So, I requested that in the meeting, that he keeps the record of the meeting because he didn't have anything else to do. So I asked him to do that, so I think it will be okay.

President Killion: Thank you Delegate Noket. It shall be done. Yes, Chairman Saimon?

Delegate Saimon: Thank you, Mr. President. In aid to the position just brought up by Delegate Noket, obviously since we voted to keep the Rule, the Rule that we had just made I would think that if there was a requirement that was in place this morning and now there shall be a record keeper, who right now the debate is whether is the lawyer or somebody else. I don't recall that the lawyer was required, maybe he was asked, but anyways. The question right now is from my Chairman is to whether we should re-do that again, the discussion with the record keeper there. I think that might be the remedy there. Thank you.

President Killion: Thank you very much, Chairman Saimon. Any other comments? We're still no Miscellaneous. So if there are no other miscellaneous, we move on to Announcements. Any Committee Chairman, Chairpersons wish to make any announcements or meetings, schedule of meetings?

ANNOUNCEMENTS

Delegate Albert: Mr. President.

President Killion: Yes, Chairman Albert.

Delegate Albert: For reasons we just discussed, I'm going to ask the Committee on Civil Liberties that we delay all meetings until next week, when a staff is properly provided. Thank you.

President Killion: Thank you, Chairman Albert. Any other announcements by the other Chairmen? Chairman Sitan.

Delegate Sitan: Thank you, Mr. President. We have a public notice out, but I haven't seen it regarding our meeting today at one o'clock for all those proposals assigned to your Committee on Public Finance. Thank you. And we will have witness from Secretary of Finance and Foreign Affairs, both secretaries. Thank you.

President Killion: Thank you, Chairman Sitan. So, the meeting will be at one o'clock at the Committee Room, Congress Committee Room, at one o'clock on all those matters that you had mentioned assigned to our Committee on Finance, Revenue and Finance. Any other announcements by the other Chairpersons, Chairmen? Yes, Chairman Nabeyan.

Delegate Nabeyan: Thank you, Mr. President. The Committee on Government Structure and Functions will meet today at 2:30 in the Committee Room. Thank you.

President Killion: Thank you, Chairman Nabeyan. 2:30, same place as the Public Finance and Revenue. Okay, that's 2:30 p.m., any other announcements?

Delegate Sigrah: Good morning, Mr. President.

President Killion: Chairperson Sigrah?

Delegate Sigrah: Thank you. The Committee on General Provisions will not be meeting tomorrow. So, maybe Saturday because we have only two proposals and they are very similar. So, thank you. No meetings.

President Killion: Thank you, Chairperson Sigrah. So, no meetings on General Provisions until possibly Saturday. You're going to make that announcement known by tomorrow or Friday. Thank you, Chairperson Sigrah. Any other announcements? Chairman Saimon.

Delegate Saimon: The Committee on Styles and Arrangement is still on vacation, so no meetings.

President Killion: Thank you, Chairman Saimon. Take more vacations, thank you. We're just waiting for the other committees. Yes, Delegate Cantero?

Delegate Cantero: Thank you. Perhaps a comment on last announcement but I thought it's, I should have raised it in Miscellaneous. I apologize for that, but I thought going forward, mindful we're exiting out about roughly around January 22nd. We have few days left. Perhaps, also just to get some guidance and directions from the entire collective membership of the Convention. I think it's, it may be important in my view. I'm just thinking out loud here with respect to our proposals. It appears that most are duplicates. Most are mirroring each other. For instance, on the Finance Committee, we have some proposals that are in place, that speak to the same language on revenue sharing, but different perspectives. I'm just thinking out loud here and again, it's just open for some guidance from all of you. Whether there's merit to try to singularize all those proposals into one before we actually exit out to our respective states. I'm just thinking out loud that it will give each one of us the bullets, the strength to go and when we meet our constituents, we can, in my view tell them the Convention has met and we're in recess now. And with respect to revenue sharing, this is the language that the collective membership of the Convention has agreed to. I think it will help, in my amateur view, I think compared to going and approaching them with multiple languages, telling them we've met and this is what Pohnpei's proposing, this is what Chuuk is proposing, this is what Yap is proposing, and this is what Kosrae is proposing. In actuality, if you consider that kind of approach, we did not even get anything done in this first phase of our engagement. In my view, again amateur's view, if we exit out January 22 and we're able to tell the constituents of Pohnpei state, we've met, we've worked together as a family, as a team, and under this category of revenue sharing, this is the collective language, this is the language that the collective

membership actually agreed to carried the entire weight of our process. So, perhaps maybe the Chairmen can, they're experts in these things, much much more than I, but I think there is merit to that kind of approach, giving every one of us strength as we go out and continue our consultation. It's just my view on this one, but I just thought I'd throw that out and there may be good things and bad things about it, but for strategic purposes moving forward, I think if we do it right, it will give us the strength to have a very, very result oriented mid consultation with our constituents. Thank you.

President Killion: Thank you very much, Delegate Cantero. I'm sure the other Delegations have the same plan in meeting our constituents during the break. Okay, we're still on Announcements. Before we adjourn, I wish to announce that we'd like to have a meeting, the officers and the chairmen, chairpersons of each of the Delegations immediately after this morning session at our room at the back after we adjourn. If no other announcements, Floor Leader?

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

President Killion: Thank you. If no objection, 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