

FOURTEENTH DAY

Monday, February 24, 2020

CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:24 a.m., Monday, February 24, 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: Thank you Secretary. For the record, Delegate Palsis is excused.

Iso Nahnken Iriarte, fellow Delegates, Ladies and Gentlemen..

As President of the 4th FSM Constitutional Convention, I wish to warmly welcome you all back to Palikir, Pohnpei, FSM after the 30 days recess, doing the consultations with our people throughout our nation. I trust that all of us had a successful consultations with our people on our islands and communities and that the input received at these consultations meetings will be very useful and pertinent in our final review and deliberations on each of the Proposed Amendments to our FSM Constitution – Those sixty-two (62) Proposals which were already introduced during the first part of our Convention and the other remaining once which may be introduced during the remaining days of our Convention. On our behalf, I wish to formally express our thanks and appreciation to our people throughout our nation, especially those whom were visited during the consultations during these past 30 days.

Furthermore, it is only fitting and proper that also on our behalf, I wish to again express our gratitude and appreciation to President Panuelo and his

administration for their continued support and assistance for our Convention, particularly, in supporting our request to our Congress for the additional funding of \$776,000 plus needed to enable us to complete our statutory mandates as per Public Law No. 21-19.

Likewise, I also wish to thank our FSM Congress, under the leadership of Speaker Simina and Vice Speaker Moses for their generosity and support in approving this funding request, as well as enacting certain legislation needed for clarifying some issues relating to the operation of our Convention.

As we are just starting the second half of our Convention, I look forward to working closely with each and everyone of you, fellow Delegates, including the Officers of the Convention and the Chairpersons of the Four (4) State Delegations as well as our core staff and those staff provided by the other branches and agencies of our National Government.

At this juncture, I wish to reiterate the guiding principles which I had pointed out earlier at this Convention which we should try to use in our final review of our FSM Constitution which are the following:

- Ensuring to the extent possible, that the Proposed Amendments support and foster national unity throughout the FSM.
- Ensuring that the Proposed Amendments support economic prosperity for our nation; and
- Ensuring that the Proposed Amendments serve to further improve and enhance government efficiency throughout the FSM for the benefit of our people.

We have our mandates cut out for us, and I humbly request that we make good use of the remaining days of this Convention, as well as the available financial and technical resources which had been provided by our mandates, for the benefit of our people now, and most especially for our future generation in making the needed changes for our one and only FSM Constitution.

Thank you.

ADOPTION OF JOURNAL

Moving on to Item 4, Adoption of the Journal.

Floor Leader Yatilman: Mr. President.

President Killion: Yes, Floor Leader.

Floor Leader Yatilman: Thank you, Mr. President. I move that we adopt the Journal of the Thirteenth Day of our meeting.

Delegate Martin: Second.

President Killion: It's been moved and seconded that we adopt the Journal. Discussion?

Delegate Bossy: Question.

President Killion: Question has been called for. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

COMMUNICATIONS

President Killion: Communications.

Chief Clerk Reyes: For Item 5, Communications. We are in receipt of one Agency and Government Authority Communication No. 4-01.

UNFINISHED BUSINESS

President Killion: Unfinished Business. Item 6.

Chief Clerk Reyes: None, Mr. President.

Delegate Martin: Point of privilege, Mr. President.

President Killion: Yes. Point of privilege, Delegate Martin.

Delegate Martin: Thank you very much, Mr. President. With all due respect to you, Mr. President, Iso Nahnken of Nett and all Delegates, I just wish to share two items. First, I would kindly ask this body to recognize and welcome a citizen

of the FSM who is in the gallery. A former Congressman, and former officer of the Pohnpei State, and he is observing our session this morning. Mr. Onlino Lawrence.

(Applause from Delegates)

President Killion: Thank you very much, Delegate Martin. I welcome Mr. Lawrence.

Delegate Martin: If I may, Mr. President.

President Killion: Yes, go ahead Delegate Martin.

Delegate Martin: The second thing I would like to touch on at this time, is regarding your beginning short remark especially the action taken by Congress on the budget for the Convention. I do join you in expressing or conveying our positions for their actions on approving the budget, but I was disappointed that they were not able to make this body or the President to be the allottee of the funds. Thank you Mr. President.

President Killion: Thank you, Delegate Martin. Your concerns are noted. And in as much as possible, we need to continue working with President Panuelo in accessing the fund. I know he's very open and willing to do that. Thank you.

REPORTS OF COMMITTEES

President Killion: Moving on, we're on Item 7, Reports of Committees.

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

FIRST READING OF COMMITTEE PROPOSALS

President Killion: Item 8, First Reading of Committee Proposals.

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

Delegate Sitan: Mr. President.

President Killion: Yes, Chairman Sitan.

Delegate Sitan: Can I ask for a short recess?

President Killion: Short recess declared.

President Killion declared the Convention recessed at 10:34 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 10:37 a.m..

FIRST READING OF COMMITTEE PROPOSALS.

President Killion: We're now back to session. We're on Item 8, First Reading of Committee Proposals.

Chief Clerk Reyes: It was stated earlier. We do not have any, Mr. President.

SECOND READING OF COMMITTEE PROPOSALS.

President Killion: Second Reading of Committee Proposals.

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

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

President Killion: Final Reading of Proposed Constitutional Amendments.

Chief Clerk Reyes: None also, Mr. President.

CONSIDERATION OF RESOLUTIONS

President Killion: Okay, Item 11. Consideration of Resolutions.

Chief Clerk Reyes: There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

President Killion: Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

Chief Clerk Reyes: Please refer to Referral Sheet No. 4-11.

President Killion: The Referral Sheet is attached to the Order for your information so you can review that. That particular Proposal No. CCPR-4-63 is assigned to the Committee on Government Structure and Function.

SPECIAL ORDERS

President Killion: Moving on, Special Orders.

Chief Clerk Reyes: None, Mr. President.

MISCELLANEOUS BUSINESS

President Killion: Miscellaneous Business. I call for 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 10:45 a.m..

President Killion: Our session is now back to order. Mr. Floor Leader.

Floor Leader Yatilman: Mr. President, what is it? I didn't catch what Delegate Fritz was saying.

Delegate Susaia: Point of privilege, Mr. President.

President Killion: Yes. Point of privilege, Delegate Susaia.

Delegate Susaia: Yes. May I ask the Convention to recognize the presence of the Vice-Speaker of the FSM Congress, The Honorable Esmond Moses, who is with us in the gallery this morning.

(Applause from Delegates)

President Killion: Thank you very much, Delegate Susaia and welcome Vice-Speaker Moses. Okay moving on, we're still on Miscellaneous Business.

Delegate Fritz: Mr. President. If I may.

President Killion: Yes, Delegate Fritz.

Delegate Fritz: I merely wish to convey special greetings and salutations from the people of Southern Namoneas to the entire Convention members and their wishes to also for the Convention to be successful and they urged all of us to work together in the spirit of harmony and cooperation so that we can accomplish the purpose of which they elected us to do. And most especially they are grateful to my colleague here on my right, Delegate Martin for his support for unity and they want me to convey that to him especially. For that, I think I've done my job. Thank you very much.

President Killion: Thank you Delegate Fritz.

Delegate Fritz: And another one, I read through all the Journals but failed to see the Journal on the First Day. So if you can find that, we may need to also see it. And last but not least, I ask this Convention to recognize one of our staff from the Chuuk Delegation Mr. Gonzaga (Zag) Puas who is our Attorney and he also has a PhD. So he is here with us, hopefully his contract can be signed by you, but I think you've already ratify it because you put him on TA so that's already good. So please welcome our friend.

(Applause from Delegates)

President Killion: Thank you Delegate Fritz and also welcome our Counsel Dr. Gonzaga (Zag) Puas. Okay, moving on. Any other Miscellaneous Business?

Delegate Sitan: Mr. President.

President Killion: Yeah, Chairman Sitan.

Delegate Sitan: Thank you Mr. President. Follow suit from Delegate Fritz, our People from the Mortlocks were also very happy. Especially for the first time we have taken to them the proposals before we adopt them and allow them to comment before we finalized them. So they appreciate the way this Convention is

moving forward and I am pretty sure that whatever come out from this Convention they probably support. Thank you very much.

President Killion: Thank you Chairman Sitan. Any other Miscellaneous Business?

Delegate Liwy: Point of privilege, Mr. President.

President Killion: Yes, Delegate Liwy.

Delegate Liwy: Before I go on, I would like to pay my respect to Iso Nahnken of Nett, Mr. President and Members of the 4th Constitutional Convention. I would like to also take this opportunity to recognize two gentlemen who are in the gallery, Mr. Witson Solomon and Mr. Johnny Pehmot observing our session this morning.

(Applause from Delegates)

President Killion: Thank you Mr. Liwy and also welcome our two citizens. Okay, any other Miscellaneous Business?

Delegate Takesy: Mr. President.

President Killion: Yes, Delegate Takesy.

Delegate Takesy: I thank you Mr. President. My respect to Iso Nahnken and to you Mr. President and my fellow colleagues. Mr. President, I wish to take this opportunity to report to you that your Delegates representing the 5th District of Chuuk have actually gone out to the majority of the islands to which we represent. And I am pleased to report that they are very happy and they were very encouraged that we took the time to consult with them before we decided on the proposals.

It is their considered view that having been elected by the majority of the people of the Northwest that Mr. Naich and I had been given the responsibility to decide on their behalf. Furthermore, they wish that we conclude our work as quickly as possible so that the education on the proposals that would have gone through the scrutiny of this Convention be fully explained so that intelligent and informed decisions could be made.

Mr. President, this Convention is faced with the decision whether we will go thirty days or forty-five days as authorized by law. It is my considered opinion that

it is of national interest that we conclude our work as quickly as possible. For a number of reasons, one of which this country is in an emergency situation. The corona virus is threatening not just the FSM, but the globe as well. We need to make sure that we are not unnecessarily exposing people to that threat. Mr. President, I join you in thanking the Congress and the President in supporting the continued funding for this Convention. However, having the means to do the work is very much welcomed. The decision on what to do with the most efficient way is our responsibility. I, therefore, ask that we conclude these negotiations, these talks, this Convention as quickly as possible without doing damage to the Constitution. Thank you, Mr. President.

President Killion: Thank you, Delegate Takesy. I guess we all support and we are in line with your thinking on that matter. Thank you very much. By the way, you forget, it wasn't an intention on your part to also include me because I'm also representing Northwest. So, yes, thank you.

Delegate Mori: Mr. President.

President Killion: Yes, Chairperson Mori?

Delegate Mori: Good morning, Mr. President. Thank you very much. I'd like to say good morning to my fellow delegates from the other States as well as our good State of Chuuk. My miscellaneous is three-fold. I'm not certain whether this Convention has made this statement in the past, but this morning I would like to join our sister State of Kosrae, the shipping industry of the FSM and throughout in sharing our sympathy and condolences for the passing of the late Robert Weilbacher, knowing that he will be dearly missed by those that know him and definitely he has been the backbone of the shipping industry in the region and just a very wonderful person and good hearted man. I would like to ask the Convention to please offer a moment of prayer for the late Robert Weilbacher. Thank you very much, Mr. President and Convention members.

I would also like to extend best wishes of the Faichuuk region from the good State of Chuuk. Your Delegates from that region did our utmost to extend the consultations to our constituents and they, like the others, are equally happy to receive the consultations. Like the others have stated originally, they believe that they were never included in the consultations in the past at this juncture but usually they received some engagement towards the end of the Convention or perhaps before or during public education. So for this, they are grateful and they extend their warm wishes to this Convention. I would also like to please, Mr. President,

recognize Mr. Ben Enlet from the Faichuuk region who is also present in the gallery this morning. May we wish him good morning and welcome him to the chamber? Thank you, Mr. President.

President Killion: Thank you, Chairperson Mori for that. And we also recognize Mr. Enlet to our meeting this morning. Thank you. Moving on, any other Miscellaneous Business?

Delegate Susaia: Mr. President.

President Mori: Yes, Delegate Susaia.

Delegate Susaia: Thank you, Mr. President. On behalf of our Chairman, Iso Nahnken Salvador Iriarte, it would be very un-Pohnpeian if we don't say something to welcome you all back to Pohnpei. So, let me, on behalf of the Pohnpei Delegation, welcome you back to Pohnpei, capital of the FSM. And we are ready to once again work with you to ensure that our Convention is productive and representative of the needs of the FSM as a whole. We specifically ask for your continued support for Pohnpei to remain the capital of the FSM. Thank you.

President Killion: Thank you very much on that. There is no proposal to change that so be assured that it will be here all the time. Moving on, any other Miscellaneous Business before we come to Announcements?

Delegate Asher: Mr. President.

President Killion: Yes, Chairman Asher.

Delegate Asher: Thank you, Mr. President. On behalf of the Kosrae Delegation, just want to thank you and the other members for giving us a break. We used that break very wisely and resourcefully to meet with our people of Kosrae, all the villages and it was a very successful consultation that gave us and arm us with information on what we are here to do. Secondly, Mr. President, I join you to also express my appreciation to the good work of FSM Congress and the President's Office for the work done on our budget. I also share Delegate Martin's concern about the sub allottee and I wish, I hope that this Delegation, the officers would do something about it, to expedite and see if you can be designated as sub allottee to expedite processing of our paperwork. I know some of us couldn't come on TA's because paperwork was delayed. So, for that matter, if we can see how that can be expedited that you be designated as sub allottee for our current budget

that was approved. On another matter, I wish to acknowledge that we hired a new staff for Kosrae Delegation and I wish to recognize at this time our staff, **Katherine Alfons** who is in the gallery with us. Welcome aboard. Thank you very much, Mr. President.

President Killion: Thank you, Delegate Asher. Regarding the sub allotment, of course, our office will look into that. But we trust that the money is taken care of and we trust that the President Panuelo is doing his best to administer the fund.

Delegate Mori: Mr. President.

President Killion: Yes, Chairperson Mori?

Delegate Mori: Yes, thank you again, Mr. President. Please, I would like to thank the good staff of the Convention for all the hard work that they've done and all the lines of Mr. Asher's comments, I would like to also add that due to either complications with the documentation or travel authorizations or allottees or whatever the designations are, three of us were not given travel authorizations to join today. I'm only here in spirit. I'm actually not here, because I didn't get a TA. But two of our staff are not here yet and it's a question whether they will be here, be able to join us today and tomorrow, but I would like to just make that clear that there is a definite need to do something because I think we can do a bit better, actually quite a bit better. Thank you.

President Killion: Thank you very much and I'm glad. Well you are here both in spirit and in person. Otherwise we would not be talking and your vote would not be counted. But, thank you. We recognize the problem.

Delegate Albert: Mr. President.

President Killion: Yes, Delegate Albert.

Delegate Albert: Thank you, Mr. President. I want to take this opportunity to also introduce a new staff member for the Pohnpei Delegation, our new PIO who has been very resourceful in utilizing Facebook and other communication channels and her name is **Canita Nakamura**. She's present here in the gallery. Further, Mr. President, I want to echo the sentiments of Delegate from Chuuk who mentioned about the Coronavirus. I believe it has reached at the pandemic level right now so I want to join him in extending our request to the National

Government to take appropriate actions in making sure that the virus does not reach our country. Thank you.

President Killion: Thank you, Chairman Albert. Thank you very much. Any other Miscellaneous Business before we move on to Announcements? Announcements by any of the Committee Chairmen, Chairpersons?

ANNOUNCEMENTS

Delegate Nabeyan: Mr. President.

President Killion: Yes, Chairman Nabeyan.

Delegate Nabeyan: Thank you, Mr. President. The Committee on Government Structure and Functions will be meeting 2:30 today in this chamber. Thank you.

President Killion: Thank you very much, Chairman Nabeyan. 2:30 here in the chamber. Any other announcements by any of the other Chairpersons, Chairmen?

Delegate Sitan: Mr. President.

President Killion: Yes, Chairman Sitan.

Delegate Sitan: Can I ask for a short recess first?

President Killion: Short recess declared.

President Killion declared the Convention recessed at 11:01 a.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 11:10 a.m..

President Killion: We're now back to session. We're on Item 15, Announcements. Yes, Chairman Sitan.

Delegate Sitan: Thank you, Mr. President. Your Committee on Public Finance and Revenue will have a meeting on our allotted time, I think Wednesday, at 1 o'clock. First, thanks to my friend here on the left, we will look at the proposal or the Committee Report that was recommit to the Committee. And second, we will get the witness from Finance, NORMA, MRA and I'm also asking staff from Congress and perhaps we may include somebody from President's Office. The purpose of that oversight is really pinned down on the numbers because there seems to be a discrepancy in the numbers. Thank you.

President Killion: Thank you, Chairman Sitan. Any other announcements by the other Chairmen, Chairpersons? Before we adjourn, I wish to make the announcement that we will have an officers meeting and also include all the Chairmen, Chairpersons of each of the Delegations immediately after this session at Riverside place. And so that we can come back and some of us may join the Committee on Government Structure. Okay, if there are no other announcements, Mr. Floor Leader?

Delegate Albert: Mr. President.

President Killion: Yes, Chairman Albert.

Delegate Albert: For the Committee on Civil Liberties and Tradition, I understand that there was an announcement that had gone out early this week or maybe yesterday, our next meeting is Wednesday, same time, 8:30 and the topic will be dual citizenship. Please take a look at an email that has been circulated by our Legal Counsel. I believe all of you have gotten a copy of it, to give you some historical background to this issue and some of the laws that are similar in different states or different countries. Thank you.

President Killion: Thank you very much, Chairman Albert. So, 8:30 on Wednesday, your Committee and it's going to be at the Congress Committee Room. 8:30 on Wednesday, thank you very much.

Delegate Sigrah: Mr. President.

President Killion: Yes, Chairperson Sigrah.

Delegate Sigrah: Thank you, Mr. President. The Committee on General Provisions will have our first meeting back on Thursday at 1 o'clock. We're taking the slot of our Committee on Style and Arrangement. The topics, subjects, we will

try to review all of the proposals that are pending before our Committee and we will identify those tomorrow during announcements. Thank you.

President Killion: Thank you very much, Chairperson Sigrah, Committee on General Provisions. Any other announcements by any of the other Chairpersons, Chairmen? If none, Mr. Floor Leader?

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

President Killion: If no objection, we stand in recess until tomorrow at 10 o'clock.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 11:13 noon, until tomorrow, Tuesday, February 25th at 10:00 a.m.

Respectfully submitted,

Atarino A. Helieisar
Journal Clerk