

TWENTY-NINTH DAY

MP 161-2 LOS
Monday, February 10, 1975

The House of Representatives of the Sixth Congress of Micronesia, First Regular Session, 1975, was called to order at 3:10 p.m., Monday, February 10, 1975.

Speaker Bethwel Henry presided.

A moment of silent prayer was observed.

The Chief Clerk called the roll. Eighteen members were present; Representatives Rasa, Setik, and Silk were excused.

The Speaker suspended reading of the Journal.

COMMUNICATIONS

High Commissioner Communication No. 6-17, transmitting a proposed bill appropriating \$28,700 for District Economic Development Boards.

No Departmental Communications were reported.

Senate Communication No. 6-15, transmitting S.B. No. 6-57, SD1, amending Trust Territory Code defining usury.

Senate Communication No. 6-16, transmitting S.J.R. No. 6-18, requesting funds for the construction and operation of a new Community College of Micronesia.

Miscellaneous Communication No. 6-36, from Truk District Fishing Authority, forwarding report as required under Public Law No. 5-21.

Miscellaneous Communication No. 6-37, from Truk District Fishing Authority, requesting funds for the Truk Fishing Authority Loan Fund.

Miscellaneous Communication No. 6-38, from Ponape Legislative Liaison Officer, requesting funds from the Unity Fund for a Chief Magistrates Conference within Ponape District.

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-19, submitted by the Committee on Resources and Development, re H.J.R. No. 6-20, "Authorizing the High Commissioner to accept and execute a grant offer for an Airport Development Aid Program (ADAP) project for the construction of a two (2) stall Crash/Fire Rescue Building for the Saipan International Airport (Isley Field) Saipan, Mariana Islands, Trust Territory of the Pacific Islands, from the Federal Aviation Administration, United States Department of Transportation."

Chairman Haruo moved for adoption of the report; Floor Leader Tman seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-20, submitted by the Committee on Resources and Development, re S.B. No. 6-76, S.D.1, "Creating a Micronesian Delegation to the United Nations Law of the Sea Conference; prescribing its duties and functions; and for other purposes."

Chairman Haruo moved for adoption of the report; Floor Leader Tman seconded.

(Vice Speaker Silk took his seat.)

Re Anderson ?

Rep. Basilius: Mr. Speaker, I would like to refer my question to page two of the report, in the last sentence of paragraph 3. I would like to ask the Chairman of the Resources and Development Committee to clarify the position of the committee. How did they decide to, instead of requiring all four members to be members of the Congress of Micronesia, to now require that only three be members of the Congress of Micronesia, and that one will be appointed by the President and Speaker? And who is this person going to be? I get the feeling that your Committee on Resources and Development was trying to accommodate a position, which may be open for anybody to look for a job in that position. Also, Mr. Speaker, the reason why I pose the question is what capacity would he be, in order to be obliged to make a report to Congress when he is called to?

Rep. Haruo: Mr. Speaker, I will attempt to answer my colleague. If you will look at the measure, originally the bill called for appointment of members to be a delegation composed of anybody, either from the Congress or from outside of the Congress. Your Committee examined the measure and decided to arrive at this conclusion, giving an option to the presiding officers to appoint one member--specifically somebody who might have some knowledge traditionally in the Law of the Sea in Micronesia. With this, Mr. Speaker, your Committee arrived at this conclusion.

*RECORDS
16-7
DISTRICT
LAW OF
SEA*

Rep. Basilius: Mr. Speaker, I am afraid that the Chairman of the Resources and Development Committee made it too general. That gives me a worry that the person who will be representing Palau may not be the right person--one who is aware of the problems of the sea around Palau District. If it is the decision of the committee to make one position open for any Micronesian who is supposed to be qualified, then I think he should know all the water problems around all the districts, as well as the outer islands in Micronesia. Also, Mr. Chairman, I think if the committee is concerned about having one person to be permanently employed as a member of the Law of the Sea Committee, then the committee should establish the qualifications, as we normally do when we establish a position for the T.T. Government. I am afraid that if we don't put the guidelines and qualifications necessary for this person to meet, then I think we are not doing it properly.

Rep. Aafin: Mr. Speaker, in the draft of a report by the existing Joint Committee on Law of the Sea, it is stated in their Substantive Recommendation No. 1, "We recommend that the mandate given the Joint Committee by Senate Joint Resolution No. 80, adopted during the Second Regular Session of the Fifth Congress, authorizing the Joint Committee to represent Micronesia's interests at the Law of the Sea Conference, be continued." What is the basis for the creation of the delegation to the United Nations, if there is a Joint Committee right now, and if the Joint Committee has recommended in their draft report that the mandate given by the Senate Resolution No. 80 be continued?

Also, Mr. Speaker, in our Joint Committee on the Future Political Status of Micronesia, there have been, in the past, requests from certain officials in the districts (both in the administration and in the district legislatures) for different people, who are not members of the Congress, to be members of the Joint Committee on Future Political Status. Those requests have always been thrown back. As a result, right now we have all members of the Joint Committee on Future Political Status made up only of members of the Congress of Micronesia. Why at this time do we have to work out a law to include someone from outside of the Congress of Micronesia? What is the motive? What is the good that will come out of our putting this bill into law of the land?

Floor Leader Tman: Mr. Speaker, I know that it is sometimes difficult for us to isolate a report and a bill before the House. May I ask that we confine ourselves to the report, as to whether the House wishes to reject or accept the report. I think on First Reading, we can discuss the substantive matter that is included in the bill. I move for the previous question.

Vice Speaker Silk seconded the motion.

Rep. Basilius: Objection. Mr. Speaker, I think the report, if I am recognized . . .

Speaker Henry: You are recognized now.

Rep. Basilius: We have to treat the report very carefully. I am just thinking that during the past few months or so, we talked about the return of public lands. This Congress went ahead and spent a considerable amount of money to send people to the conference in Hawaii because we felt that it was very important. Now when we talk about the water which is around Micronesia, and which is very vital to us, do we have to confine ourselves on the monetary question--that we shouldn't have representatives from all six districts, or seven districts in the future, to participate in this matter which is very important to us. The water around us is our daily life. Now the question that I raise is: Why do we have to limit the number of people attending the conference to four, where some of the districts will not be represented? Why do we have to allow a nonmember of the Congress, when I think the other districts may not be satisfied with this person? Why not include representatives of all six districts, who are all members of the Congress? I think this is the basic question we have to concern ourselves with.

Rep. Haruo: Mr. Speaker, I will attempt to answer the questions. The purpose of confining ourselves to four members is because of the financial constraint that the Congress is facing. Second, the original measure calls for a wide-open door for the presiding officers to make the appointments. The presiding officers, I am quite sure, in any case will consult with the district legislatures or the districts to find out who will be best to serve on this very important committee. In that connection, I think that although all of the districts will not be represented, that the interests of the districts will truly be represented in this very important measure.

Speaker Henry: I think the Floor Leader made a motion to stop debate on the report. (We are discussing the report.) The Chair heard more than four members who seconded that motion to stop debate. The Chair will refer the question to the House to decide.

The motion to adopt Standing Committee Report No. 6-20 carried by voice vote.

Standing Committee Report No. 6-21, submitted by the Committee on Appropriations, re H.B. No. 6-117, "To amend Sections 1 and 2 of Public Law No. 5-58, to lapse the funds appropriated for the operation of the Revenue Division on March 31, 1975, and for other purposes."

Vice Chairman Domnick moved for adoption of the report; Vice Speaker Silk seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-22, submitted by the Committee on Ways and Means, re H.J.R. No. 6-11, "Directing the Joint Committee on Program and Budget Planning to prepare legislation for introduction into the Second Regular Session of the Sixth Congress of Micronesia on a corporate and individual income tax for Micronesia."

Chairman Moses moved for adoption of the report; Vice Speaker Silk seconded, and the motion carried by voice vote.

Rep. Haruo: Point of privilege, Mr. Speaker. Since we are on the Standing Committee Reports, I would like to make a motion to place Special Committee Report No. 6-11 on the Order of the Day. This report was deferred last week. I so move, Mr. Speaker.

Vice Speaker Silk seconded the motion.

Speaker Henry: The motion is that the House suspend the rule and place Special Committee Report No. 6-11 on the Calendar.

The motion carried by voice vote.

Floor Leader Tman requested a short recess, and the Speaker declared the House recessed at 3:22 p.m., subject to the call of the Chair.

The House reconvened at 3:25 p.m.

SPECIAL REPORTS

Special Committee Report No. 6-11, submitted by Danko Koludrovic, Senior Economic Affairs Officer, ESCAP - Bangkok, Thailand, through the Joint Committee on Resources and Development, re Advisory Services Report to Congress of Micronesia on the Shipping, Ports and Related Facilities. (Deferred from February 6, 1975.)

REMARKS BY REPRESENTATIVE HARUO

Rep. Haruo: Mr. Speaker, your Joint Committee on Resources and Development is happy to present the Advisory Services Report on Shipping, Ports and Related Facilities to the House of Representatives.

We feel that the report contains many interesting revelations. The Joint Committee on Resources and Development, in submitting this report, does not necessarily agree with all the recommendations and conclusions made by the shipping consultant, Mr. Danko Koludrovic. As an independent consultant, it was his responsibility to present his views. His conclusions, however, are not to be taken as conclusions of this committee or the Congress of Micronesia. They are merely submitted for your consideration.

When the Clerk of the House of Representatives transmits copies of this report to the High Commissioner and the Department of Transportation and Communications, it is requested that the letter of transmittal reflect our view that these conclusions are by an independent consultant.

It is our hope that the Department of Transportation and Communications will thoroughly review the statement of problems and needs presented in the report and that consideration be given to the consultant's recommendations.

Mr. Speaker, in view of the foregoing, we recommend adoption of the report, and I so move.

Representative Basilius seconded the motion.

Speaker Henry: Is there any discussion?

Rep. Basilius: Mr. Speaker, I would like to amend the motion to include the oral report made by the Chairman of Resources and Development.

Floor Leader Tman: Mr. Speaker, I believe there was no oral report, but only a comment from the Chairman of Resources and Development.

Rep. Basilius: Mr. Speaker, the oral report was to make sure that we don't accept it as a report of the consensus of the committee. That is why he made that point.

Rep. Aafin: Mr. Speaker, I think what the Chairman of the Resources and Development Committee just stated orally is very important to the adoption of this report, because it makes it clear to all of us that the contents of this report are not of the committee's making, so it must go hand-in-hand with the report.

Speaker Henry: If there is no objection from the floor, the motion is to receive the report, and not to adopt the report, since the statement of the Chairman is that the report is not necessarily the view of the committee. Is that correct?

Rep. Haruo: Mr. Speaker, the remarks I made essentially reflect that all the recommendations contained in the report do not truly represent the views of your Joint Committee on Resources and Development.

Speaker Henry: I believe that is the point Representative Basilius and Floor Leader Tman are now trying to resolve.

Floor Leader Tman: In that case, Mr. Speaker will the record reflect that the House is receiving the report, but not adopting it necessarily?

Rep. Haruo: My hope, and the intent I had, was to incorporate the remarks as part of the record, and adopt the report for action.

Rep. Aafin: Mr. Speaker, I may be quite ignorant of my rules of the House, but can you enlighten us (somebody enlighten us) on what will happen if we adopt the report, and the very important comments--with which I agree with my colleague from Truk--be not included in the adoption?

Speaker Henry: Our rules are silent on receiving, adopting or accepting, but we are listening to the explanations now being made by the Floor Leader and the Chairman of the Resources and Development Committee as to the action--if we were to pass that motion to adopt the report.

Rep. Aafin: Mr. Speaker, may I ask the Chair to please make a ruling in order for the House to adopt the oral report also of the Chairman of the Resources and Development Committee?

Floor Leader Tman: Mr. Speaker, I think I stated earlier that there was no oral report. The Chairman of the Resources and Development Committee was only making a statement in support of the written report--Special Committee Report No. 6-11. There was no oral report made, as far as I know.

Rep. Aafin: May I ask my colleague from Truk to indicate whether it is an oral report, and whether he wants the House to adopt it?

Rep. Haruo: Mr. Speaker, there was no oral report. I agree with the Floor Leader.

Rep. Basilius: In that case, I would like to request that the statement made by the Chairman be included on the report.

Speaker Henry: If there is no objection, the statement that was made by the Chairman is part of the report and will be used as explanation of the action when we vote on the report.

The motion to adopt Special Committee Report No. 6-11 carried by voice vote.

ASSIGNMENT OF MEASURES

The Clerk called attention to Referral Sheet No. 18 attached to the Order of the Day for the assignment of measures introduced on Friday, February 7, 1975.

UNFINISHED BUSINESS

None

BILL CALENDAR

S.B. No. 6-76, SD1, HD1: Creating a Micronesian Delegation to the United Nations Law of the Sea Conference; prescribing its duties and functions; and for other purposes.

Representative Haruo moved for passage of S.B. No. 6-76, S.D.1, H.D.1, on First Reading; Floor Leader Tman seconded.

Rep. Basilius: Mr. Speaker, I have an amendment to offer.

Speaker Henry: May we hear the proposed amendment.

Chief Clerk: The proposed amendment offered by Representative Basilius is as follows:

On page 1, line 19, after "be composed of" and before "persons" delete "four" and insert "six"

On page 1, line 20, after "Trust Territory of the Pacific Islands," delete "and at least three"

Rep. Basilius: Mr. Speaker, before I make a motion for the adoption of the amendment, I would like to make a motion to suspend the rules of duplication.

Representative Nakamura seconded the motion, and the motion carried by voice vote.

Floor Leader Tman: Mr. Speaker, I feel that although the proposed amendment offered by the Representative from Palau seems very simple (it only requires a change in number), the substance of it is very important. I think we ought to study the impact of increasing the number of the delegation. If there is no objection, I would suggest at this time that we defer action on the amendment as well as the motion to adopt the bill until tomorrow. (That is only a suggestion, I did not make a motion.)

Rep. Basilius: Mr. Speaker, point of order. I have not made a motion for the amendment. May I make a motion, and then it is up to the House to decide whether it should be deferred?

Floor Leader Tman: Mr. Speaker, I didn't say a motion to amend. I said "the proposed amendment" offered by the Representative from Palau, and the main motion to adopt the bill on First Reading.

Rep. Moses: Since there is a forthcoming report of the Law of the Sea Conference in Caracas, and because of the complexity of the situation as it stands now before us, I recommend that we defer action on this measure until after the report is accepted and adopted by the House. I so move.

Rep. Haruo: I would like to be enlightened as to which report you are referring to that will be submitted.

Rep. Moses: There will be a report of your Joint Committee on Law of the Sea, of the Caracas Conference. It is forthcoming. I understand it is being prepared.

Representative Haruo moved for a short recess; Vice Speaker Silk seconded, and the motion carried by voice vote. The Speaker declared the House recessed at 3:40 p.m., subject to the call of the Chair.

The House reconvened at 3:43 p.m.

Speaker Henry: The motion on the floor is to pass Senate Bill No. 6-76, S.D.1, H.D.1, on First Reading. There is a proposed amendment.

Floor Leader Tman: Mr. Speaker, as I indicated earlier, the proposed amendment offered by the Representative from Palau, although only involving a change in number, would have a very grave impact in terms of financial implication and district representation. At this time, Mr. Speaker, I move that Senate Bill No. 6-76, S.D.1, H.D.1, including the proposed amendment, be deferred until February 18th.

Vice Speaker Silk seconded, and the motion carried by voice vote.

H.B. No. 6-117:

To amend Sections 1 and 2 of Public Law No. 5-58, to lapse the funds appropriated for the operation of the Revenue Division on March 31, 1975, and for other purposes.

Floor Leader Tman moved for passage of H.B. No. 6-117 on First Reading; Vice Speaker Silk seconded, and the Chief Clerk read the title. The motion carried by voice vote.

RESOLUTION CALENDAR

H.J.R. No. 6-20:

Authorizing the High Commissioner to accept and execute a grant offer for an Airport Development Aid Program (ADAP) project for the construction of a two (2) stall Crash/Fire Rescue Building for the Saipan International Airport (Isley Field) Saipan, Mariana Islands, Trust Territory of the Pacific Islands, from the Federal Aviation Administration, United States Department of Transportation.

Representative Haruo moved for adoption of H.J.R. No. 6-20; Floor Leader Tman seconded, and the Chief Clerk read the title. The motion carried by voice vote.

H.J.R. No. 6-11, HD1:

Directing the ~~Joint Committee on Program and Budget Planning~~ Senate and House Committees on Ways and Means to ~~prepare legislation for introduction into~~ jointly study the possibilities of an income tax for Micronesia and report their findings and submit legislation, if they deem it appropriate, to the Second Regular Session of the Sixth Congress of Micronesia ~~on a corporate and individual income tax for Micronesia.~~

Representative Moses moved for adoption of H.J.R. No. 6-11, H.D.1; Floor Leader Tman seconded, and the Chief Clerk read the title. The motion carried by voice vote.

INTRODUCTION OF BILLS

H.B. No. 6-193:

Introduced by: Rep. Silk
Assigned to: Appropriations

To appropriate \$200,000 from the General Fund of the Congress of Micronesia for public improvement projects on Jaluit Atoll, Marshall Islands District, and for other purposes.

H.B. No. 6-194:

Introduced by: Rep. Nakamura (and two others)
Assigned to: Appropriations

To appropriate the sum of \$120,000 from the General Fund of the Congress of Micronesia for the purpose of constructing the Palau High School physical auditorium complex, and for other purposes.

H.B. No. 6-195:

Introduced by: Rep. Nakamura (and two others)
Assigned to: Appropriations

To appropriate the sum of \$29,000 from the General Fund of the Congress of Micronesia for the purpose of defraying the cost of purchasing and operating one school bus in Koror Municipality, Palau District, and for other purposes.

H.B. No. 6-196:

Introduced by: Rep. Sighra (by request)
Assigned to: Education and Social Matters/Appropriations

To appropriate the sum of \$48,650 from the General Fund of the Congress of Micronesia for Territory-Wide Aging Program for matching funds as required by the Older Americans Act of 1965, as amended, and for other purposes.

H.B. No. 6-197:

Introduced by: Rep. Tman
Assigned to: Appropriations

To appropriate the sum of \$351,477 from the General Fund of the Congress of Micronesia for the purpose of defraying expenses of the Micronesian Constitutional Convention and for the purpose of defraying the expenses of the district delegations, and for other purposes.

H.B. No. 6-198:

Introduced by: Rep. Edwards
Assigned to: Appropriations

Repealing Section 451 of Title 83 of the Trust Territory Code regarding turn signals, and enacting a new provision in lieu thereof.

H.B. No. 6-199:

Introduced by: Rep. Mafnas
Assigned to: Education and Social Matters/Appropriations

To appropriate the sum of \$20,000 from the General Fund of the Congress of Micronesia for the procurement of textbooks and to complete construction of the kitchen facility at the Rota school on Rota, Mariana Islands District, and for other purposes.

H.B. No. 6-200:

Introduced by: Rep. Mafnas
Assigned to: Appropriations

To appropriate the sum of \$25,000 for the procurement and installation of a Voice Radio for the Tinian Dispensary; for construction of a library to replace the one destroyed by Typhoon Jean in 1968; and for other purposes.

H.B. No. 6-201:

Introduced by: Rep. Aafin
Assigned to: Appropriations

To appropriate \$30,000 from the General Fund of the Congress of Micronesia for the purpose of repairing the barge which is being used in the Yap harbor as a dock, and for other purposes.

H.B. No. 6-202:

Introduced by: Rep. Tman
Assigned to: Judiciary and Governmental Relations

To amend certain sections of Title 43 of the Trust Territory Code relating to Elections; to amend Section 251(3) of Title 77 of the Trust Territory Code; and for other purposes.

H.B. No. 6-203:

Introduced by: Rep. Nakamura (by request)
Assigned to: Health Matters/Appropriations

To appropriate the sum of \$24,600 from the General Fund of the Congress of Micronesia for the purpose of defraying the administrative costs and contingent expenses of the Trust Territory Health Services Board of Licensure, and for other purposes.

H.J.R. No. 6-48:

Introduced by: Rep. Tman
Assigned to: Health Matters

Confirming the appointments of two nominees for membership on the Trust Territory Environmental Protection Board.

H.J.R. No. 6-49:

Introduced by: Rep. Rudimch
Assigned to: Resources and Development

Requesting the Director of the Department of Transportation and Communications to undertake a feasibility study to make one or more ports in the Trust Territory to be used as trans-shipment points.

MISCELLANEOUS BUSINESS

Rep. Aafin: Mr. Speaker, if it is proper for me at this time, I would like to present an amendment to the House Rules. Accordingly, I now submit the proposed amendment, and I ask the page to deliver to the Clerk of the House the proposed amendment and distribute copies to the members of the House of Representatives.

PROPOSED AMENDMENT TO HOUSE RULES

Pursuant to Rule 16 of the Official Rules of Procedure of the House of Representatives of the Congress of Micronesia, I move at the present time to amend Section 7(a) of Rule 7. As a democratically-elected body, I feel it is incumbent upon us to conduct ourselves at all times in a democratic fashion. Accordingly, I feel that the members of each standing, special or conference committee and not the Speaker should choose their Chairman. The wording I propose to substitute in lieu of the existing wording of Section 7(a) is the following:

"(a) The Chairman of each standing, special or conference committee, and the Chairman for each continuous session of the Committee of the Whole shall be chosen by the members of the committee, subject to appeal to the House. A Vice-Chairman shall be chosen by the members of each standing committees shall hold office until noon of the third day of January following the next general election unless such tenure be terminated at an earlier date by death, resignation, or by action of the House. A committee Chairman shall serve at the pleasure of the members of his committee, and may be removed or replaced at their discretion by a simple majority vote of the members of the committee. A motion to remove or replace a committee Chairman shall take precedence over any other committee business."

Signed by Representatives Rasa, Bigler, Aafin, Guerrero, Haglelgam, Mafnas, Edwards, Refonopei, Nakamura, Albert, Rudimch, Basilius, and Balos.

ANNOUNCEMENTS

Rep. Moses: Mr. Speaker, your Committee on Ways and Means will have a short meeting in Conference Room No. 1 after this session.

Rep. Basilius: Your Committee on Judiciary and Governmental Relations will continue its public hearing at 5:00 this evening. I urge all members to attend.

There being no further announcements, Floor Leader Tman moved that the House stand in recess. Vice Speaker Silk seconded, and the motion carried. The Speaker declared the House recessed at 3:55 p.m., until 3:00 p.m., Tuesday, February 11, 1975.

Respectfully submitted,

Asterio R. Takesy
Asterio R. Takesy, Chief Clerk
House of Representatives