



ELEVENTH LEGISLATURE OF THE STATE OF YAP

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August 16, 2023

Standing Comm. Report No. 11- 43
Re: Bill No. 11-11

The Honorable Nicholas Figirlaarwon
Speaker
Eleventh Legislature of the State of Yap
First Regular Session, 2023

*adopted
8/16/23
BC*

Dear Mr. Speaker:

Your Committees on Government, Health and Welfare, to which was referred Bill No. 11-11, entitled,

“A BILL FOR AN ACT TO AUTHORIZE THE GOVERNOR OF THE STATE OF YAP TO SUBMIT TO THE VOTERS OF THE STATE OF YAP THE QUESTION: “SHALL THE STATE OF YAP COMMENCE A REVIEW OF ITS POLITICAL STATUS?” IN A SPECIAL ELECTION, AND FOR OTHER PURPOSES.”,

beg leave to report as follows:

The purpose and intent of the bill are expressed in its title.

On March 28, 2023, Senators Terrence R Fong, Victor Bamog, Anne-Marie Laamar, John Mafel, Nicholas Figirlaarwon, John Masiwemai and Pius Talimeisei jointly introduced Bill No. 11-11, and it was assigned to your Committee.

Your Committee is very much aware of the complexities posed by the issues in the bill introduced, and opted to begin fact finding by soliciting comments from the leadership of Yap State in order to better understand the issues and impact posed by enacting Bill No. 11-11. Letters were sent out for such purpose, and the Committee further met informally with a few of the recipients for thorough and clarifying discussions. In addition, a number of comments were sent for your Committee's information.

It is important to note that a few people, upon hearing and reading the purpose of the bill, were not aware that there is a Section 11, Article XIV in the Constitution of Yap State that enables such a question to be posed. Therefore, your Committee would provide a thorough background on the provision for purposes of better understanding in consideration of Bill No. 11-11.

Background:

On July 15, 2010, during the Fourth Regular Session of the Seventh Legislature, Senators Jesse Raglmar-SUBOLMAR, Henry Falan, Sabino Sauchomal, Charles S. Chieng, John E. Mooteb, Clement Mulalap, Raymond Igehep, Ted Rutun and John Masiwemai co-sponsored Resoluton No. 7-222, which subject measure was proposing a new Section 11 to the Yap State Constitution. The exact language of the proposed amendment is as follows:

“Section 11. The Legislature, by two-thirds vote, shall present to the people on a ballot during an election the question: ‘Shall the State of Yap commence a review of its political status?’. If a two-third of ballots cast upon the question is in the affirmative, the Legislature shall prescribe by law the manner for the review of the political status of Yap State within six months after the referendum.”

The resolution was assigned to the then Government, Health and Welfare Committee, who finally reported out on July 30, 2010 under Standing Committee Report No. 7-172 recommending adoption. It was adopted in the same day, the 24th Session Day, and Resolution No. 7-222 was placed on the Agenda for consideration where it was also adopted. During the Miscellaneous Business discussion, a number of members then made comments to the intent of proposing such language to the Yap State Constitution. Such comments may be found starting on Page 32 of the Journal for that day. Thus Resolution No. 7-222 was certified and transmitted as Yap State Resolution No. 7-178 to the recipients, which included the Governor and Election Commissioner.

On November 17, 2010, according to records, the Legislature received the results of the November 2010 general election, which included the proposed amendment. According to Miscellaneous Communication No. 7-372, which were the Certification of Election Results, 2,523 of the 3,984 total votes cast were in favor of the amendment, a clear majority. The constitutional language is clear on what the threshold is on an amendment becoming part of the Constitution.

*“Section 4. At a general or special election, or a referendum, a proposed amendment shall be submitted to the electorate for approval or rejection upon a separate ballot. A proposed amendment shall become part of this Constitution when approved by a **majority** of votes cast.”*

-Yap State Constitution, Article X, Section 4 (emphasis added)

Concerns and Comments:

Your Committee, in discussing the bill with the co-sponsors, find that the underlying intent is simply to implement the provision afforded under the new Section 11 of Article XIV of the Yap State Constitution. It has been more than 30 years since the people and general populace of the State of Yap, both Yap Proper and the Outer Islands, have been afforded a say in the political decisions of the State. While a few of the comments were submitted in some written form, some comments were given to the Committee verbally.

1. A concern was raised regarding the Legislature enacting a bill, and not more appropriately adopting a resolution to place the question on the ballot as it is an action specifically vested by the constitutional language in the Legislature. Your Committee has relied on the consistency of similar questions posed by Section 1 of Article X in the Yap State Constitution concerning asking the voters, through ballots in an election, on whether or not to hold a Constitutional Convention. Your Committee found two previous instances in YSL 3-29 (Bill No. 3-84) and YSL 6-1 (Bill No. 6-1) where the question was posed by the Legislature enacting a law authorizing the Governor to place the question on the ballot. Furthermore, in looking at SCR No. 3-50 (Re Bill No 3-84), your Committee found an excerpt that responds very concisely to the concern posed. We agree that for consistency, and to facilitate the process, it is appropriate to delegate to the Governor to plan, organize, and implement, especially as it is within the purview of the Executive powers.

“Your Committee agrees with the bill’s sponsor that for practical purposes and efficiency, the authority needs to be delegated to the Governor, the Executive Branch, to administer the special election.....The Assistant Attorney General agrees also that the delegation of authority to the Governor to submit the question to the voters is not in violation of the Constitution.”

-Page 2, SCR No. 3-50 (emphasis added)

2. A comment was presented that there may be interference in our process from outside parties. The Legislature can only recommend that the process, especially the political education and awareness component before the election must be comprehensive. The main aim of this bill is to gauge the will of the **people of Yap State**. No other viewpoint would be or should be pertinent to the bill and the ensuing election. The other notable comment in line with this thought is that the enacting of this bill may be detrimental to the interests of the State of Yap in dealing with the other sister states, the FSM National Government or other governments in the region. While it is a concern, your Committee feels that the time is ripe, in view of our economic stagnancy, social problems, faltering educational programs and overwhelming health care issues, it is overwhelmingly important for the people of the State of Yap to have an opportunity to voice their thoughts on the direction our government should be taking on their behalf. A review, if voted on favorably, would be conducive in establishing the future goals of the State, regardless of any third party perspective.

3. One concern and a few comments that have re-occurred since the introduction of Bill No. 11-11 is the question of secession. Your Committee would clarify and emphasize that the bill only poses the question of whether or not to review political status. There is NO mention of secession anywhere on the bill or on any ballot that would be a direct result of the bill. While it is a distinct possibility, it is only a potential idea for discussion, and not the main issue in the bill. Again, it is important that this is made clear to the voters before the election is conducted in order for voters to make informed decision. In going forward with the education aspect of the process, there must be a concerted effort to ensure that there is no such misinformation circulating in the populace.

In conclusion, your Committee finds that while the implications of enacting such a bill are varied, both beneficial and detrimental, it is, in fact, simply a bill to gauge the decision of the people whether they feel we should have a statewide discussion of our political status or should we remain with *status quo* and see where it takes us. In readiness for implementing the bill, your Committee would recommend that the Administration takes notice of the concerns and comments that are prevailing in this report.

Recommendations:

1. Planning for a thorough education program should be developed within six months.
2. Election Commissioner should submit a complete budget to the Governor for review and submission in order to effect the purpose of this bill.
3. All branches, departments, agencies and offices should render assistance to the Administration in planning for the aforementioned education program.
4. Specific amendment is made to the language of the bill to allow for the question to be placed in ANY election:
 - a. Title, line 3 - delete "a special" and replace with "an".
 - b. Page 1, line 4 - delete "a special" and replace with "an".


Therefore, your Committee is in accord with the purpose and intent of Bill No. 11-11, as amended, and recommends its passage on first and second readings in the form attached hereto as Bill No. 11-11, D1.

Respectfully submitted,



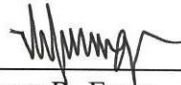
Victor Bamog - Chairman

8/16/2023
Date



Gabriel Ramoloilug - Vice Chairman

8/16/23
Date



Terrence R. Fong - Member

8.16.23
Date

Bill No. 11-11, D1

17 Date: 3/28/23 Introduced by: /s/Victor Bamog
Victor Bamog

Introduced by: /s/Anne-Marie Laamar
Anne-Marie Laamar

Introduced by: /s/John Mafel
John Mafel

Introduced by: /s/Nicholas Figirlaarwon
Nicholas Figirlaarwon

Introduced by: /s/John Masiwemai
John Masiwemai

Introduced by: /s/Pius Talimeisei
Pius Talimeisei