

STANDING COMMITTEE REPORT NO. 18-235

RE: C.B. No. 18-177/(J&GO)

SUBJECT: CONSTITUTIONAL AMENDMENT TO LOWER THE  
THRESHOLD FOR AMENDING THE CONSTITUTION.

SEPTEMBER 30, 2014

The Honorable Dohsis Halbert  
Speaker, Eighteenth Congress  
Federated States of Micronesia  
Fifth Regular Session, 2014

Dear Mr. Speaker:

Your Committee on Judiciary & Governmental Operations, to which was referred C.B. No. 18-177, entitled:

"TO PROPOSE AN AMENDMENT TO SECTION I OF ARTICLE XIV OF  
THE CONSITUTION OF THE FEDERATED STATES OF MICRONESIA,  
FOR THE PURPOSE OF LOWERING THE VOTE REQUIRED TO RATIFY  
A CONSTITUTIONAL AMENDMENT, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of this bill is expressed in its title.

Your committee held a public hearing on C.B. No. 18-177 on September 23, 2014. Representatives from the Department of Justice and the President's Office were present.

Your committee notes that C.B. No. 18-177 is virtually identical to C.B. No. 18-55, which was also submitted by request. The arguments for and against this proposed amendment are well known, along with the difficulty that has historically existed in getting a constitutional amendment ratified in the FSM. The ramifications are clear and straightforward: to make it easier for future constitutional amendments to pass.

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Your committee observes that this amendment, were it to be put to the people of the FSM, would still need to be passed under the current regime of  $\frac{3}{4}$  of votes in  $\frac{3}{4}$  of the States.

Your committee notes that at the 7<sup>th</sup> State and National Leadership Conference, held May 22-23, 2014, in Palikir, Pohnpei, the subject of this proposed amendment was raised. There, the 7<sup>th</sup> SNLC agreed to "urge Congress to pass" a bill "to lower the threshold of constitutional amendments from 75% to 66% of the votes cast in  $\frac{3}{4}$  of the States..." (7<sup>th</sup> SNLC, "Final Communiqué," Page 3). As the 7<sup>th</sup> SNLC was widely attended by prominent members of the three branches of government within the States and the Nation, your committee finds that their urging should be regarded, and thus we recommend moving C.B. No. 18-77 out of your committee to the floor.

Your committee notes that in its current form C.B. No. 18-177 provides for a lowering of the threshold from  $\frac{3}{4}$  of the votes cast in  $\frac{3}{4}$  of the States to 60% of the votes cast in  $\frac{3}{4}$  of the States. As your committee is prompted to action by the resolution of the 7<sup>th</sup> SNLC, we find their wisdom should be heeded, and recommend the 66% of the votes cast in the  $\frac{3}{4}$  states should be used.

Your committee recommends the following amendment to the bill to read as follows:

Page 1, Line 8, delete "60%" and insert "66%" in lieu thereof.

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Your committee is in accord with the intent and purpose of C.B. No. 18-177 and recommends its passage on First Reading and that it be placed on the Calendar for Second and Final Reading in the form attached hereto as C.B. No. 18-177, C.D.1.

Respectfully submitted,

/s/ Wesley W. Simina  
Wesley W. Simina, chairman

/s/ Berney Martin  
Berney Martin, vice chairman

/s/ Dohsis Halbert  
Dohsis Halbert, member  
DO CONCUR

/s/ Tiwiter Aritos  
Tiwiter Aritos, member

/s/ Yosiwo P. George  
Yosiwo P. George, member

/s/ Isaac V. Figir  
Isaac V. Figir, member

/s/ Bonsiano F. Nethon  
Bonsiano F. Nethon, member