

# THIRD STATE LEGISLATURES LEADERSHIP CONFERENCE

## REPORT OF THE COUNCIL OF PRESIDING OFFICERS

### *RELATIVE TO RECENT DEVELOPMENTS WITH RESPECT TO SLLC RESOLUTION NO. 3-94-01, SLLC RESOLUTION NO. 3-94-04, AND THE SCHEDULING OF THE NEXT SLLC GENERAL ASSEMBLY.*

*July 31 and August 1, 1996*

The Council of Presiding Officers of the Third FSM State Legislatures Leadership Conference met in the Koror, Palau at the call of Council Chairman Robert Ruecho to discuss several important matters concerning the Conference. Present at the meeting were Vice Speaker Patterson Benjamin, representing Speaker Hiteo Shrew of the State of Kosrae, Speaker Bernell Edward of the State of Pohnpei, Senate President Roger Mori of the State of Chuuk, and Speaker and Council Chairman Robert Ruecho of the State of Yap. Absent from the meeting was House Speaker Masachiro Christlib of the State of Chuuk. In attendance at the meetings were several other members of each of these legislative assemblies who were present in Palau to attend the Fifteenth General Assembly of the Association of Pacific Island Legislatures.

On July 31, 1996, the Council met with Professor Jon Van Dyke of the University of Hawaii Law School and Attorney Hal Sheets of the Pohnpei Attorney General's Office to discuss the status of the law case undertaken by the four State Governments against the National Government of the Federated States to seek to attain the States' rightful share of fishing revenues now being withheld from payment to the State treasuries by the National Government. Professor Van Dyke is the leading counsel for the states in the law suit, and Mr. Sheets is handling matters in Pohnpei, the venue of the trial division of the FSM Supreme Court wherein the case was initially filed.

Professor Van Dyke began the meeting with a briefing of the status of the case as it stands today, and went on to explain the legal theories on which it is premised. He further briefed those in attendance as to the objections raised by the National Attorney General's Office. Both Professor Van Dyke and Mr. Sheets then proceeded to inform the group of the procedural delays they are encountering in their efforts to have the case heard on its merits and their strategies to move the case forward. Following a lengthy discussion on the case and its surrounding circumstances, President Roger Mori made a motion which was approved for the Council to adopt a resolution emphasizing the need for the case to be resolved so that the states could receive their fair share of the fishing revenues.

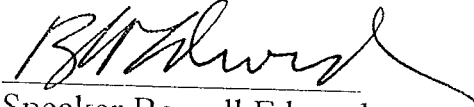
At the meeting the next day, a resolution to this effect was reviewed by the Council members and adopted as Council Resolution No. 3-96-01. Recommended resolutions for consideration by the State Legislatures were also prepared and distributed to the Council members at this meeting. Having completed discussions on this topic, the Council turned its attention to the matters related to SLLC Resolution No. 3-94-01. This resolution was last considered by the Council in its November 25, 1995, meeting conducted on Guam. The resolution relates to the revenue sharing formula as set forth in the FSM Constitution and seeks a redefinition of the current formula from a minimum of 50 percent of these revenues to be shared with the States to a new minimum of 80 percent. An amendment to the Constitution would be necessary to accomplish this goal. The Pohnpei Legislature has recently introduced legislation which, if enacted, would call for the appointment of a special task force within the State to carry the initiative effort forward. This task force is instructed to cooperate with similar bodies in the other states. Copies of the pending measure were distributed to each of the delegations.

Last on the agenda was the issue of the scheduling of the next General Assembly of the SLLC. The floor was turned over to Vice Speaker

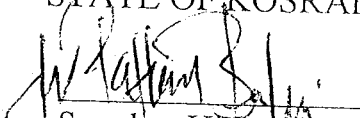
Patterson Benjamin of the Kosrae Legislature who reported to the Council that October is tentatively scheduled for the holding of the next General Assembly. This being the last item on the agenda, the meeting of the Council was adjourned.

Respectfully submitted,

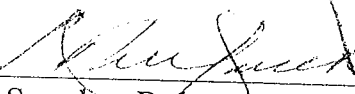
STATE OF POHNPEI

  
Speaker Bernell Edward

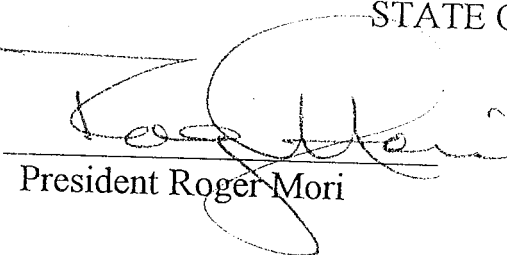
STATE OF KOSRAE

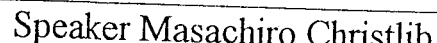
  
Speaker Hiteo Shrew

STATE OF YAP

  
Speaker Robert Ruecho

STATE OF CHUUK

  
President Roger Mori

  
Speaker Masachiro Christlib