

STANDING COMMITTEE REPORT NO. 16-13

RE: PUBLIC LAW NO. 15-41

SEPTEMBER 03, 2009

The Honorable Isaac V. Figir
Speaker, Sixteenth Congress
Federated States of Micronesia
First Special Session, 2009

Dear Mr. Speaker,

Your Committee on Judiciary and Governmental Operations held an oversight hearing on May 26, 2009 regarding Public Law No. 15-41:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 52 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED BY REPEALING SECTION 205 THEREOF AND ENACTING A ONE-TIME SALARY INCREASE IN BASE SALARIES FOR CERTAIN PUBLIC SERVICE EMPLOYEES; AND FOR OTHER PURPOSES.",

begs leave to report as follows:

Present at this hearing were Chairman, Peter Sitan; Senator, Tony H. Otto; Floor Leader, Joe N. Suka; Senator, Dion Neth; Senator, Joseph J. Urusemal; Senator, Paliknoa K. Welly; Senator, Roger S. Mori; Maria Shoniber, Personnel Secretary; Rumina Edwin, Budget Analyst; Esiri Edward, Chief of Budget; Jun Balacando, Jr., Assistant Attorney General; Juliet Jimmy, Assistant Secretary – NT; Staff Attorney, Alik Jackson and Staff Attorney, Marsha R. Kennedy.

Your Committee questioned the Department of Justice representative regarding the \$35 salary increase being given to employees it was never the Committee's intent for the salary increase to apply to.

The Department of Justice provided the Chairman with a copy of its legal opinion regarding Public Law No. 15-41 stating, in short, that the \$35 salary increase applies to, "[e]very public services employee, including those receiving foreign services premium. . . ."

The Chairman raised concerns that the Attorney's interpretation created a conflict-of-interest that benefited the staff that made the legal opinion for the Attorney General. The Committee also questioned the Attorney General on why their office did not request a Presidential veto since Congressional intent did not match the law.

Mr. Bacalando reported that since there was a discrepancy between the language of the law (Public Law No. 15-41) and the Committee Report (S.C.R. No. 15-89) that the law must be controlling. It is only necessary to turn to the Committee Report for specific guidance when the

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language of the law is unclear. Mr. Bacalando noted that the law should not have made a change to “base salary” if the intent was only to increase certain people’s salaries.

Your Committee concludes that it is up to Congress to change Public Law No. 15-41 to reflect the full intent of Congress.

Respectfully Submitted,

/s/ Peter S. Sitan
Peter S. Sitan, chairman

Fredrico O. Primo, vice chairman

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

Dohsis Halbert, member

/s/ Setiro Paul
Setiro Paul, member

Joe N. Suka, member

/s/ Paliknoa K. Welly
Paliknoa K. Welly, member