

STANDING COMMITTEE REPORT NO. 17-104

RE: C.B. NO. 17-39/J&GO

SUBJECT: REQUIRING THE PRESIDENT OF THE FSM TO RESIDE
IN POHNPEI

MARCH 22, 2012

The Honorable Isaac V. Figir
Speaker, Seventeenth Congress
Federated States of Micronesia
Third Special Session, 2012

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 17-39, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW SECTION 210 THEREOF, TO REQUIRE THE PRESIDENT OF THE FEDERATED STATES OF MICRONESIA TO RESIDE IN POHNPEI DURING HIS OR HER TERM OF OFFICE, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

A hearing was held in Palikir on January 19, 2012 on this bill and two associated bills, C.B. Nos. 17-37 and 17-38, requiring the heads of the other two national branches of government to reside in Pohnpei during their terms of office. The hearing was attended by representatives of the Department of Justice and the FSM Supreme Court.

The witnesses from the Department of Justice stated that the Constitution does not expressly require the President, the Speaker of Congress, or the Chief Justice of the Supreme Court to reside in

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Pohnpei. They stated their opinion that it was beneficial to have the head of a branch or organization present, and that such an arrangement would be more cost effective. They also suggested that the needs of the Nation should come before the interests of a single individual.

In response to questions as to the enforceability of the bill's provisions, the witnesses stated that only time would tell how they would be interpreted by the courts. They also noted that the question of residence would have to be examined in the light of existing laws such as the Revised Election Act.

Your Committee received no comments in opposition to passage of the bill.

Your Committee on Judiciary and Government Operations is in accord with the intent and purpose of C.B. No. 17-37, and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading.

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Respectfully Submitted,

/s/ David W. Panuelo
David W. Panuelo, chairman

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, vice chairman

Tiwiter Aritos, member

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

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

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Roger S. Mori
Roger S. Mori, member