

STANDING COMMITTEE REPORT NO. 17-107

RE: C.B. NO. 17-38/J&GO

SUBJECT: REQUIRING THE PRESIDING OFFICER OF  
THE FSM CONGRESS TO RESIDE IN  
POHNPEI

MARCH 26, 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. 17-38, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 3 OF THE CODE  
OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY  
ENACTING A NEW SECTION 108 THEREOF, TO REQUIRE THE  
PRESIDING OFFICER OF CONGRESS 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 17-39,  
requiring the heads of the other two national branches of  
government to reside in Pohnpei. The hearing was attended by  
representatives of the Department of Justice and the FSM  
Supreme Court.

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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 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. 17-38, 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

/s/ Tiwiter Aritos  
Tiwiter Aritos, member

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

Yosiwo P. George, member

/s/ Dohsis Halbert  
Dohsis Halbert, member

Roger S. Mori, member