

STANDING COMMITTEE REPORT NO. 18-202

RE: C.B. No. 18-180 (J&GO)

SUBJECT: ESTABLISHING POHNPEI STATE COMMISSION ON  
IMPROVEMENT PROJECTS

SEPTEMBER 18, 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. 18-180, entitled:

"TO FURTHER AMEND TITLE 55 OF THE CODE OF THE  
FEDERATED STATES OF MICRONESIA, AS AMENDED, BY  
ENACTING A NEW CHAPTER 16 THEREOF, FOR THE PURPOSE  
OF ESTABLISHING THE POHNPEI STATE COMMISSION ON  
IMPROVEMENT PROJECTS, AND FOR OTHER PURPOSES."

begs leave to report as follows:

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

Your Committee on Judiciary & Governmental Operations note that C.B. No. 18-180 is supported by the Pohnpei Delegation as well as the Governor of the State of Pohnpei.

The purpose of C.B. No. 18-180 is to establish the Pohnpei State Commission on Improvement Projects ("PSCIP"). PSCIP is somewhat modelled on the previous Chuuk State Commission on Improvement Projects. PSCIP would be comprised of three voting members, each representing an Election District, and the Budget Officer of Pohnpei State who would sit as a non-voting member. The representatives of the Election District would be voted upon by a majority of the

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municipal leaders within that district. The purpose of PSCIP would be to allow it to act as an allottee for public project and social program funding, as well as increasing the involvement of municipal leaders in the process of guiding and overseeing the distribution of funds for the benefit of the Pohnpei public.

C.B. No. 18-180 requires some modifications. The original bill states that election district members would be elected by a majority of "mayors" in their district. Your Committee notes that there is only one mayor in Pohnpei, that of Kolonia. Thus, "mayors" should be changed to "chief municipal executives," to reflect the local leadership in various locales in Pohnpei.

Your Committee notes that there are three election districts in Pohnpei. Thus, having the Budget Officer as a voting member would create the potential for unbreakable ties. Therefore, rather than having the chairman be a non-voting member in case of ties, your Committee recommends having the Budget Officer as a non-voting, advisory member. Three commission members, one from each election district, would not be able to have a tie vote.

Your Committee further notes the C.B. No. 18-180 does not have any term limits or provisions for removal of commission members. Thus, after one election, the commission members would essentially receive lifetime appointments. Therefore, your Committee recommends adding four (4) year term limits, plus allowing the chief municipal executives in the election district to remove the member representing them. Furthermore, to avoid a situation where the entire commission is replaced every four years, your Committee recommends a staggering of the vote. In effect, the first formation of the commission will include one two year term member and one three year term member, selected randomly. Thereafter, each commission member subsequently elected will serve a four year term.

Finally, your Committee recommends removing the provision on Development Authority creation by PSCIP.

Your Committee recommends amendment to the bill to read as follows:

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1. Page 1, line 14, delete "mayors" and insert "chief municipal executives" in lieu thereof.
2. Page 2, line 8, delete "The chairman will have authority to vote at a meeting only in order to break a tie" and insert "The Pohnpei State Budget Officer will be a non-voting member" in lieu thereof.
3. Page 2, Line 16, insert:  
"(3) Members of the commission shall serve terms of four (4) years.  
(4) To stagger the replacement of commission members, of the first commission to organize and the first only, one election district member shall serve a two year term, one a three year term, and one a four year term. The commission members shall determine this by a fair, random method of selection.  
(5) Members may be removed by a majority vote of the chief municipal executives in their election district. Removal shall be based on misconduct. Replacement members shall be elected from the same election district."
4. Page 3, Line 10, after "Section 5" delete:  
"Title 55 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 1604 of chapter 16 to read as follows:  
"Section 1604. Development Authorities created by Pohnpei State.  
Where an appropriation designates a "Development Authority" as an allottee in Pohnpei State, the designation shall refer to an entity created by Pohnpei State law. In the event that such an entity has not been created by Pohnpei State law or has been abolished, the executive director of the Pohnpei State Commission on Improvement Projects or his designee shall serve as allottee."

Your Committee is in accord with the intent and purpose of C.B. No. 18-180 and recommends its passage on First Reading and that it be placed on the Calendar for Second and Final Reading in the form attached as C.B. No. 18-180, C.D.1.

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Respectfully submitted,

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

Berney Martin, vice chairman

/s/ Dohsis Halbert  
Dohsis Halbert, member

/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