

STANDING COMMITTEE REPORT NO. 18-226

RE: C.B. No. 18-209 (J&GO)

SUBJECT: ADOPTION OF 2014 EDITION OF FSMC (ANNOTATED)

SEPTEMBER 26, 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. 18-209, entitled:

"A BILL FOR AN ACT TO AMEND CHAPTER 2 OF TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY CREATING A NEW SUPCHAPTER III ON THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

Your committee held a public hearing on C.B. No. 18-209 on September 25, 2014. Representatives from the Department of Justice and the National Judiciary were present.

Your committee notes that the Code of the Federated States of Micronesia has not been updated since it was last published in 1997. Since that time, significant legislation has been passed, including legislation that would be appealing to outside investors (e.g., Bankruptcy laws). Furthermore, for citizens and potential investors to learn what the current law states can be time-intensive, requiring one to sift through multiple pages of subsequent legislation in an effort to piece together the law.

STANDING COMMITTEE REPORT NO. 18-226

RE: C.B. No. 18-209 (J&GO)

SUBJECT: ADOPTION OF 2014 EDITION OF FSMC (ANNOTATED)

SEPTEMBER 26, 2014

Thus, your Committee is very supportive of the effort to adopt an updated version of the Code. Likewise, the witnesses from the Executive and the Judicial Branches also expressed their support for this undertaking. The 2014 edition of the Code would be current through the end of the Seventeenth Congress. Further, it will be annotated, meaning that the statutes will cross-reference Supreme Court cases that have interpreted them. Former Supreme Court Justice Yamase handled this updating and cross-referencing project.

Your committee notes that C.B. No. 18-209 closely mirrors the language of P.L. No. 10-26, wherein the 1997 Code was adopted. The designation of the 2014 edition of the Code is a requisite step in having this edition officially recognized as the new Code of the FSM. There are no substantive changes being made to the extant law, only its codification. Following its adoption, the Code can be fully published and disseminated. As the witnesses expressed their unmitigated support and no problems were raised with C.B. No. 18-209, your committee recommends its adoption in the current form with the minor technical amendment.

Your committee would like to offer the following technical amendment to read as follows:

1. Title, line 2 after "subchapter III" delete "on" and insert "of" in lieu thereof.

Your Committee is in accord with the intent and purpose of C.B. No. 18-209 and recommends its passage on First Reading and that it be placed on the Calendar for Second and Final Reading in the form attached hereto, as 18-209, C.D.1.

STANDING COMMITTEE REPORT NO. 18-226

RE: C.B. No. 18-209 (J&GO)

SUBJECT: ADOPTION OF 2014 EDITION OF FSMC (ANNOTATED)

SEPTEMBER 26, 2014

Respectfully submitted,

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

/s/ Berney Martin
Berney Martin, vice chairman

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Tiwiter
Tiwiter Aritos, member

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

Isaac V. Figir, member

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, member