

FIFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 1987

CONGRESSIONAL BILL NO. 5-18, C.D.1, C.D.2,
C.D.3, C.D.4,
C.D.5, C.D.6

AN ACT

To reorganize the Government of the Federated States of Micronesia, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 203 of title 2 of the Code of the Federated States
2 of Micronesia, as amended by Public Law No. 4-65, is hereby further amended
3 to read as follows:

4 "Section 203. Departments.

5 (1) There shall be the following departments which shall be
6 responsible for major programs or administrative support areas in
7 the Government of the Federated States:

8 (a) Department of Finance;

9 (b) Department of External Affairs;

10 (c) Department of Transportation;

11 (d) Department of Resources and Development; and

12 (e) Department of Human Resources.

13 (2) The administrative head of each department shall be
14 designated as a 'Secretary.'

15 (3) Succession.

16 (a) Any reference to the Office of Information, the
17 Office of Personnel, the Office of Education, or the Office of
18 Health Services shall apply to the appropriate successor entity.

19 (b) Any reference to any official or employee of an
20 entity referred to in subsection (3)(a) of this section shall
21 be construed as applying to the person holding the same or
22 most similar position in the appropriate successor entity."

1 Section 2. Section 204 of title 2 of the Code of the Federated
2 States of Micronesia, as amended by Public Law No. 4-65, is hereby
3 further amended to read as follows:

4 "Section 204. Other executive offices. There shall be the
5 following executive offices:

- 6 (1) Office of the Attorney General;
- 7 (2) Office of Budget;
- 8 (3) Office of Administrative Services;
- 9 (4) Office of Planning and Statistics; and
- 10 (5) Office of the Public Defender."

11 Section 3. Section 201 of title 26 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 201. Authorization. The Director of Administrative
14 Services shall oversee the identification, conservation, and
15 protection of historic properties and cultural attributes within
16 the Federated States of Micronesia through the effective
17 administration of funds from various sources. As used herein,
18 'Institute' means the Director of Administrative Services or his
19 designee."

20 Section 4. Section 202 of title 32 of the Code of the Federated
21 States of Micronesia is hereby amended to read as follows:

22 "Section 202. Definitions. When words defined in this section
23 are used in this chapter, unless otherwise required by the
24 context, the following definitions shall govern:

- 25 (1) 'Board' means the Secretary of Resources and

1 Development.

2 (2) 'Business' means any sole proprietorship, partnership,
3 corporation, or any other association engaged in commerce.

4 (3) 'Citizen' means any person or business not included in
5 the definition of noncitizen contained in this chapter.

6 (4) 'Licensee' means any noncitizen who has been issued a
7 foreign-investment permit under this chapter, including agents
8 or employees of the noncitizen.

9 (5) 'Noncitizen' means any person who is not a citizen of
10 the Federated States of Micronesia, and any business in which any
11 interest is owned by a person who is not a citizen of the
12 Federated States of Micronesia.

13 (6) 'President' means the President of the Federated States
14 of Micronesia.

15 (7) 'Secretary' means the Secretary of Resources and
16 Development of the Federated States of Micronesia.

17 (8) 'State authority' means any official or entity
18 designated by a State of the Federated States of Micronesia to
19 consider foreign-investment applications under this chapter
20 and, failing such designation, means the Governor of a State."

21 Section 5. Section 101 of title 41 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 101. Duties of director of Health Services generally.

24 (1) The director of Health Services shall either
25 personally or by his duly authorized representatives maintain

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1 and improve health and sanitary conditions, minimize and control
2 communicable disease, establish standards of medical and dental
3 care and practice, encourage scientific investigation in the
4 field of health, and supervise and administer all Government-
5 owned hospitals, sanitariums, clinics, dispensaries, and such
6 other medical and dental facilities as are or may be
7 established throughout the Federated States of Micronesia.

8 (2) As used in this title 'Director of Health Services'
9 means the Secretary of Human Resources or his designee."

10 Section 6. Section 117 of title 52 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 117. Application of chapter; Exemptions. The National
13 Public Service System shall apply to all employees of and
14 positions in the central Government of the Federated States of
15 Micronesia now existing or hereafter established and to all
16 personnel services performed for that Government except the
17 following, unless this chapter or provisions thereof are
18 specifically made applicable to them:

19 (1) members of the Congress of the Federated States of
20 Micronesia;

21 (2) the President and Vice President of the Federated
22 States of Micronesia;

23 (3) Justices and other Judges of the National Courts;

24 (4) the legislative counsel, deputy legislative counsel,
25 budget officer, and the Clerk of the Congress;

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- 1 (5) the Public Auditor;
- 2 (6) the administrative officer of the National Courts;
- 3 (7) the special assistants and secretaries to the President
4 and Vice President;
- 5 (8) persons appointed by the President to fill the
6 following positions: Secretary of External Affairs, Secretary of
7 Finance, Secretary of Resources and Development, Secretary of
8 Transportation, Secretary of Human Resources, Budget Officer,
9 National Planner, Director of Administrative Services, Attorney
10 General, and Public Defender, and their deputies, if any;
- 11 (9) persons appointed to any other positions by the
12 President with the advice and consent of the Congress;
- 13 (10) the Representative in Washington and all ambassadors;
- 14 (11) persons or organizations retained by contract when
15 the Personnel Officer has certified that the service to be
16 performed is special or unique and nonpermanent and is essential
17 to the public interest, and that, because of the degree of
18 expertise or special knowledge required and the nature of the
19 services to be performed, it would not be practical to obtain
20 personnel to perform such services through normal public service
21 recruitment procedures;
- 22 (12) persons presently under contract of employment not
23 included in subsection (11) of this section, during the life of
24 such contract. No contract of employment shall be entered into,
25 renewed, or amended after the effective date of this chapter,

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- 1 except in accordance with the provisions of this chapter;
- 2 (13) temporary positions, required in the public interest,
- 3 for which the need does not exceed six months;
- 4 (14) positions requiring part-time or intermittent work
- 5 which does not exceed sixty hours in any calendar month;
- 6 (15) positions filled by inmates, patients, and students
- 7 of institutions of the Federated States of Micronesia;
- 8 (16) members of any board, public corporation, commission,
- 9 or similar body, in their capacity as such;
- 10 (17) officers, faculty, and employees of the Board of
- 11 Regents and the College of Micronesia;
- 12 (18) positions specifically exempted by any other law of the
- 13 Federated States of Micronesia."

14 Section 7. Section 2 of Public Law No. 2-60, as amended by Public

15 Law No. 3-64, is hereby further amended to read as follows:

16 "Section 2. Purpose. The purpose of this act is to establish

17 four ongoing imprest revolving funds to provide, subject to the

18 provisions of section 4 of this act, sources of advanced funding

19 for authorized operations expenses of the Guam and Honolulu

20 Liaison Offices, the Federated States of Micronesia

21 Representative Office, and the Japan Economic Liaison Office and

22 authorized expenses incurred during official travel by qualified

23 Community College of Micronesia employees and officials, National

24 and State Government employees and officials, and medical

25 referral patients and their attendants."

1 Section 8. Section 3 of Public Law No. 2-60, as amended by Public
2 Law No. 3-64, is hereby further amended to read as follows:

3 "Section 3. Establishment.

4 (1) There is hereby established an ongoing imprest
5 revolving fund within the General Fund for each of the following
6 offices of the National Government of the Federated States of
7 Micronesia:

8 (a) Guam Liaison Office;

9 (b) Honolulu Liaison Office;

10 (c) Federated States of Micronesia Representative
11 Office; and

12 (d) Japan Economic Liaison Office."

13 Section 9. Section 8 of Public Law No. 2-60, as amended by Public
14 Law No. 3-64, is hereby further amended to read as follows:

15 "Section 8. Authorization.

16 (1) The sum of \$80,000, or so much thereof as may be
17 necessary, is hereby authorized to be used within the General
18 Fund of the Federated States of Micronesia for the purpose of
19 funding the imprest revolving funds. The sums authorized by
20 this subsection shall be apportioned as follows:

21 (a) Guam Liaison Office.....\$ 20,000

22 (b) Honolulu Liaison Office..... 20,000

23 (c) Federated States of Micronesia
24 Representative Office..... 20,000

25 (d) Japan Economic Liaison Office..... 20,000

1 (2) All funds authorized by this act shall be allotted,
2 managed, administered, and accounted for in accordance with
3 applicable law, including, but not limited to, the Financial
4 Management Act of 1979. The allottee shall be responsible for
5 ensuring that these funds, or so much thereof as may be
6 necessary, are used solely for the purpose specified in this
7 act, and that no obligations are incurred in excess of the sum
8 authorized."

9 Section 10. Section 3 of Public Law No. 3-83 is hereby amended to
10 read as follows:

11 "Section 3. Definitions. The following words, for the purpose
12 of this act, shall have the following meanings:

13 (1) 'Board' means the Secretary of Human Resources;

14 (2) 'Chairman of the Board' or 'chairman' means the
15 Secretary of Human Resources or his designee;

16 (3) 'Person' means the Federated States of Micronesia, a
17 State, municipality, political subdivision, a public or private
18 institution, corporation, partnership, joint venture,
19 association, firm, or company organized or existing under the
20 laws of the Federated States of Micronesia or any State or
21 country, lessee or other occupant of property, or individual,
22 acting singly or as a group;

23 (4) 'Pollutant' means one or more substances or forms of
24 energy which, when present in the air, land, or water, are or
25 may be harmful or injurious to human health, welfare, or safety,

1 to animal or plant life, or to property, or which unreasonably
2 interfere with the enjoyment by the people of life or property.

3 (5) 'Primary drinking water regulation' means a regulation
4 which:

5 (a) Applies to public water systems;

6 (b) Specifies contaminants which, in the judgment of
7 the Board, may have any adverse effect on the health of persons;
8 and

9 (c) Specifies for each such contaminant either:

10 (i) A maximum contaminant level, if, in the
11 judgment of the Board, it is economically and technologically
12 feasible to ascertain the level of such contaminant in water in
13 public water systems; or

14 (ii) If, in the judgment of the Board, it is not
15 economically or technologically possible to so ascertain the
16 level of such contaminant, each treatment technique known to
17 the Board which leads to a reduction in the level of such
18 contaminant;

19 (d) Contains criteria and procedures to assure a
20 supply of drinking water which dependably complies with such
21 maximum contaminant levels, including quality control and
22 testing procedures to ensure compliance with such levels and to
23 ensure proper operation and maintenance of the system and
24 requirements as to:

25 (i) The minimum quality of water which may be

1 taken into the system; and

2 (ii) Siting for new facilities for public water
3 systems.

4 (6) 'Secondary drinking water regulation' means a regula-
5 tion which applies to public water systems and which specifies
6 the maximum contaminant level which in the judgment of the Board
7 is requisite to protect the public welfare. Such regulations
8 may apply to any contaminant in drinking water:

9 (a) Which may adversely affect the odor or appearance
10 of such water and consequently may cause a substantial number of
11 persons served by the public water system providing such water to
12 discontinue its use; or

13 (b) Which may otherwise adversely affect the public
14 welfare. Such regulations may vary according to geographic or
15 other circumstances.

16 (7) 'Trust Territory Environmental Protection Board' means
17 the board established pursuant to 25 F.S.M.C. 201."

18 Section 11. Section 2 of Public Law No. 4-41, as amended by
19 Public Law No. 4-102, is hereby further amended to read as follows:

20 "Section 2. Definitions. As used herein unless otherwise
21 indicated by the context:

22 (1) 'Board' means the Secretary of Human Resources.

23 (2) 'Practice of medical health care' includes activities
24 as a doctor, nurse, optometrist, dentist or pharmacist, as those
25 activities may be described by the President or the Board

1 pursuant to this act or amendments hereto.

2 (3) 'President' means the President of the Federated
3 States of Micronesia."

4 Section 12. Sections 101 through 112 of title 8 of the Code of
5 the Federated States of Micronesia, which established the Commission
6 on Future Political Status and Transition, are hereby repealed in
7 their entirety.

8 Section 13. Sections 202 and 203 of title 26 of the Code of the
9 Federated States of Micronesia are hereby repealed in their entirety.
10 Sections 204 and 205 are hereby renumbered as sections 202 and 203,
11 respectively.

12 Section 14. Sections 206, 207, and 208 of title 32 of the Code of the
13 Federated States of Micronesia are hereby repealed in their entirety.
14 Sections 209 through 232 are hereby renumbered as sections 206 through
15 229, respectively.

16 Section 15. Sections 4, 5, 6 and 8 of Public Law No. 3-83 are hereby
17 repealed in their entirety. Sections 7 and 9 through 21 are hereby
18 renumbered as sections 4 and 5 through 17, respectively.

19 Section 16. Sections 4 and 8 of Public Law No. 4-41 are hereby
20 repealed in their entirety. Sections 5 through 7 are hereby renumbered
21 as sections 4 through 6, respectively. Sections 9 through 14 are hereby
22 renumbered as sections 7 through 12, respectively.

23 Section 17. Notwithstanding any provision in any other law, any
24 person serving as an employee or official on the day prior to the effective
25 date of this act in a department or office the existence of which is

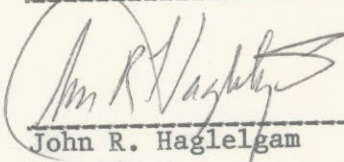
1 terminated by this act shall be eligible to serve as the acting secretary
2 or director of any new department or office created by this act until
3 a secretary or director is confirmed, or until the conclusion of the
4 final day of the Second Regular Session of the Fifth Congress of the
5 Federated States of Micronesia, whichever is sooner.

6 Section 18. Notwithstanding any law to the contrary, for purposes
7 of this reorganization, the President may reassign any person employed on
8 the day prior to the effective date of this act by any independent agency
9 the existence of which is terminated by this act, or any National
10 Government department, or any National Government office, to a comparable
11 position in any other National Government department or office.
12 The President's authority pursuant to this section shall be limited to such
13 assignments as are reasonably necessary to implement the intent and purpose
14 of this act, and shall expire on January 22, 1988. This section shall not
15 constitute authority to exceed personnel ceilings set by Public Law
16 No. 5-15 or amendments thereto, and shall not constitute authority to
17 reassign a person to a position requiring the advice and consent of
18 Congress without compliance with existing law.

19 Section 19. This act shall take effect on January 1, 1988.
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1 Section 20. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming law
3 without such approval.

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November 6, 1987

John R. Haglelgam
President
Federated States of Micronesia