

NINTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST SPECIAL SESSION, 1995

CONGRESSIONAL BILL NO. 9-86, C.D.1
PUBLIC LAW NO. 9-062

AN ACT

To authorize the publishing of the 1995 edition of the Code of the Federated States of Micronesia; to establish an F.S.M.C. Special Fund; to authorize the sale of the Code; and to require that all proceeds from the sale of the Code be deposited into the F.S.M.C. Special Fund to be used for publication of future supplements or updates, and for other purposes.

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

Section 1. Public Law No. 2-48 shall be placed in the Code of the Federated States of Micronesia in title 1, chapter 2, in one separately numbered section as determined by the person next responsible for preparing the government approved published Code. Each section of Public Law No. 2-48 shall be a numbered sub-section of the separately numbered section placed in title 1, chapter 2.

Section 2. 1 F.S.M.C. § 220. Authorization for publication of 1995 edition of F.S.M.C. The publishing of the official 1995 edition of the Code of the Federated States of Micronesia (F.S.M.C.), pursuant to contract, is hereby authorized. The 1995 edition of the Code of the Federated States of Micronesia shall contain the general and permanent National Laws codified as positive law in the original 1982 edition of the Code of the Federated States of Micronesia pursuant to Public Law No. 2-48, supplemented and updated with any amendments or additions to the law requiring codification as enacted through the Eighth Congress of the Federated States of Micronesia. The supplementing

and updating to the original 1982 F.S.M.C. in the First Supplement authorized by Public Law No. 4-33 and in this re-publication with subsequently enacted laws shall not effect any substantive change to the law as enacted and as it became effective.

Section 3. 6 F.S.M.C. § 1303. Legal status of laws included in the FSMC enacted after the First Supplement.

(1) Pursuant to the authority provided in Section 11 of Public Law No. 2-48 and this act, the laws contained in the 1995 edition of the F.S.M.C. that are printed and published under contract and as authorized by law, shall constitute prima facie the laws of the Federated States of Micronesia for those laws contained therein, and they purport to represent reproductions of statutory amendments to the F.S.M.C., as stated in accompanying notes or source cites.

(2) Future supplements or updates published pursuant to section 2 (§ 220) of this Act (of title 1) shall constitute prima facie the laws of the Federated States of Micronesia for those laws set forth in the latest publication in which they appear.

(3) In the event of a conflict between the text of a provision set out in the 1995 edition of the F.S.M.C. or set out in any future supplement or update thereto and the text contained in a Public Law as originally enacted by Congress and as approved or allowed to become law by the President of the Federated States of Micronesia pursuant to the Constitution and laws of the FSM, the text of the law as it became effective shall constitute the positive law and shall control.

(4) Except for the official authenticated texts of Public Laws as enacted by Congress and as approved or allowed to become law by the President of the Federated States of Micronesia, no other publication or codification of the laws of this nation shall constitute any evidence whatsoever of the law and may not be introduced in evidence in any court of law.

Section 4. 55 F.S.M.C. Subchapter III: Second Supplement.

55 F.S.M.C. § 920. Authorization for sale of 1995 edition of F.S.M.C. The 1995 edition of the Code of the Federated States of Micronesia shall be made available for sale to the branches and agencies of the national and State Governments of the Federated States of Micronesia, other entities, and members of the public. The sale price shall be determined by the Speaker of the Congress of the Federated States of Micronesia, who shall take into account all of the costs associated with completing and publishing the 1995 edition of the F.S.M.C. and the ability to sell copies to the public. The sale price of the 1995 edition of the F.S.M.C. shall be set in such amount as to come as close as possible to being sufficient to recoup the costs of completing and publishing the F.S.M.C. and to allow for annual, semi-annual, or other appropriately timed supplements or updates to be completed and published.

Section 5. 55 F.S.M.C. § 921. F.S.M.C. Special Fund Established. There is hereby created and established, the "F.S.M.C. Special Fund," referred to in this act as

the "Fund," separate from the General Fund of the Federated States of Micronesia and all other funds.

Section 6. 55 F.S.M.C. § 922. Purpose. The purpose of the Fund is to establish an ongoing fund to allow for the receipt of revenues from the sale of the 1995 edition of the Code of the Federated States of Micronesia and any supplement, update, pocket part, or other addition of the F.S.M.C. and any future appropriations to be used for the preparation and publication of additional supplements, updates, pocket parts, or other additions to the F.S.M.C.

Section 7. 55 F.S.M.C. § 923. Deposits. All future appropriations from the General Fund for the cost of producing supplements, updates, pocket parts, or other additions to the 1995 edition of the F.S.M.C., and all revenues received from the sale of the 1995 edition of the F.S.M.C. and further supplements, updates, pocket parts or other additions to the F.S.M.C. shall be deposited into the Fund. Any unexpended monies in this Fund shall not revert to the General Fund unless Congress dissolves the Fund.

Section 8. 55 F.S.M.C. § 924. Expenditures and Accounting.

(1) As part of each year's budget, Congress may appropriate such amount as it deems proper for the purpose of authorizing expenditures from the Fund. It may also appropriate an amount of money to be transferred from the General Fund to this Fund to meet these expenditures. In the event that the Fund has insufficient funds in it to meet any obligation, no obligation shall be incurred or expenditure allowed.

(2) The Fund shall be accounted for and administered in accordance with the applicable provisions of title 55.

Section 9. 55 F.S.M.C. § 925. Allottee. The Speaker of the Congress of the Federated States of Micronesia is hereby designated the allottee of the Fund.

Section 10. Effective date. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

April 18 _____, 1996

/s/ Bailey Olter
Bailey Olter
President
Federated States of Micronesia