



The President
Palikir, Pohnpei
Federated States of Micronesia

December 17, 2010

PRESIDENTIAL COMM. NO. 16-329
FSM CONGRESS

The Honorable Isaac V. Figir
Speaker
16th FSM Congress
Palikir, Pohnpei State, FM 96941

Dear Speaker Figir:


I hereby transmit the following Congressional Act which I have approved to become Public Law No. 16-55:

Congressional Act No. 16-61, "AN ACT TO AMEND SECTION 115 OF TITLE 50 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, FOR THE PURPOSE OF ENABLING DIVISIONS OF THE NATIONAL GOVERNMENT RESPONSIBLE FOR IMMIGRATION, CUSTOMS, AND QUARANTINE TO DEFRAY THE COSTS OF OVERTIME ACCRUED BY THEIR OFFICIALS BY COLLECTING PAYMENTS FROM THE OPERATIONS OF AIRCRAFT AND SEA VESSELS, AND FOR OTHER PURPOSES."

I commend Congress for taking the initiative in the passage of the act. Nonetheless, I wish to draw your attention to similar legislative bills concerning compensation of overtime works of other divisions in the executive branch, for example, for DOJ administrative and legal staffs and certain staffs in the Office of SBOC involved in the Census. Those bills are equally important and must be addressed as well in order to give effect to the equal protection clause in the FSM constitution. I therefore urge Congress to consider those bills at its subsequent session.

With warm personal regards, I remain,

Sincerely,


Manny Mori
President

Enclosures:

xc: Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Director, Office of SBOC
Legislative Counsel, CFSM
Library, CFSM
PIO, FSM





CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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Office of the Chief Clerk

PRESIDENTIAL COMM. NO. 16-329
FSM CONGRESS

November 25, 2010



His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 16-61, "AN ACT TO AMEND SECTION 115 OF TITLE 50 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, FOR THE PURPOSE OF ENABLING DIVISIONS OF THE NATIONAL GOVERNMENT RESPONSIBLE FOR IMMIGRATION, CUSTOMS, AND QUARANTINE TO DEFRAY THE COSTS OF OVERTIME ACCRUED BY THEIR OFFICIALS BY COLLECTING PAYMENTS FROM THE OPERATORS OF AIRCRAFT AND SEA VESSELS, AND FOR OTHER PURPOSES.", which was passed by the Sixteenth Congress of the Federated States of Micronesia, Fifth Special Session, 2010, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures



PRESIDENTIAL COMM. NO. 16-329
FSM CONGRESS

SIXTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FIFTH SPECIAL SESSION
NOVEMBER 15 – 24, 2010

PUBLIC LAW No. 16-55.1

An Act

TO AMEND SECTION 115 OF TITLE 50 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, FOR THE PURPOSE OF ENABLING DIVISIONS OF THE NATIONAL GOVERNMENT RESPONSIBLE FOR IMMIGRATION, CUSTOMS, AND QUARANTINE TO DEFRAY THE COSTS OF OVERTIME ACCRUED BY THEIR OFFICIALS BY COLLECTING PAYMENTS FROM THE OPERATORS OF AIRCRAFT AND SEA VESSELS, AND FOR OTHER PURPOSES.

INTRODUCED BY: SENATOR DOHSIS HALBERT

DATE: NOVEMBER 15, 2010

REFERRED TO: COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS
S.C.R. NO. 16-121 – NOVEMBER 22, 2010

FIRST READING: NOVEMBER 22, 2010

SECOND READING: NOVEMBER 23, 2010

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress



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OFFICE OF THE SPEAKER

PRESIDENTIAL COMM. NO. 16-329
FSM CONGRESS

ACT NO. 16-61

(CONGRESSIONAL BILL NO. 16-152, C.D.1, C.D.2)

We hereby certify that on November 23 the foregoing act passed Second and Final Reading of the Sixteenth Congress of the Federated States of Micronesia, Fifth Special Session, 2010, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

A handwritten signature in dark ink, appearing to read "Isaac V. Figir".

Isaac V. Figir
Speaker
Congress of the
Federated States of Micronesia

A handwritten signature in dark ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis
Chief Clerk
Congress of the
Federated States of Micronesia

SIXTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIFTH SPECIAL SESSION, 2010

CONGRESSIONAL BILL NO. 16-152, C.D.1,
C.D.2

PUBLIC LAW No. 16-55

AN ACT

To amend Section 115 of title 50 of the Code of the Federated States of Micronesia, for the purpose of enabling divisions of the National Government responsible for immigration, customs, and quarantine to defray the costs of overtime accrued by their officials by collecting payments from the operators of aircraft and sea vessels, and for other purposes.

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

1 Section 1. Section 115 of title 50 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 115. Aircraft and sea vessel operator
5 responsibilities for overtime. The operator of any
6 aircraft or sea vessel landing at any airport or calling
7 at any port in the Federated States of Micronesia shall
8 be responsible for paying an amount equal to the actual
9 costs to the National Government for overtime accrued by
10 the officials responsible for carrying out the purposes
11 of this title, chapter 4 of title 22, and chapter 2 of
12 title 54 whenever such officials are required to carry
13 out their official duties relating to the aircraft or
14 sea vessel at a time outside of the official's ordinary
15 working hours. The respective heads of the Division of
16 Immigration and Labor of the Department of Justice, the
17 Agriculture Unit of the Department of Resources and

PUBLIC LAW No. 16-55

Development, and the Division of Customs and Tax
Administration of the Department of Finance and
Administration shall determine the amount payable for
each of their respective officials under this section
and shall submit invoices to the operator of the
aircraft or sea vessel for payment of such amounts on a
prompt basis; PROVIDED, HOWEVER, in the case an aircraft
or sea vessel's arrival is for one time only or is
likely to occur at infrequent intervals the invoice
shall be made as soon as possible after the arrival of
the vessel or aircraft, including at the time of arrival
itself as may be provided for by regulations. For
purposes of this section, overtime means actual hours
worked in excess of 40 actual hours per week worked by
an official or employee of the National Government. The
President shall ensure the promulgation of regulations
consistent with this section."

PUBLIC LAW No. 16-55

1 Section 2. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

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December 17, 2010

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Manny Mori
Manny Mori
President
Federated States of Micronesia

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