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A BILL FOR AN ACT

To authorize the publishing of the 1995 edition of the Code of the Federated States of Micronesia; to established an F.S.M.C. Revolving 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. Revolving 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

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

7 Section 2. 1 F.S.M.C. § 220. Authorization for publication of 1995
8 edition of F.S.M.C. The publishing of the official 1995 edition of the Code of the
9 Federated States of Micronesia (F.S.M.C.), pursuant to contract, is hereby
10 authorized. The 1995 edition of the Code of the Federated States of
11 Micronesia shall contain the general and permanent National Laws codified as
12 positive law in the original 1982 edition of the Code of the Federated States of
13 Micronesia pursuant to Public Law No. 2-48, supplemented and updated with
14 any amendments or additions to the law requiring codification as enacted
15 through the Eighth Congress of the Federated States of Micronesia. The
16 supplementing and updating to the original 1982 F.S.M.C. in the First
17 Supplement authorized by Public Law No. 4-33 and in this re-publication with
18 subsequently enacted laws shall not effect any substantive change to the law
19 as enacted and as it became effective.

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

22 (1) Pursuant to the authority provided in Section 11 of
23 Public Law No. 2-48 and this act, the laws contained in the 1995 edition of the
24 F.S.M.C. that are printed and published under contract and as authorized by
25 law, shall constitute prima facie the laws of the Federated States of Micronesia

1 for those laws contained therein, and they purport to represent reproductions
2 of statutory amendments to the F.S.M.C., as stated in accompanying notes or
3 source cites.

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

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

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

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

21 55 F.S.M.C. § 920. Authorization for sale of 1995 edition of FSMC. The 1995
22 edition of the Code of the Federated States of Micronesia shall be made
23 available for sale to the branches and agencies of the national and State
24 Governments of the Federated States of Micronesia, other entities, and
25 members of the public. The sale price shall be determined by the Speaker of

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1 the Congress of the Federated States of Micronesia, who shall take into
2 account all of the costs associated with completing and publishing the 1995
3 edition of the F.S.M.C. The sale price of the 1995 edition of the F.S.M.C. shall be
4 sufficient to recoup the costs of completing and publishing the F.S.M.C. and
5 allow for annual, semi-annual, or other appropriately timed supplements or
6 updates to be completed and published.

7 Section 5. 55 F.S.M.C. § 921. F.S.M.C. Revolving Fund: established.

8 There is hereby created and established, the FSMC Revolving Fund, referred to
9 in this act as the "Fund," separate from the General Fund of the Federated
10 States of Micronesia and all other funds.

11 Section 6. 55 F.S.M.C. § 922. Purpose. The purpose of the Fund is to
12 establish an ongoing revolving fund to allow for the receipt of revenues from
13 the sale of the 1995 edition of the Code of the Federated States of Micronesia
14 and any supplement, update, pocket part, or other addition of the F.S.M.C., as
15 well as any future appropriations for these purposes, to be used for the
16 completion and publication of additional supplements, updates, pocket parts,
17 or other additions to the F.S.M.C.

18 Section 7. 55 F.S.M.C. § 923. Deposits. All future appropriations for
19 supplements, updates, pocket parts, or other additions to the 1995 edition of
20 the F.S.M.C., as well as any revenues received from the sale of the 1995 edition
21 of the F.S.M.C., and further supplements, updates, pocket parts or other
22 additions to the F.S.M.C. shall be deposited into the Fund. Any unexpended
23 monies in this Fund shall not revert to the General Fund nor lapse at the end of
24 the fiscal year.

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C.B. No. 9-86

1 Section 8. 55 F.S.M.C. § 924. Disbursements. The Speaker of the
2 Congress of the Federated States of Micronesia is hereby authorized to make
3 disbursements from monies made available in the Fund, without further
4 authorization or appropriation of the Congress of the Federated States of
5 Micronesia for the completion and publication of future supplements, updates,
6 pocket parts, other additions to the 1995 edition of the F.S.M.C., or new
7 editions of the F.S.M.C.

8 Section 9. 55 F.S.M.C. § 925. Administration. The Fund shall be
9 administered by the Speaker of the Congress of the Federated States of
10 Micronesia or his designee, who shall administer the Fund in accordance with
11 generally accepted accounting standards and sound financial practices for the
12 effectuation and implementation of the provisions of this act.


13 Section 10. 55 F.S.M.C. § 926. Annual report. The Speaker or his
14 designee shall report to the President of the Federated States of Micronesia,
15 the Public Auditor, and the Congress of the Federated States of Micronesia on
16 the status of the Fund at the close of each fiscal year.

17 Section 11. Effective date. This act shall become law upon approval by
18 the President of the Federated States of Micronesia or upon its becoming law
19 without such approval.

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21 Date:

8/21/95

Introduced by:


Jack Fritz

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