AN ACT

To further amend title 17 of the Code of the Federated States of Micronesia, as amended, by further amending sections 102 and 103, as amended by Public Law No. 7-92, and by amending section 104, to require distribution of emergency regulations to Congress and to require distribution of final regulations to Congress, and for other purposes.

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

Section 1. Section 102 of title 17 of the Code of the Federated States of Micronesia, as amended by Public Law No. 7-92, is hereby further amended to read as follows:

"Section 102. Procedure for adoption of regulations.

(1) Prior to adoption, amendment, or repeal of any regulation, the agency shall:

(a) publish notice of its intended action for at least thirty (30) days by posting copies of the proposed regulation in convenient public places in the State capitals including at least the principal National Government office in each State, each State Governor's office, the office of the clerk of courts of the State and National courts and in each State capital post office. The notice shall include:

(i) a statement of either the terms or substance of the proposed regulation or a description of the subjects and issues involved;

(ii) reference to the authorities under which the action is proposed;

(iii) the time when, the place where, and the manner in which interested persons may present their views thereon; and

(iv) the proposed effective date;
(b) communicate the general nature of the proposed regulations and the place where the regulations are available for review by radio announcements in each State in English and in the language or languages of the State;

(c) transmit copies of the proposed regulations to the Speaker of the Congress, to the chairman of each standing committee thereof, and to the Legislative Counsel;

(d) afford all interested persons reasonable opportunity to submit data, views, or arguments, in writing. In all proceedings under this section, an opportunity for an oral hearing must be granted if requested by the Congress of the Federated States of Micronesia or a committee thereof, a Government subdivision or agency, or a State or local government. Hearings afforded pursuant to this provision shall be conducted in accordance with section 108 of this chapter. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

(2) If the President, or in his absence, the Vice President, finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than thirty (30) days' notice, and states in writing his reasons for that finding, an emergency regulation may be adopted without prior notice or hearing upon any abbreviated notice and hearing that is found to be practicable. The regulation
may be effective for a period of not longer than one hundred twenty (120) days, but the adoption of an identical regulation under subsection (1) of this section is not precluded.

(3) Regulations must be adopted in compliance with this section. A judicial challenge on the basis of noncompliance with the procedural requirements of this section must be commenced within one year from the effective date of the regulation, unless good cause is shown justifying an inability to bring the action timely."

Section 2. Section 103 of title 17 of the Code of the Federated States of Micronesia, as amended by Public Law No. 7-92, is hereby further amended to read as follows:

"Section 103. Filing and availability of regulations.

(1) Within ten (10) days of adoption pursuant to the provisions of section 102 of this chapter, each agency shall file in the Office of the Registrar of Corporations, the office of each State Governor, and with the Clerks of Court of both the State and National courts, a certified copy of each regulation adopted by it, including all temporary emergency regulations, all final adopted regulations, and all regulations existing on the effective date of this chapter. Each agency shall also provide a certified copy of each regulation adopted by it to the Speaker of the Congress, to the chairman of each standing committee thereof, and to the
Legislative Counsel within ten (10) days of its adoption.

(2) The Registrar of Corporations and the Clerk and assistant clerks of the Supreme Court shall keep a permanent register of regulations open to public inspection. Each such official shall provide, promptly upon request to him, copies of all regulations requested. Copies shall be provided without charge to agencies and officials of the National and State Governments and to other persons at reasonable prices to cover costs of copying and postage."

Section 3. Section 104 of title 17 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 104. Taking effect of regulations.

Each regulation hereafter adopted is effective ten (10) days after compliance with subsection (1) of section 102 of this chapter, except that:

(1) if a later date is required by a statute or specified in the regulation, the later date is the effective date;

(2) subject to applicable statutory provisions, an emergency regulation becomes effective immediately upon filing with the Registrar of Corporations and the mailing, under registered cover, of copies thereof to the Speaker of Congress, the chairman of each standing committee of Congress, the Legislative Counsel of Congress, each of the State Governors, and the Clerks of Court in the Federated States, or at such later date as the regulation may provide.
The President’s statement setting forth the circumstances that necessitated the emergency regulation shall be filed with the regulation. The agency shall take appropriate measures to make emergency regulations known to the persons who may be affected by them."

Section 4. 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 9th, 2001

/s/
Leo A. Falcam
President
Federated States of Micronesia