

A BILL FOR AN ACT

Providing that the National Public Service System Act not apply to the legislative and judicial branches of the National Government, and for other purposes.

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

1       Section 1. Policy. The Constitution of the Federated States of  
2 Micronesia secures the separation of powers among the executive, legislative,  
3 and judicial branches of the National Government. The Congress holds  
4 sacred the principle of three co-equal powers interacting harmoniously to  
5 produce an efficient National Government sensitive to the needs of all the  
6 people. The Congress finds that in order to achieve the goal of harmonious  
7 interaction, independent action within each governmental branch must be  
8 guaranteed. The National Public Service System Act thwarts the intent of  
9 the Constitution by depositing in the executive branch unequal power over  
10 the personnel systems of the legislative and judicial branches. Our  
11 Constitution delegates to the Congress in Article IX, Section 2(n) the  
12 power to "establish and regulate a national public service system." Congress  
13 finds that a "national" system means only that each branch of the National  
14 Government should have a fair system governing its personnel. A National  
15 system does not demand a single unit centered in one branch which governs  
16 all branches. We have a National system of government with three  
17 independent branches. It is only fitting that we should have a National  
18 system of public service with three independent operations.

19       Section 2. Applicability of Public Law No. 1-47. The National Public  
20 Service System Act, Public Law No. 1-47, as amended by Public Law No. 1-71,  
21 shall not apply to the legislative and judicial branches of the National  
22 Government, but shall apply only to the executive branch of the National  
23 Government. All provisions of the National Public Service System Act,  
24 Public Law No. 1-47, as amended by Public Law No. 1-71, in conflict with  
25 this act are null and void.

1 Section 3. Creation of public service systems. The legislative and  
2 judicial branches shall create public service systems to govern personnel  
3 matters within their respective branches. These systems shall be based on  
4 fair treatment and shall, to the greatest extent possible, be in harmony  
5 with the existing National Public Service System Act, Public Law No. 1-47,  
6 as amended. These systems shall be enacted by legislation and will be  
7 subject to the same review and approval as all other National legislation.

8 Section 4. Effective date. This act shall become law upon approval  
9 by the President of the Federated States of Micronesia or upon its becoming  
10 law without such approval.

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12 Date: 5/14/81

Introduced by: 

Luke Tman

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