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A BILL FOR AN ACT

To amend section 102 of title 17 of the Code of the Federated States of Micronesia, to require all agency regulations to be approved by Congress or an appropriate committee thereof, and for other purposes.

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

1 Section 1. Section 102 of title 17 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 102. Procedure for adoption of regulations.

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

6 (a) publish notice of its intended action for at
7 least thirty days by posting copies of the proposed regula-
8 tion in convenient public places in the State capitals
9 including at least the principal National Government office
10 in each State, each State Governor's office, the office of
11 the clerk of courts of the State and National courts and
12 of the Trust Territory High Court, and in each State capital
13 post office. The notice shall include:

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

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

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

22 (iv) the proposed effective date;

23 (b) communicate the general nature of the proposed
24 regulations and the place where the regulations are available
25 for review by radio announcements in each State in English

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1 and in the language or languages of the State;

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

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

15 (2) The Congress of the Federated States of Micronesia,
16 or the appropriate subject-matter committee thereof, when
17 Congress is not in session, shall approve all regulations
18 adopted, amended, or repealed pursuant to this section.
19 Congress, when in session, shall approve all regulations by
20 resolution, and when Congress is not in session, an appro-
21 priate committee thereof shall approve all regulations by a
22 report to the Speaker of the Congress endorsed by a majority
23 of the committee members.

24 (2) (3) If the President, or in his absence, the Vice
25 President, finds that the public interest so requires, or

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1 that an imminent peril to the public health, safety, or
2 welfare requires adoption of a regulation upon fewer than
3 thirty days' notice, and states in writing his reasons for
4 that finding, an emergency regulation may be adopted without
5 prior notice, ~~of~~ hearing, or congressional approval upon any
6 abbreviated notice and hearing that is found to be practicable.
7 The regulation may be effective for a period of not longer
8 than one hundred twenty days, but the adoption of an identical
9 regulation under subsection (1) of this section is not
10 precluded.

11 ~~(3)~~ (4) Regulations must be adopted in compliance with
12 this section. A judicial challenge on the basis of non-
13 compliance with the procedural requirements of this section
14 must be commenced within one year from the effective date
15 of the regulation, unless good cause is shown justifying an
16 inability to bring the action timely."

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

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21 Date: 10/26/82

Introduced by:

Jack Fritz
Jack Fritz

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