A BILL FOR AN ACT

To amend section 108 of title 4 of the Code of the Federated States of Micronesia to provide for the compensation of Justices of the FSM Supreme Court, and for other purposes.

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

Section 1. Section 108 of title 4 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 108. Compensation of the judiciary.

(1) Salaries. The Chief Justice of the Supreme Court of the Federated States of Micronesia shall receive a salary of $40,000 per annum. The Associate Justices of the Supreme Court shall receive a salary of $38,000 per annum.

(2) Overtime compensation. No Justices of the Supreme Court shall be entitled to any form of additional compensation for any work performed in excess of 40 hours per week.

(3) Health insurance. Justices of the Supreme Court and their dependents shall be entitled to participate in the National Government group health insurance program in effect during their tenure in office, under the same terms and conditions which apply to members of the National public service system.

(4) Housing. Furnished housing and utilities shall be provided without cost to each Justice of the Supreme Court and his spouse and dependents.

(5) Vehicle. Each Justice of the Supreme Court shall be provided with an automobile at his duty station, which shall be used primarily for official business.

(6) Educational allowance. There shall be provided an educational allowance to reimburse the Chief Justice for the expenses required to provide tuition and room and board for the
high school education of one dependent, and for one economy class
round trip air fare for said dependent per annum, for travel
between Ponoape and Honolulu, Hawaii. However, under no
circumstances shall the Chief Justice be entitled to an annual
educational allowance in excess of $15,000. This benefit shall
terminate in June 1985, and the Chief Justice shall be
entitled to no additional educational allowance for his
dependents after that time. No other dependents of the Chief
Justice or any other Justice of the Supreme Court shall be
entitled to educational allowances at any time.

(7) Retirement.

(a) Individual trust funds shall be established for
each Justice of the Supreme Court to provide for retirement
and survivor benefits for the Justices upon their retirement
or death, whichever comes first. Annual contributions shall
be made to these trust funds, PROVIDED that the amounts
contributed shall equal but not exceed an amount which, when
added to each Justice's individual annual salary, would cause
the salary and trust fund payments for any fiscal year to
exceed the amount of their individual annual salaries adjusted
for each fiscal year by the percentage change in the United
States Gross National Product Implicit Price Deflator, using
the beginning of fiscal year 1981 as the base; and PROVIDED
FURTHER that in no event shall funds deposited pursuant to
this subsection, or any earnings therefrom, be payable to

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any Justice, his spouse, or his dependents prior to his death or retirement from the position of Chief Justice or Associate Justice of the Supreme Court.

(b) The provisions of this subsection shall not apply to any Justice who terminates his service as a Justice of the Supreme Court due to impeachment or removal for cause.

(8) Family travel allowance.

(a) The Chief Justice and his spouse and dependents shall be entitled to an annual travel allowance in an amount equal to that which would be required to provide one economy class round trip air fare between Ponape and the Chief Justice's point of recruitment for the Chief Justice, his spouse, and their dependents. This travel allowance shall not be cumulative, and any travel right not taken within 6 months after the completion of the fiscal year in which the travel right accrues shall lapse.

(b) At such time as the Chief Justice and his spouse have no dependents, the travel allowance shall become biennial instead of annual, and shall be payable only with respect to the Chief Justice and his spouse. No Associate Justice of the Supreme Court shall be eligible for any family travel allowance.

(9) Home leave benefits. The provisions of Public Law No. 2-37, prohibiting Government-paid interim-employment home transportation costs for National Government officials and
employees, shall not apply to this section.

(10) Sick leave and annual leave.

(a) Sick leave shall accrue to the credit of each Justice of the Supreme Court at the rate of 4 hours per biweekly pay period, and annual leave shall accrue at the rate of 6 hours per biweekly pay period, PROVIDED, however, that no payment for accumulated sick leave may be made to any Justice and accumulated annual leave in excess of 240 hours shall lapse.

(b) The provisions of sections 2 and 3 of Public Law No. 3-16, prohibiting National Government employees who are exempt from the provisions of the National Public Service System Act from receiving or being credited with annual and sick leave, respectively, shall not apply to this section.

(11) Recruitment expenses.

(a) Each Justice of the Supreme Court shall be entitled to one shipment of household goods and personal effects from his point of recruitment to his duty station in the Federated States of Micronesia at the time of recruitment, PROVIDED that the weight of such goods and personal effects shall not exceed 5,000 pounds for Justices with a spouse and/or dependents, or 2,500 pounds for Justices without a spouse and/or dependents. Shipment of all such goods and personal effects must commence within 6 months of the date of entry on duty; the payment for any shipment made after said date
shall not be the responsibility of the Government of the
Federated States of Micronesia.

(b) Each Justice of the Supreme Court shall also
be entitled to the cost of storing household goods and personal
effects at his point of recruitment for the term of his
service as a Justice, PROVIDED that in no event shall the
total amount of goods and personal effects shipped or stored
at Government expense pursuant to this subsection exceed 7,000
pounds for Justices with a spouse and/or dependents, or 3,000
pounds for Justices without a spouse and/or dependents.

(c) Each Justice of the Supreme Court, his spouse,
and their dependents, shall also be entitled to an initial
recruitment travel allowance in an amount equal to that
which would be required to provide one economy class one-way
air fare for the Justice, his spouse, and their dependents,
from the Justice's point of recruitment to his duty station.

(12) Termination expense.

(a) Whenever a Justice of the Supreme Court shall
retire or otherwise terminate his service as a Justice of
the Court, he, his spouse, and their dependents at the time of
said termination, shall be entitled to a travel allowance in
an amount equal to that which would be required to provide
one economy class one-way air fare for the Justice, his spouse,
and their dependents, from his duty station to his point
of initial recruitment.
(b) Each such Justice shall also be entitled to government-paid shipment of his household goods and personal effects from his duty station to his point of initial recruitment, or some other place designated by the Justice, PROVIDED that under no circumstances shall the Government be required to pay more for shipping than would be required to ship the goods and effects of the Justice from his duty station to his point of initial recruitment.

(c) The weight of all household goods and personal effects shipped at Government expense when a Justice terminates his service as a Justice of the Supreme Court shall not exceed 5,000 pounds for Justices with a spouse and/or dependents, or 2,500 pounds for Justices without a spouse and/or dependents.

(d) The provisions of this subsection shall not apply to any Justice who terminates his service as a Justice of the Supreme Court due to impeachment or removal for cause.

(13) Life insurance. Life insurance on the life of each Justice of the Supreme Court, in an amount and under terms and conditions comparable to that available to employees of the National Government of the Federated States of Micronesia, shall be provided throughout the period of his service as a Justice, and thereafter for 30 days after the termination of his service as a Justice: PROVIDED, however, that in any event the amount of life insurance shall not be less than
the Justice's annual salary.

(14) Dependents. As used in this section, the term "dependents" is limited to the children of Justices and their spouses, PROVIDED that no child shall be considered a dependent after he graduates from undergraduate school, is married, or reaches the age of 22 years, whichever occurs first.

(15) Compensation limitations. No Justice of the Supreme Court shall be entitled to any benefits, remuneration, salary, or any other form of compensation except as provided by this section.

(16) Retroactivity. The provisions of this section shall be retroactive to the date of confirmation by the Congress of the Federated States of Micronesia of each Justice of the Supreme Court.

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

Date: October 28, 1983

Introduced by: [Signature]

Bethel Henry