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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 regulation
8 in convenient public places in the State capitals including at
9 least the principal National Government office in each State,
10 each State Governor's office, the office of the clerk of courts
11 of the State and National courts and of the Trust Territory High
12 Court, and in each State capital post office. The notice shall
13 include:

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

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
6 opportunity to submit data, views, or arguments, in writing.

7 In all proceedings under this section, an opportunity for an
8 oral hearing must be granted if requested by the Congress of the
9 Federated States of Micronesia or a committee thereof, a Govern-
10 ment subdivision or agency, or a State or local government.

11 Hearings afforded pursuant to this provision shall be conducted
12 in accordance with section 108 of this chapter. The agency shall
13 consider fully all written and oral submissions respecting the
14 proposed regulation.

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18 or repealed pursuant to this section.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

23 (~~1~~ 3) If the President, or in his absence, the Vice-President,
24 finds that the public interest so requires, or that an imminent
25 peril to the public health, safety, or welfare requires adoption

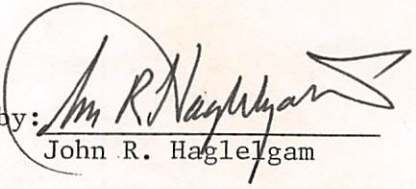
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1 of a regulation upon fewer than thirty days' notice, and states
 2 in writing his reasons for that finding, an emergency regulation
 3 may be adopted without prior notice, ~~of~~ hearing, or congressional
 4 approval upon any abbreviated notice and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

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

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

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 19 Date: 5/14/85

Introduced by: 
 John R. Haglelgam

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