

HESA
EX. 08

A BILL FOR AN ACT

To establish procedures for the testing, storage, use, or disposal of radioactive, toxic chemical, or other harmful substances within the jurisdiction of the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Statement of policy. It is the policy of the Govern-
2 ment of the Federated States of Micronesia that no radioactive, toxic
3 chemical, or other harmful substances be tested, stored, used, or
4 disposed of within the jurisdiction of the Federated States of Micro-
5 nesia without the express approval of the Government of the Federated
6 States of Micronesia.

7 Section 2. Statement of intent. The intent of this act is to
8 establish procedures for the granting of permission to test, store, use,
9 or dispose of radioactive, toxic chemical, or other harmful substances
10 within the jurisdiction of the Federated States of Micronesia.

11 Section 3. Procedure. Any person who desires to test, store,
12 use, or dispose of any radioactive, toxic chemical, or other harmful
13 substances within the jurisdiction of the Federated States of Micronesia
14 must file a permit application for such testing, storage, use, or disposal
15 with the Office of the President of the Federated States of Micronesia.
16 The President, or his designee, shall forthwith study the application.
17 The President shall then submit his findings of facts and recommendations
18 to the Congress of the Federated States of Micronesia for consideration.

19 Section 4. Approval of Congress required. No permit for the testing,
20 storage, use, or disposal of radioactive, toxic chemical, and other harm-
21 ful substances shall be valid unless it is approved by the Congress of the
22 Federated States of Micronesia by resolution. For purposes of this section,
23 a simple majority of the Members of Congress present is sufficient to adopt
24 such resolution.

25 Section 5. Recommendations of the State legislatures necessary. The

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1 President of the Federated States of Micronesia shall solicit inputs and
2 recommendations from the State affected by the application filed pur-
3 suant to section 3 of this act. The State affected may be allowed to
4 study the application for 60 days upon receipt of such application
5 from the President of the Federated States of Micronesia. Upon receipt
6 of the State's recommendation, the President shall submit such application
7 to the Congress for consideration. In the event the State affected does
8 not submit its recommendation after the expiration of the 60 day period
9 provided herein, the President shall nevertheless submit the application
10 along with his recommendations for consideration. The action of the
11 Congress is final, subject to the provision of section 6 of this act.

12 Section 6. Issuance of permit. The President of the Federated
13 States of Micronesia shall issue a permit to an applicant upon the approval
14 of the application by the Congress of the Federated States of Micronesia.

15 Section 7. Regulations. The President of the Federated States of
16 Micronesia is hereby authorized to promulgate regulations in conformity
17 with this act to effectuate the purpose of this act.

18 Section 8. Civil penalty. Any person testing, storing, using, or
19 disposing of any radioactive, toxic chemical, or other harmful substances
20 shall pay a fine of not less than \$50,000.

21 Section 9. Criminal liability. Any person who intentionally and
22 willfully tests, stores, uses, or disposes of any radioactive, toxic
23 chemical, or other harmful substances shall be criminally liable therefore,
24 and upon conviction thereof, shall be imprisoned for not less than 5 years,
25 but not more than 30 years, or fined not less than \$250,000, or both.

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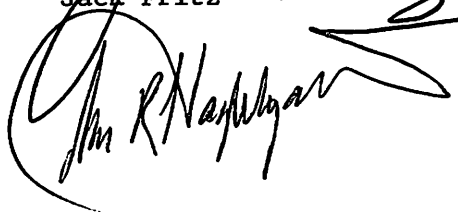
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1 Section 10. Effective date. This act shall become law upon approval
2 by the President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: 10/30/85

Introduced by:

Jack Fritz



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