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A BILL FOR AN ACT

To further amend title 21 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-7 and 5-104, by amending section 205; to further amend title 30 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-122, by amending section 110; to further amend title 52 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-21, by further amending section 117, as amended by Public Law No. 5-21; to amend section 203 of Public Law No. 2-74, codified as section 703 of title 53 of the Code of the Federated States of Micronesia; to amend section 18 of Public Law No. 3-14, codified as section 718 of title 24 of the Code of the Federated States of Micronesia; and to amend section 4 of Public Law No. 4-101, codified as section 204 of title 20 of the Code of the Federated States of Micronesia, all for the purpose of placing employees of independent agencies and public corporations created by National law within the National Public Service System; and for other purposes.

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

1 Section 1. Section 205 of title 21 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 205. Legal capacity of the Corporation. In performing
4 the functions authorized under this chapter or other law of
5 the Federated States of Micronesia, the Corporation shall have
6 the capacity to exercise all powers normally exercised by a
7 corporation, including, but not limited to, the following:

- 8 (1) to adopt, alter, and use a corporate seal;
- 9 (2) to adopt and amend bylaws governing the conduct of its
10 business and the exercise of its powers;
- 11 (3) to sue and be sued in its corporate name;
- 12 (4) to acquire, in any lawful manner, real, personal, or
13 mixed property, either tangible or intangible; to hold, main-
14 tain, use, and operate such property; and to sell, lease, or
15 otherwise dispose of such property;
- 16 (5) to acquire and take over in any lawful manner the
17 business, property, assets, and liabilities of any entity,
18 including the Government of the Trust Territory of the Pacific
19 Islands relating to communications;
- 20 (6) to borrow or raise any sum or sums of money and to
21 issue corporate bonds on such security and upon such terms as
22 may from time to time be deemed necessary for the expansion
23 and improvement of communications facilities;
- 24 (7) to retain and terminate the services of employees,
25 agents, attorneys, auditors, and independent contractors upon

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1 such terms and conditions as it may deem appropriate but in
2 accordance with applicable law; and

3 (8) to do all such other things as may be deemed inciden-
4 tal to or conducive to the attainment of the responsibilities
5 of the Corporation."

6 Section 2. Section 110 of title 30 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 110. President, officers, and employees of the Bank.

9 (1) The Board shall select a President of the Bank. The
10 President of the Federated States of Micronesia and the High
11 Commissioner shall jointly select the first President of the
12 Bank, after consultation with the Board. The first President
13 of the Bank shall not be removed without the approval of the
14 President of the Federated States of Micronesia and the High
15 Commissioner.

16 (2) The President shall manage the operations of the Bank,
17 with the assistance of a Vice President and a secretary-
18 treasurer. The President shall select the Vice President and
19 secretary-treasurer of the Bank, subject to approval by the
20 Board.

21 (3) Officers ~~and employees~~ of the Bank shall be exempt from
22 the provisions of the *Trust Territory Merit System Law and*
23 *Compensation Plan, and similar laws and plans of the Government*
24 *of the Federated States of Micronesia* National Public Service
25 System Act and the Public Service Salary Act of 1979.

1 (4) The salary of the President shall be set by the Board.
2 The salary of the first President appointed jointly by the
3 President ~~and~~ of the Federated States of Micronesia and the High
4 Commissioner shall be set by them, in consultation with the
5 Board. The salary of the Vice President shall be set by the
6 President with the approval of the Board and shall not exceed a
7 sum equal to ninety percent of the salary of the President. The
8 salary of all the other officers and employees of the Bank shall
9 be established by the President, with the approval of the Board.

10 (5) No member of the Board shall be an officer or employee
11 of the Bank, except that the President of the Bank shall be an
12 ex officio member of the Board, without the power to vote."

13 Section 3. Section 117 of title 52 of the Code of the Federated
14 States of Micronesia, as amended by Public Law No. 5-21, is hereby further
15 amended to read as follows:

16 "Section 117. Application of chapter; Exemptions. The National
17 Public Service System shall apply to all employees of and
18 positions in the central Government of the Federated States of
19 Micronesia, and in independent agencies and public corporations
20 created by National law, now existing or hereafter established
21 and to all personnel services performed for that Government
22 except the following, unless this chapter or provisions thereof
23 are specifically made applicable to them:

24 (1) members of the Congress of the Federated States of
25 Micronesia;

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- 1 (2) the President and Vice President of the Federated
 - 2 States of Micronesia;
 - 3 (3) Justices and other Judges of the National Courts;
 - 4 (4) the legislative counsel, deputy legislative counsel,
 - 5 budget officer, and the Clerk of the Congress;
 - 6 (5) the Public Auditor;
 - 7 (6) the administrative officer of the National Courts;
 - 8 (7) the special assistants and secretaries to the President
 - 9 and Vice President;
 - 10 (8) persons appointed by the President to fill the
 - 11 following positions: Secretary of External Affairs, Secretary
 - 12 of Finance, Secretary of Resources and Development, Secretary
 - 13 of Transportation, Secretary of Human Resources, Budget Officer,
 - 14 National Planner, Director of Administrative Services, Attorney
 - 15 General, and Public Defender, and their deputies, if any;
 - 16 (9) persons appointed to any other positions by the
 - 17 President with the advice and consent of the Congress;
 - 18 (10) the Representative in Washington and all ambassadors;
 - 19 (11) persons or organizations retained by contract when
 - 20 the Personnel Officer has certified that the service to be per-
 - 21 formed is special or unique and nonpermanent and is essential to
 - 22 the public interest, and that, because of the degree of expertise
 - 23 or special knowledge required and the nature of the services to
 - 24 be performed, it would not be practical to obtain personnel to
 - 25 perform such services through normal public service recruitment

1 procedures;

2 (12) persons presently under contract of employment not
3 included in subsection (11) of this section, during the life of
4 such contract. No contract of employment shall be entered into,
5 renewed, or amended after the effective date of this chapter,
6 except in accordance with the provisions of this chapter;

7 (13) temporary positions, required in the public interest,
8 for which the need does not exceed six months;

9 (14) positions requiring part-time or intermittent work
10 which does not exceed sixty hours in any calendar month;

11 (15) positions filled by inmates, patients, and students
12 of institutions of the Federated States of Micronesia;

13 (16) members of any board, public corporation board of
14 directors, commission, or similar body, in their capacity as
15 such;

16 (17) officers, faculty, and employees of the Board of
17 Regents and the College of Micronesia; and

18 (18) positions specifically exempted by any other law of
19 the Federated States of Micronesia."

20 Section 4. Section 703 of title 53 of the Code of the Federated
21 States of Micronesia is hereby amended to read as follows:

22 "Section 703. Promulgation of regulations; Hearings; Employees;
23 Annual report. The Board may adopt, amend, or rescind
24 regulations for the administration of this subtitle pursuant to
25 chapter 1 of title 17 of this Code. It may hold hearings or

1 make decisions upon hearings delegated to others for the purpose
2 of determining any question involving any right, benefit, or
3 obligation of any person subject to this subtitle. ~~It may fix~~
4 ~~the compensation of such employees it deems necessary within~~
5 ~~the limits of available administrative funds budgeted for~~
6 ~~its operation, and it~~ It may contract for special actuarial
7 and other counseling on a fee basis. It shall bond itself
8 and its employees in such amounts as it shall fix. It shall
9 receive audited accounts of the Social Security System within
10 ninety days of the end of the fiscal year of the system and
11 transmit these accounts to the President and the Congress of the
12 Federated States of Micronesia. The annual accounts and report
13 shall be made available to the public. It shall submit to the
14 President and the Congress for each fiscal year a report on its
15 operations and the condition of its funds, and subject to section
16 707 of this chapter, in such report shall make recommendations for
17 amendments to this subtitle as it deems desirable."

18 Section 5. Section 718 of title 24 of the Code of the Federated States
19 of Micronesia is hereby amended to read as follows:

20 "Section 718. Employees of the Corporation.

21 (1) The Corporation may employ a full-time executive
22 director, who shall be appointed by a majority vote of the
23 entire membership of the Board. The compensation, terms, and
24 conditions of employment shall be determined by the Board. The
25 executive director shall be accountable and answerable to the

1 Board for the daily operation of the Corporation.

2 (2) The executive director may hire, subject to the
3 approval of the Board and applicable law and budgetary
4 constraints, such supporting staff as he deems necessary and
5 proper to effect the purpose of this chapter. *The employees of the*
6 *Corporation shall be exempt from the provisions of the Federated*
7 *States of Micronesia National Public Service System Act.*

8 (3) No member of the Board may at the same time serve as
9 an employee of the Corporation."

10 Section 6. Section 204 of title 20 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 204. Legal capacity of the Corporation. In performing
13 the functions authorized by this chapter or other law of the
14 Federated States of Micronesia, the Corporation shall have the
15 capacity to exercise all powers normally exercised by a
16 corporation, including, but not limited to, the following:

17 (1) to adopt, alter, and use a corporate seal;

18 (2) to adopt and amend bylaws governing the conduct of its
19 business and the exercise of its powers;

20 (3) to sue and be sued in its corporate name;

21 (4) to acquire, in any lawful manner, real, personal, or
22 mixed property, either tangible or intangible; to hold, maintain,
23 use, and operate such property; and to sell, lease, or otherwise
24 dispose of such property;


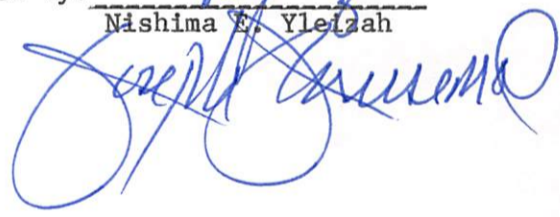
25 (5) to acquire and take over in any lawful manner the

1 business, property, assets, and liabilities of any entity;
 2 (6) to borrow or raise any sum or sums of money and to
 3 issue corporate bonds on such security and upon such terms as
 4 may from time to time be deemed necessary for the expansion and
 5 improvement of air transportation services;
 6 (7) to retain and terminate the services of employees,
 7 agents, attorneys, auditors, and independent contractors upon
 8 such terms and conditions as it may deem appropriate but in
 9 accordance with applicable law; and
 10 (8) to do all such other things as may be deemed incidental
 11 to or conducive to the attainment of the responsibilities of
 12 the Corporation."

13 Section 7. This act shall take effect 90 days after becoming law.

14 Section 8. This act shall become law upon approval by the President
 15 of the Federated States of Micronesia or upon its becoming law without
 16 such approval.

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 18 Date: 5/25/89

Introduced by: 
 Nishima E. Yleizah


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