

TFC

6-169

A BILL FOR AN ACT

To amend title 20 of the Code of the Federated States of Micronesia by amending sections 101, 102, 103, 108, 109, 110, 111, and 112, by repealing sections 104, 105, 106, and 107, and by adding new sections 109 and 110 to revise the Civil Aviation laws 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. Section 101 of title 20 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3 "Section 101. Definitions. As used in this chapter,  
4 unless the context otherwise requires:

5 (1) 'Aeronautics' means the science and art of flight.

6 (2) 'Aircraft' means any contrivance now known or  
7 hereafter invented, used, or designed for navigation of or  
8 flight in the air.

9 (3) 'Airport' means any area of land or water which  
10 is used or intended for use for the landing and takeoff of  
11 aircraft, and any appurtenant areas which are used or  
12 intended for use for airport buildings or other airport  
13 facilities or rights of way, including approaches, together  
14 with all airport buildings and facilities located thereon.

15 (4) 'Department' means the Department of  
16 Transportation ~~and Communications~~ of the ~~Trust Territory~~  
17 Federated States of Micronesia.

18 (5) 'F.S.M.' means Federated States of Micronesia.

19 (6) 'Director Secretary' means the ~~director~~ Secretary  
20 of the Department of Transportation ~~and Communications~~ of  
21 the ~~Trust Territory~~ Federated States of Micronesia or his  
22 designee.

23 (8) 'Trust Territory' means Trust Territory."

24 Section 2. Section 102 of title 20 of the Code of the Federated  
25 States of Micronesia is hereby amended to read as follows:

1           "Section 102. Supervision and development of aeronautics -  
2           General.

3           (1) The department shall have general supervision  
4           over aeronautics within the *Trust Territory* Federated  
5           States of Micronesia. It shall encourage, foster, and  
6           assist in the development of aeronautics in the *Trust*  
7           *Territory* Federated States of Micronesia and encourage the  
8           establishment of airports and air navigation facilities in  
9           appropriate areas.

10          (2) The department shall cooperate with ~~and assist~~  
11          ~~agencies of the United States Government, District State~~  
12          governments, and other agencies, parties, or persons in the  
13          development of aeronautics, and shall seek to coordinate  
14          the aeronautical activities of the *Trust Territory*  
15          Federated States of Micronesia with appropriate agencies of  
16          the United States Government in accordance with the terms  
17          of the Compact of Free Association and subsidiary  
18          agreements thereto.

19          (3) ~~District State~~ District State governments of the *Trust Territory*  
20          Federated States of Micronesia shall cooperate with the  
21          department in the development of aeronautics and aeronautic  
22          facilities."

23          Section 3. Section 103 of title 20 of the Code of the Federated  
24          States of Micronesia is hereby amended to read as follows:

25          "Section 103. Administration of airports and facilities.

1 The department shall be responsible for and have the  
2 authority to regulate ~~the administration of airports and~~  
3 ~~air navigational facilities in the Trust Territory~~  
4 international and interstate civil aviation in the  
5 Federated States of Micronesia including:

6 (1) ~~the planning, acquisition, establishment,~~  
7 ~~enlargement, and improvement of airports, airport~~  
8 ~~facilities, and air navigational facilities;~~

9 (2) the establishment of policies, rules, and  
10 regulations for air traffic safety, operations, and control;

11 (3) the protection of airports and aircraft against  
12 hazards;

13 (4) ~~the establishment of landing and use fees for~~  
14 ~~airports;~~

15 (5) the establishment of a system of airport and  
16 aircraft inspection;

17 (6) the establishment of criteria for airport  
18 personnel, aircraft crews, and maintenance personnel  
19 requiring appropriate training and tests;

20 (7) the establishment of rules and regulations  
21 relating to airport and aircraft safety;

22 (8) the provision of necessary technical assistance  
23 to airports; and

24 (9) the establishment of reasonable fees for services  
25 rendered pursuant to this chapter."

1 Section 4. Sections 104, 105, 106 and 107 of title 20 of the  
2 Code of the Federated States of Micronesia are hereby repealed in  
3 their entirety.

4 Section 5. Section 108 of title 20 of the Code of the Federated  
5 States of Micronesia is hereby amended to read as follows:

6 "Section ~~108~~104. Federal aid. The department may accept,  
7 receive, disburse, and expend moneys from the United States  
8 Government and other moneys, public or private, made  
9 available by grant or loan to accomplish, in whole or in  
10 part, any of the purposes of this act. Such moneys shall  
11 be managed in accordance with title 55 of the Code of the  
12 Federated States of Micronesia. All moneys from the United  
13 States Government accepted under and pursuant to this  
14 Chapter shall be accepted and expended by the department  
15 upon such terms and conditions as are prescribed by the  
16 United States Government, and the department may enter into  
17 any contracts which may be required in connection  
18 therewith."

19 Section 6. Section 109 of title 20 of the Code of the Federated  
20 States of Micronesia is hereby amended to read as follows:

21 "Section ~~109~~105. United States-Trust/Territory Federated  
22 States of Micronesia joint hearings and reciprocal services.

23 (1) Joint hearings/ In accordance with the Compact  
24 of Free Association and subsidiary agreements thereto the  
25 department may confer ~~with or hold~~ joint hearings with any

1 agency of the United States Government in connection with  
2 any matter arising under this chapter or relating to the  
3 sound development of aeronautics.

4 *(2) Reciprocal services. The department may avail*  
5 *itself of the cooperation, services, records, and*  
6 *facilities of the agencies of the United States Government*  
7 *as fully as may be practicable in the administration and*  
8 *enforcement of this chapter. The department shall furnish*  
9 *to the agencies of the United States Government its*  
10 *cooperation, services, records, and facilities, insofar as*  
11 *may be practicable."*

12 Section 7. Section 110 of title 20 of the Code of the Federated  
13 States of Micronesia is hereby amended to read as follows:

14 "Section 110106. Accidents involving aircraft.

15 (1) It shall be the duty of the ~~director~~ Secretary to:

16 (a) make rules and regulations governing  
17 notification and report of accidents involving aircraft,  
18 *subject to section 120 of this chapter;*

19 (b) investigate such accidents and prepare  
20 records of the facts, conditions, and circumstances  
21 relating to each accident and the probable cause thereof,  
22 and, in carrying out his duties under this section, the  
23 ~~director~~ Secretary is authorized to examine and test to the  
24 extent necessary any aircraft, aircraft engine, propeller,  
25 appliance, or property aboard an aircraft involved in an

1 accident; and

2 (c) take necessary steps that will tend to  
3 prevent similar accidents in the future.

4 (2) In conducting any investigation as provided in  
5 this section, the ~~Director~~ Secretary may seek assistance  
6 from the appropriate agency of the United States Government  
7 and may make available to such agency his records and any  
8 parts of any aircraft involved in an accident."

9 Section 8. Section 111 of title 20 of the Code of the Federated  
10 States of Micronesia is hereby amended to read as follows:

11 "Section 111107. Enforcement of aeronautical laws. The  
12 ~~Director~~ Secretary, officers, and employees of the  
13 department, and every police officer charged with the  
14 enforcement of laws in the Trust Territory Federated States  
15 of Micronesia, shall enforce and assist in the enforcement  
16 of this chapter and of all rules, regulations, and orders  
17 issued pursuant thereto, and of all other laws of the  
18 Trust Territory Federated States of Micronesia relating to  
19 aeronautics, and, in that capacity, may inspect and examine  
20 at reasonable hours any premises and the buildings and  
21 other structures thereon where airports, air navigation  
22 facilities, or other aeronautical activities are operated  
23 or conducted."

24 Section 9. Section 112 of title 20 of the Code of the Federated  
25 States of Micronesia is hereby amended to read as follows:

1           "Section 11Z108. Rules, regulations, and standards.

2           (1) The ~~director~~ Secretary may perform acts, issue  
3           and amend orders, make, promulgate, and amend reasonable  
4           rules, regulations, and procedures, and establish minimum  
5           standards consistent with this chapter as he deems  
6           necessary to carry out the provisions of this chapter. The  
7           ~~director~~ Secretary is to perform his duties under this  
8           chapter commensurate with and for the purpose of protecting  
9           and insuring the general public interest and safety, and  
10          the safety of persons operating, using, or traveling in  
11          aircraft, and the safety of persons and property on land or  
12          water, and commensurate with and for the purpose of  
13          developing and promoting aeronautics in the Trust Territory  
14          Federated States of Micronesia. *No rule or regulation of*  
15          *the director shall apply to airports or air navigation*  
16          *facilities owned or operated by the United States*  
17          *Government.*

18          (2) *No rules, regulations, orders, or standards*  
19          *prescribed by the director shall be inconsistent with or*  
20          *contrary to any act of the Congress of the United States,*  
21          *or any regulations promulgated or standards established*  
22          *pursuant thereto that are applicable to the Trust Territory.*

23          (3) All rules and regulations having the force and  
24          effect of law shall be approved by the High Commissioner  
25          President and promulgated in accordance with chapter 2 of

1 title 17 of this code."

2 Section 10. Title 20 of the Code of the Federated States of  
3 Micronesia is hereby amended by adding a new section 109 to read as  
4 follows:

5 "Section 109. Civil penalties. Any person who violates  
6 any provision of this chapter or any rule, regulation, or  
7 order issued thereunder, or any term condition, or  
8 limitation of any permit or certificate issued under this  
9 act, shall be subject to a civil penalty not to exceed  
10 \$1,000 for each such violation, except that the amount of  
11 civil penalty shall not exceed \$10,000 for each such  
12 violation which relates to the transportation of hazardous  
13 materials. If such violation is a continuing one, each day  
14 of such violation shall constitute a separate offense. The  
15 amount of any such civil penalty which relates to the  
16 transportation of hazardous materials shall be assessed by  
17 the Secretary, or his delegate, upon written notice upon  
18 finding of violation by the Secretary, after notice and an  
19 opportunity for a hearing as provided by title 17 of the  
20 Code of the Federated States of Micronesia. In determining  
21 the amount of such penalty, the Secretary shall take into  
22 account the nature, circumstances, extent, and gravity of  
23 the violation committed and, with respect to the person  
24 found to have committed such violation, the degree of  
25 culpability, any history of prior offenses, ability to pay,



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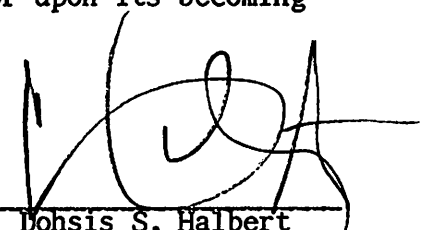
1 effect on ability to continue to do business, and such  
2 other matters as justice may require."

3 Section 11. Title 20 of the Code of the Federated States of  
4 Micronesia is hereby amended by adding a new section 110 to read as  
5 follows:

6 "Section 110. Criminal penalties. Any person who  
7 knowingly and willfully violates any provision of this act  
8 or any order, rule, or regulation issued by the Secretary  
9 or any term, condition, or limitation of any certificate or  
10 permit issued under this act shall be deemed guilty of a  
11 misdemeanor and upon conviction thereof shall be subject  
12 for this offense to a fine of not more than \$500, and for  
13 any subsequent offense to a fine of not more than \$2,000.  
14 If such violation is a continuing one, each day of such  
15 violation shall constitute a separate offense."

16 Section 12. This act shall become law upon approval by the  
17 President of the Federated States of Micronesia or upon its becoming  
18 law without such approval.

19  
20 Date: 12/05/89

Introduced by:   
Dohsis S. Halbert  
(by request)

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