

HESA

A BILL FOR AN ACT

To reorganize the Government of the Federated States of Micronesia by creating separate Departments of Education and Health Services out of the Department of Human Resources, and for other purposes.

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

1 Section 1. Section 203 of title 2 of the Code of the Federated
2 States of Micronesia, as amended by Public Laws Nos. 5-21 and 6-62,
3 is hereby further amended to read as follows:

4 "Section 203. Departments.

5 (1) There shall be the following departments which
6 shall be responsible for major programs or administrative
7 support areas in the Government of the Federated States:

- 8 (a) Department of Finance;
- 9 (b) Department of External Affairs;
- 10 (c) Department of Transportation and Communication;
- 11 (d) Department of Resources and Development; ~~and~~
- 12 (e) Department of ~~Human Resources~~ Health
- 13 Services; and
- 14 (f) Department of Education.

15 (2) The administrative head of each department shall
16 be designated as a 'Secretary.'

17 (3) Succession.

18 (a) Any reference to the Office of Information,
19 the Office of Personnel, ~~the Office of Education, the Office~~
20 ~~of Health Services of~~ the Department of Transportation
21 or the Department of Human Resources shall apply to the
22 appropriate successor entity.

23 (b) Any reference to any official or employee of
24 an entity referred to in subsection (3)(a) of this section
25 shall be construed as applying to the person holding the

1 same or most similar position in the appropriate successor
2 entity."

3 Section 2. Section 101 of title 41 of the Code of the Federated
4 States of Micronesia, as amended by Public Law No. 5-21, is hereby
5 further amended to read as follows:

6 "Section 101. Duties of director of Health Services
7 generally.

8 (1) The director of Health Services shall either
9 personally or by his duly authorized representatives
10 maintain and improve health and sanitary conditions,
11 minimize and control communicable disease, establish
12 standards of medical and dental care and practice,
13 encourage scientific investigation in the field of health,
14 and supervise and administer all Government-owned
15 hospitals, sanitariums, clinics, dispensaries, and such
16 other medical and dental facilities as are or may be
17 established throughout the Federated States of Micronesia.

18 (2) As used in this title 'Director of Health
19 Services' means the Secretary of ~~Human Resources~~ Health
20 Services or his designee."

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

24 "Section 117. Application of chapter; Exemptions. The
25 National Public Service System shall apply to all employees

1 of and positions in the central Government of the Federated
2 States of Micronesia now existing or hereafter established
3 and to all personnel services performed for that Government
4 except the following, unless this chapter or provisions
5 thereof are specifically made applicable to them:

6 (1) members of the Congress of the Federated States of
7 Micronesia;

8 (2) the President and Vice President of the Federated
9 States of Micronesia;

10 (3) Justices and other Judges of the National Courts;

11 (4) the legislative counsel, deputy legislative
12 counsel, budget officer, and the Clerk of the Congress;

13 (5) the Public Auditor;

14 (6) the administrative officer of the National Courts;

15 (7) the special assistants and secretaries to the
16 President and Vice President;

17 (8) persons appointed by the President to fill the
18 following positions: Secretary of External Affairs,
19 Secretary of Finance, Secretary of Resources and
20 Development, Secretary of Transportation, Secretary of
21 ~~Human Resources~~ Health Services, Secretary of Education,
22 Budget Officer, National Planner, Director of
23 Administrative Services, Attorney General, and Public
24 Defender, and their deputies, if any;

25 (9) persons appointed to any other positions by the

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- 1 President with the advice and consent of the Congress;
- 2 (10) the Representative in Washington and all
- 3 ambassadors;
- 4 (11) persons or organizations retained by contract when
- 5 the Personnel Officer has certified that the service to be
- 6 performed is special or unique and nonpermanent and is
- 7 essential to the public interest, and that, because of the
- 8 degree of expertise or special knowledge required and the
- 9 nature of the services to be performed, it would not be
- 10 practical to obtain personnel to perform such services
- 11 through normal public service recruitment procedures;
- 12 (12) persons presently under contract of employment not
- 13 included in subsection (11) of this section, during the
- 14 life of such contract. No contract of employment shall be
- 15 entered into, renewed, or amended after the effective date
- 16 of this chapter, except in accordance with the provisions
- 17 of this chapter;
- 18 (13) temporary positions, required in the public
- 19 interest, for which the need does not exceed six months;
- 20 (14) positions requiring part-time or intermittent work
- 21 which does not exceed sixty hours in any calendar month;
- 22 (15) positions filled by inmates, patients, and
- 23 students of institutions of the Federated States of
- 24 Micronesia;
- 25 (16) members of any board, public corporation,

1 commission, or similar body, in their capacity as such;

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

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

6 Section 4. Section 503 of title 25 of the Code of the Federated
7 States of Micronesia, as amended by Public Law No. 5-21, is hereby
8 further amended to read as follows:

9 "Section 503. Definitions. The following words, for the
10 purpose of this act, shall have the following meanings:

11 (1) 'Board' means the Secretary of ~~Human Resources~~
12 Health Services;

13 (2) 'Chairman of the Board' or 'chairman' means the
14 Secretary of ~~Human Resources~~ Health Services or his
15 designee;

16 (3) 'Person' means the Federated States of
17 Micronesia, a State, municipality, political subdivision, a
18 public or private institution, corporation, partnership,
19 joint venture, association, firm, or company organized or
20 existing under the laws of the Federated States of
21 Micronesia or any State or country, lessee or other
22 occupant of property, or individual, acting singly or as a
23 group;

24 (4) 'Pollutant' means one or more substances or forms
25 of energy which, when present in the air, land, or water,

1 are or may be harmful or injurious to human health,
2 welfare, or safety, to animal or plant life, or to
3 property, or which unreasonably interfere with the
4 enjoyment by the people of life or property.

5 (5) 'Primary drinking water regulation' means a
6 regulation which:

7 (a) Applies to public water systems;

8 (b) Specifies contaminants which, in the
9 judgment of the Board, may have any adverse effect on the
10 health of persons; and

11 (c) Specifies for each such contaminant either:

12 (i) A maximum contaminant level, if, in the
13 judgment of the Board, it is economically and technologically
14 feasible to ascertain the level of such contaminant in
15 water in public water systems; or

16 (ii) If, in the judgment of the Board, it is
17 not economically or technologically possible to so
18 ascertain the level of such contaminant, each treatment
19 technique known to the Board which leads to a reduction in
20 the level of such contaminant;

21 (d) Contains criteria and procedures to assure a
22 supply of drinking water which dependably complies with such
23 maximum contaminant levels, including quality control and
24 testing procedures to ensure compliance with such levels
25 and to ensure proper operation and maintenance of the

1 system and requirements as to:

2 (i) The minimum quality of water which may
3 be taken into the system; and

4 (ii) Siting for new facilities for public
5 water systems.

6 (6) 'Secondary drinking water regulation' means a
7 regulation which applies to public water systems and which
8 specifies the maximum contaminant level which in the
9 judgment of the Board is requisite to protect the public
10 welfare. Such regulations may apply to any contaminant in
11 drinking water:

12 (a) Which may adversely affect the odor or
13 appearance of such water and consequently may cause a
14 substantial number of persons served by the public water
15 system providing such water to discontinue its use; or

16 (b) Which may otherwise adversely affect the
17 public welfare. Such regulations may vary according to
18 geographic or other circumstances.

19 (7) 'Trust Territory Environmental Protection Board'
20 means the board established pursuant to 25 F.S.M.C. 201."

21 Section 5. Section 202 of title 41 of the Code of the Federated
22 States of Micronesia, as amended by Public Law No. 5-21, is hereby
23 further amended to read as follows:

24 "Section 202. Definitions. As used herein unless otherwise
25 indicated by the context:

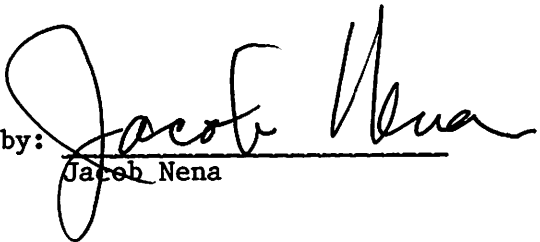
1 (1) 'Board' means the Secretary of ~~Human Resources~~
2 Health Services.

3 (2) 'Practice of medical health care' includes
4 activities as a doctor, nurse, optometrist, dentist or
5 pharmacist, as those activities may be described by the
6 President or the Board pursuant to this act or amendments
7 hereto.

8 (3) 'President' means the President of the Federated
9 States of Micronesia."

10 Section 6. This act shall become law upon approval by the
11 President of the Federated States of Micronesia or upon its becoming
12 law without such approval.

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14 Date: 10/18/90

Introduced by: 
Jacob Nena

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