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:

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

"Section 203. Departments.

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

(a) Department of Finance;
(b) Department of External Affairs;
(c) Department of Transportation and Communication;
(d) Department of Resources and Development; and
(e) Department of Health Services; and
(f) Department of Education.

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

(3) Succession.

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

(b) Any reference to any official or employee of an entity referred to in subsection (3)(a) of this section shall be construed as applying to the person holding the
same or most similar position in the appropriate successor entity."

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

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

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

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

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

"Section 117. Application of chapter; Exemptions. The National Public Service System shall apply to all employees
of and positions in the central Government of the Federated States of Micronesia now existing or hereafter established and to all personnel services performed for that Government except the following, unless this chapter or provisions thereof are specifically made applicable to them:

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

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

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

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

(5) the Public Auditor;

(6) the administrative officer of the National Courts;

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

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

(9) persons appointed to any other positions by the
President with the advice and consent of the Congress;

(10) the Representative in Washington and all

ambassadors;

(11) persons or organizations retained by contract when
the Personnel Officer has certified that the service to be
performed is special or unique and nonpermanent and is
essential to the public interest, and that, because of the
degree of expertise or special knowledge required and the
nature of the services to be performed, it would not be
practical to obtain personnel to perform such services
through normal public service recruitment procedures;

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

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

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

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

(16) members of any board, public corporation,
commission, or similar body, in their capacity as such;
(17) officers, faculty, and employees of the Board of
Regents and the College of Micronesia;
(18) positions specifically exempted by any other law
of the Federated States of Micronesia."

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

"Section 503. Definitions. The following words, for the
purpose of this act, shall have the following meanings:
(1) 'Board' means the Secretary of Human Resources
Health Services;
(2) 'Chairman of the Board' or 'chairman' means the
Secretary of Human Resources Health Services or his
designee;
(3) 'Person' means the Federated States of
Micronesia, a State, municipality, political subdivision, a
public or private institution, corporation, partnership,
joint venture, association, firm, or company organized or
existing under the laws of the Federated States of
Micronesia or any State or country, lessee or other
occupant of property, or individual, acting singly or as a
group;
(4) 'Pollutant' means one or more substances or forms
of energy which, when present in the air, land, or water,
are or may be harmful or injurious to human health,

welfare, or safety, to animal or plant life, or to

property, or which unreasonably interfere with the

enjoyment by the people of life or property.

(5) 'Primary drinking water regulation' means a

regulation which:

(a) Applies to public water systems;

(b) Specifies contaminants which, in the

judgment of the Board, may have any adverse effect on the

health of persons; and

(c) Specifies for each such contaminant either:

(1) A maximum contaminant level, if, in the

judgment of the Board, it is economically and technologically

feasible to ascertain the level of such contaminant in

water in public water systems; or

(ii) if, in the judgment of the Board, it is

not economically or technologically possible to so

ascertain the level of such contaminant, each treatment

technique known to the Board which leads to a reduction in

the level of such contaminant;

(d) Contains criteria and procedures to assure a

supply of drinking water which dependably complies with such

maximum contaminant levels, including quality control and

testing procedures to ensure compliance with such levels

and to ensure proper operation and maintenance of the
system and requirements as to:

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

(11) Siting for new facilities for public
water systems.

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

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

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

(7) 'Trust Territory Environmental Protection Board'
means the board established pursuant to 25 F.S.M.C. 201."
Section 5. Section 202 of title 41 of the Code of the Federated
States of Micronesia, as amended by Public Law No. 5-21, is hereby
further amended to read as follows:

"Section 202. Definitions. As used herein unless otherwise
indicated by the context:
(1) 'Board' means the Secretary of Health Services.

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

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

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

Date: 10/18/90  Introduced by: [Signature]