

AN ACT

To further amend title 17 of the Code of the Federated States of Micronesia, as amended, by further amending sections 102 and 103, as amended by Public Law No. 7-92, and by amending section 104, to require distribution of emergency regulations to Congress and to require distribution of final regulations to Congress, and for other purposes.

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

1 Section 1. Section 102 of title 17 of the Code of the Federated
2 States of Micronesia, as amended by Public Law No. 7-92, is hereby
3 further amended to read as follows:

4 "Section 102. Procedure for adoption of regulations.

5 (1) Prior to adoption, amendment, or repeal of any
6 regulation, the agency shall:

7 (a) publish notice of its intended action for at
8 least thirty (30) days by posting copies of the proposed
9 regulation in convenient public places in the State capitals
10 including at least the principal National Government office
11 in each State, each State Governor's office, the office of
12 the clerk of courts of the State and National courts and in
13 each State capital post office. The notice shall include:

14 (i) a statement of either the terms or
15 substance of the proposed regulation or a description of the
16 subjects and issues involved;

17 (ii) reference to the authorities under which
18 the action is proposed;

19 (iii) the time when, the place where, and the
20 manner in which interested persons may present their views
21 thereon; and

22 (iv) the proposed effective date;

1 (b) communicate the general nature of the proposed
2 regulations and the place where the regulations are available
3 for review by radio announcements in each State in English
4 and in the language or languages of the State;

5 (c) transmit copies of the proposed regulations to
6 the Speaker of the Congress, to the chairman of each standing
7 committee thereof, and to the Legislative Counsel;

8 (d) afford all interested persons reasonable
9 opportunity to submit data, views, or arguments, in writing.
10 In all proceedings under this section, an opportunity for an
11 oral hearing must be granted if requested by the Congress of
12 the Federated States of Micronesia or a committee thereof, a
13 Government subdivision or agency, or a State or local
14 government. Hearings afforded pursuant to this provision
15 shall be conducted in accordance with section 108 of this
16 chapter. The agency shall consider fully all written and
17 oral submissions respecting the proposed regulation.

18 (2) If the President, or in his absence, the Vice
19 President, finds that the public interest so requires, or
20 that an imminent peril to the public health, safety, or
21 welfare requires adoption of a regulation upon fewer than
22 thirty (30) days' notice, and states in writing his reasons
23 for that finding, an emergency regulation may be adopted
24 without prior notice or hearing upon any abbreviated notice
25 and hearing that is found to be practicable. The regulation

1 may be effective for a period of not longer than one hundred
2 twenty (120) days, but the adoption of an identical
3 regulation under subsection (1) of this section is not
4 precluded.

5 (3) Regulations must be adopted in compliance with this
6 section. A judicial challenge on the basis of noncompliance
7 with the procedural requirements of this section must be
8 commenced within one year from the effective date of the
9 regulation, unless good cause is shown justifying an
10 inability to bring the action timely."

11 Section 2. Section 103 of title 17 of the Code of the Federated
12 States of Micronesia, as amended by Public Law No. 7-92, is hereby
13 further amended to read as follows:

14 "Section 103. Filing and availability of regulations.

15 (1) Within ten (10) days of adoption pursuant to the
16 provisions of section 102 of this chapter, each agency shall
17 file in the Office of the Registrar of Corporations, the
18 office of each State Governor, and with the Clerks of Court
19 of both the State and National courts, a certified copy of
20 each regulation adopted by it, including all temporary
21 emergency regulations, all final adopted regulations, and all
22 regulations existing on the effective date of this chapter.
23 Each agency shall also provide a certified copy of each
24 regulation adopted by it to the Speaker of the Congress, to
25 the chairman of each standing committee thereof, and to the

1 Legislative Counsel within ten (10) days of its adoption.

2 (2) The Registrar of Corporations and the Clerk and
3 assistant clerks of the Supreme Court shall keep a permanent
4 register of regulations open to public inspection. Each such
5 official shall provide, promptly upon request to him, copies
6 of all regulations requested. Copies shall be provided
7 without charge to agencies and officials of the National and
8 State Governments and to other persons at reasonable prices
9 to cover costs of copying and postage."

10 Section 3. Section 104 of title 17 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 104. Taking effect of regulations.

13 Each regulation hereafter adopted is effective ten (10) days
14 after compliance with subsection (1) of section 102 of this
15 chapter, except that:

16 (1) if a later date is required by a statute or specified
17 in the regulation, the later date is the effective date;

18 (2) subject to applicable statutory provisions, an
19 emergency regulation becomes effective immediately upon
20 filing with the Registrar of Corporations and the mailing,
21 under registered cover, of copies thereof to the Speaker of
22 Congress, the chairman of each standing committee of
23 Congress, the Legislative Counsel of Congress, each of the
24 State Governors, and the Clerks of Court in the Federated
25 States, or at such later date as the regulation may provide.

1 The President's statement setting forth the circumstances
2 that necessitated the emergency regulation shall be filed
3 with the regulation. The agency shall take appropriate
4 measures to make emergency regulations known to the persons
5 who may be affected by them."

6 Section 4. This act shall become law upon approval by the
7 President of the Federated States of Micronesia or upon its becoming
8 law without such approval.

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April 9th, 2001

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_____/s/
Leo A. Falcam
President
Federated States of Micronesia

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