

AN ACT

To further amend title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31, and 9-062, by repealing subchapter 2 of chapter 2, as enacted by Public Law No. 9-062, and by enacting a new subchapter 2 of chapter 2 thereof; to further amend title 6 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-123, by amending section 1303; and to further amend title 55 of the Code of the Federated States of Micronesia, as amended, by amending sections 920, 922, and 923, all for the purpose of publishing the 1997 edition of the Code of the Federated States of Micronesia, and for other purposes.

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

Section 1. Subchapter 2 of chapter 2 of title 1 of the Code of the Federated States of Micronesia, as enacted by sections 1 and 2 of Public Law No. 9-062, is hereby repealed in its entirety.

Section 2. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new subchapter 2 of chapter 2, to begin with section 220, to read as follows:

"Section 220. Code of the Federated States of Micronesia; Statement of intent. This section is intended to effect a codification of the general and permanent National laws of the Federated States of Micronesia and is not intended to effect any substantive changes therein."

Section 3. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105,

7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 221, to read as follows:

"Section 221. Designation of Code. The attached manuscript is incorporated by reference herein and is hereby designated as the 'Code of the Federated States of Micronesia'. This code contains the National laws of the Federated States of Micronesia and is prepared under the authority of the Congress of the Federated States of Micronesia, by contract between the National Government of the Federated States of Micronesia and the Book Publishing Company of Seattle, Washington."

Section 4. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 222, to read as follows:

"Section 222. Adoption as positive law.

(1) All enacted law of the Interim Congress of the Federated States of Micronesia, except for Public Law No. IC-28, and all enacted law of the Congress of the Federated States of Micronesia which are incorporated in part II of the attached manuscript are hereby readopted and reenacted as positive law of the Federated States of Micronesia in the form appearing in the manuscript.

(2) All enacted law which is readopted and reenacted pursuant to subsection (1) of this section is hereby repealed in its prior form."

Section 5. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 223, to read as follows:

"Section 223. Other documents not adopted. The inclusion in part III of the attached manuscript of the documents relating to the Government of the Trust Territory of the Pacific Islands is not to be construed as an adoption of those documents or as recognition of their efficacy in the Federated States of Micronesia."

Section 6. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 224, to read as follows:

"Section 224. Laws unaffected. Nothing in sections 220 through 231 of this chapter affects the validity of either appropriation laws, other temporary National laws not included in this code, or laws enacted after October 1, 1981, by the Congress of the Federated States of Micronesia."

Section 7. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 225, to read as follows:

"Section 225. Rights and liabilities unaffected. The repeal in subsection 2 of section 222 of this chapter

does not affect the status of any civil or criminal actions, rights, or liabilities existing before the repeal takes effect."

Section 8. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 226, to read as follows:

"Section 226. Government authority unaffected. The republication in this Code of Trust Territory laws and the retention of references therein to the authority of the Government of the Trust Territory of the Pacific Islands are not intended to alter, diminish, or in any way change or affect the authority of the National Government or the respective State governments of the Federated States of Micronesia over the subject of legislation included therein, as that authority has been established by the Constitution of the Federated States of Micronesia, the State charters or constitutions, and other applicable law."

Section 9. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 227, to read as follows:

"Section 227. State law reaffirmed. The authority of the States of the Federated States of Micronesia with regard to those provisions of the Trust Territory Code

within the jurisdiction of the States is unaffected and hereby reaffirmed."

Section 10. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 228, to read as follows:

"Section 228. Technical amendment of prior law.

Technical amendments to laws included in part II of this code, whether or not those laws are readopted and reenacted pursuant to subsection (3) of this section, are hereby enacted regarding the following:

- (1) Organization and numbering of titles, chapters, subchapters, sections, and other subparts;
- (2) Changes in phraseology;
- (3) Changes in introductory materials; and
- (4) Correction of errors."

Section 11. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 229, to read as follows:

"Section 229. Future amendments; citations.

(1) Future amendments to laws included in part II of this code, whether or not those laws are readopted and reenacted pursuant to section 222 of this title shall be made with reference to such laws as they appear in this code.

(2) The preferred citation of laws included in part II of this code is as follows: first, the title number in Arabic numerals; second, "F.S.M.C."; and third, section number. Example: The citation of section 201, "Qualifications of Senators," of title 9, "National Elections," would appear as "9 F.S.M.C. 201."

Section 12. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 230, to read as follows:

"Section 230. Supplements as part of code.

(1) The laws contained in any current pocket parts or supplements to this code, printed and published under contract or otherwise as may be authorized by law, constitute prima facie a part of this code if the laws, as so contained, purport to represent reproductions of statutory amendments to this code, as stated in accompanying notes thereto.

(2) If pocket parts or supplements are published on a cumulative basis, then only the laws in the latest publication thereof constitute prima facie a part of this code.

(3) If any discrepancy arises between the text of a provision set out in the current supplement and that contained in the basic act as separately printed and published by the President of the Federated States of

Micronesia or his designee pursuant to the authority granted by law, the latter shall constitute the positive law and shall control."

Section 13. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 231, to read as follows:

"Section 231. Repealer. The Trust Territory Code to the extent it is not republished herein or reaffirmed as within the jurisdiction of the States by section 227 of this chapter is hereby repealed in its entirety."

Section 14. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 232, to read as follows:

"Section 232. Authorization for publication of 1997 edition of F.S.M.C. The publishing of the official 1997 edition of the Code of the Federated States of Micronesia (F.S.M.C.), pursuant to contract with the Congress of the Federated States of Micronesia, is hereby authorized."

Section 15. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 233, to read as follows:

"Section 233. Contents of 1997 edition of F.S.M.C. The 1997 edition of the Code of the Federated States of Micronesia shall contain the general and permanent National laws codified as positive law in the original 1982 edition of the Code of the Federated States of Micronesia pursuant to sections 220 through 231 of this chapter, supplemented and updated with any amendments or additions to the law requiring codification through the Ninth Congress of the Federated States of Micronesia."

Section 16. Title 1 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-56, 6-105, 7-20, 7-31 and 9-062, is hereby further amended by enacting a new section 234, to read as follows:

"Section 234. Laws unaffected by 1997 publication. The supplementing and updating of the original 1982 F.S.M.C. in the First Supplement authorized by Public Law No. 4-33, and in this 1997 publication which includes subsequently enacted laws, shall not effect any substantive change to the law as enacted and as it became effective."

Section 17. Section 1303 of title 6 of the Code of the Federated States of Micronesia, as amended by section 3 of Public Law No. 9-062, is hereby further amended to read as follows:

"Section 1303. Legal status of laws included in the F.S.M.C. enacted after the First Supplement.

(1) Pursuant to the authority provided in section 11 of Public Law No. 2-48 and in this Act, the laws contained in the 1997 edition of the F.S.M.C. that are printed and published under contract with the Congress of the Federated States of Micronesia and as authorized by law, shall constitute prima facie the laws of the Federated States of Micronesia for those laws contained therein, and as they purport to represent reproductions of statutory amendments to the F.S.M.C., as stated in accompanying notes or source cites.

(2) Future supplements or updates published pursuant to section 223 of title 1 of the Code of the Federated States of Micronesia shall constitute prima facie the laws of the Federated States of Micronesia for those laws set forth in the latest publication in which they appear.

(3) In the event of a conflict between the text of a provision set out in the 1997 edition of the F.S.M.C. or set out in any future supplement or update thereto and the text contained in a Public Law as originally enacted by Congress and as approved or allowed to become law by the President of the Federated States of Micronesia pursuant to the laws and customs of the FSM, the text of the law as it became effective shall constitute the positive law and shall control.

(4) The official authenticated texts of Public Laws as enacted by Congress and as approved or allowed to become law by the President of the Federated States of Micronesia and the 1997 edition of the F.S.M.C. (as may be later updated or supplemented) shall constitute evidence of the law of the Federated States of Micronesia."

Section 18. Section 920 of title 55 of the Code of the Federated States of Micronesia, as amended by section 4 of Public Law No. 9-062, is hereby further amended to read as follows:

"Section 920. Authorization for sale of 1997 edition of F.S.M.C.

(1) The sale of the 1997 edition of the Code of the Federated States of Micronesia to the public is hereby authorized.

(2) The sale price of the 1997 edition of the Code shall be determined by the presiding officer of the Congress of the Federated States of Micronesia, who shall take into account the anticipated public demand for the Code, as well as the costs associated with completing and publishing it.

(3) The sale price of the 1997 edition of the F.S.M.C. shall be set with the intent:

- (a) to recover the costs of publishing, and
- (b) to allow for appropriately timed supplements or updates to be completed and published."

Section 19. Section 922 of title 55 of the Code of the Federated States of Micronesia, as amended by section 6 of Public Law No. 9-062, is hereby further amended to read as follows:

"Section 922. Purpose. The purpose of the Fund is to establish an ongoing fund to allow for the receipt of revenues from the sale of the 1997 edition of the Code of the Federated States of Micronesia and any supplement, update, pocket part, or other addition of the F.S.M.C. and any future appropriations to be used for the preparation and publication of additional supplements, updates, pocket parts, or other additions to the F.S.M.C."

Section 20. Section 923 of title 55 of the Code of the Federated States of Micronesia, as amended by section 7 of Public Law No. 9-062, is hereby further amended to read as follows:

"Section 923. Deposits. All future appropriations from the General Fund for the cost of producing supplements, updates, pocket parts, or other additions to the 1997 edition of the F.S.M.C., and all revenues received from the sale of the 1997 edition of the F.S.M.C. and further supplements, updates, pocket parts or other additions to the F.S.M.C. shall be deposited into the Fund. Any unexpended monies in this Fund shall not revert to the General Fund unless Congress dissolves the Fund."

Section 21. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

July 25 _____, 1997

/s/ Jacob Nena
Jacob Nena
President
Federated States of Micronesia