November 6, 2014

The Honorable Dohsis Halbert
Speaker
18th FSM Congress
Palikir, Pohnpei FM 96941

Dear Speaker Halbert:

I transmit the following Congressional Act, which became Public Law No. 18-96 without my signature:

Congressional Act No. 18-102, entitled: “AN ACT TO FURTHER AMEND CHAPTER 2 OF TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY CREATING A NEW SUBCHAPTER III OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AND FOR OTHER PURPOSES.”

The intent of the Act is to codify the general and permanent laws of the Federated States of Micronesia enacted up to the end of the 17th FSM Congress. Even though the codification is not meant to create substantive changes to the laws passed by the FSM Congress, it is nevertheless required by due process that the general and permanent laws are given due publicity by appending them to the Act passed by Congress. In reviewing Congressional Act No. 18-102, I discovered that there was no attached manuscript, therefore, I cannot confirm by signature the readopted and reenacted positive law.

In light of the above, I urge Congress to correct the deficiency and readopt the FSM Code (Annotated) at the earliest opportunity.

Sincerely,

Manny Mori
President

xc: Acting Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Director, Office of SBOC
Legislative Counsel, CFSM
Library, CFSM
PIO, FSM
October 04, 2014

His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 18-102, "AN ACT TO FURTHER AMEND CHAPTER 2 OF TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY CREATING A NEW SUBCHAPTER III OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AND FOR OTHER PURPOSES.", which was passed by the Eighteenth Congress of the Federated States of Micronesia, Fifth Regular Session, 2014, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

Liwiana Ramon Ioanis
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
An Act

TO FURTHER AMEND CHAPTER 2 OF TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY CREATING A NEW SUBCHAPTER III OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: WESLEY W. SIMINA
DATE: SEPTEMBER 15, 2014

REFERRED TO: COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS
FIRST READING: SEPTEMBER 29, 2014
SECOND READING: SEPTEMBER 30, 2014

Liwiana Ramon Ioalens
Chief Clerk, FSM Congress
We hereby certify that on September 30 the foregoing act passed Second and Final Reading of the Eighteenth Congress of the Federated States of Micronesia, Fifth Regular Session, 2014, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

Dohsis Halbert
Speaker
Congress of the Federated States of Micronesia

Liwiana Ramon Ioanis
Chief Clerk
Congress of the Federated States of Micronesia
AN ACT

To further amend chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, by creating a new subchapter III of the Code of the Federated States of Micronesia (Annotated), and for other purposes.

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

1. Section 1. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by creating a new subchapter III entitled: "Code of the FSM (Annotated)."

2. Section 2. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 251 to subchapter III, to read as follows:

   "Section 251. Code of the Federated States of Micronesia (Annotated); 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."

3. Section 3. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 252 to subchapter III, to read as follows:

   "Section 252. Designation of code. The attached manuscript is incorporated by reference herein and is
hereby designated as the "Code of the Federated States of Micronesia (Annotated)". This code contains the general and permanent National laws of the Federated States of Micronesia and is prepared under the authority of the Congress of the Federated States of Micronesia."

Section 4. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 253 to subchapter III, to read as follows:

"Section 253. Adoption as positive law.

(1) All enacted law of the Congress of the Federated States of Micronesia as adopted and enacted in subchapter II of chapter 2 of title 1 of this code and all enacted general and permanent National laws of the Congress of the Federated States of Micronesia through the end of the 17th Congress of the Federated States of Micronesia which are incorporated as 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) The tables of contents, sources, cross-references, editor's notes, and errata are not to be construed as an adoption of those citations and resources, and these are included in the code as additional tools for research and are for reference purposes only.
(3) All code sections that are designated as included for reference only are included in the code as additional tools for research and are not readopted and reenacted.

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

Section 5. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 254 to subchapter III, to read as follows:

"Section 254. Other documents not adopted. The inclusion in parts I, III, and IV relating to the Constitution of the Federated States of Micronesia, the Government of the Trust Territory of the Pacific Islands, the state constitutions, the cross-reference table(s), and the index are not a part of the code and are not to be construed as an adoption of these documents and are included in the code for reference purposes only and to add additional resources and tools for research."

Section 6. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 255 to subchapter III, to read as follows:

"Section 255. Laws unaffected. Nothing in this Act affects the validity of either appropriation laws, other
temporary National laws not included in this code, or
laws enacted after the Seventeenth Congress of the
Federated States of Micronesia."

Section 7. Chapter 2 of title 1 of the Code of the Federated
States of Micronesia, as amended, is hereby further amended by
adding a new section 256 to subchapter III, to read as follows:
"Section 256. Rights and liabilities unaffected. The
repeal in subsection (4) of section 253 of this
subchapter does not affect the status of any civil or
criminal actions, rights, or liabilities existing before
the repeal takes effect."

Section 8. Chapter 2 of title 1 of the Code of the Federated
States of Micronesia, as amended, is hereby further amended by
adding a new section 257 to subchapter III, to read as follows:
"Section 257. Government authority unaffected. The
republication in this code of Trust Territory laws and
the retention of any 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 constitutions, and other
applicable law."

Section 9. Chapter 2 title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 258 to subchapter III, to read as follows:

"Section 258. 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. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 259 to subchapter III, to read as follows:

"Section 259. Technical amendments to the laws. Technical amendments to the laws included in part II of this code, whether or not those laws are readopted and reenacted pursuant to section 253 of this subchapter, are hereby enacted regarding the following:

(1) organization, numbering, and references to titles, chapters, subchapters, parts, sections, subsections, and other subparts;

(2) changes in phraseology;

(3) changes in introductory materials; and

(4) correction of typographical, grammatical, or other errors."
Section 11. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 260 to subchapter III, to read as follows:

"Section 260. 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 253 of this subchapter, 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. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 261 to subchapter III, to read as follows:

"Section 261. 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. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 262 to subchapter III, to read as follows:

"Section 262. **Repealer.** The Trust Territory Code to the extent it is not republished herein or reaffirmed as within the jurisdiction of the States by sections 257 and 258 of this subchapter are hereby repealed in its entirety."

Section 14. Chapter 2 title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by
adding a new section 263 to subchapter III, to read as follows:


Section 15. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 264 to subchapter III, to read as follows:

"Section 264. Contents of F.S.M.C.. The Code of the Federated States of Micronesia (Annotated) shall contain the general and permanent National laws codified as positive law in the F.S.M.C. pursuant to sections 251 through 265 of this subchapter III of this chapter, supplemented and updated with any amendments or additions to the law requiring codification through the end of the Seventeenth Congress of the Federated States of Micronesia."

Section 16. Chapter 2 of title 1 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 265 to subchapter III, to read as follows:

"Section 265. Laws unaffected by earlier publication."
The supplementing and updating to the original 1982 F.S.M.C. in the First Supplement authorized by Public Law No. 4-33, any subsequent codifications, and in this codification with subsequently enacted general and permanent National laws, shall not effect any substantive change to the law as enacted and as it became effective."

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

Law without signature
11-06-14

Manny Mori
President
Federated States of Micronesia