

## AN ACT

To amend Public Law No. IC-30, as amended by Public Law No. 1-5, to prescribe a time during which the President of the Federated States of Micronesia shall submit an annual budget to the Congress, and for other purposes.

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

1       Section 1. Section 2 of Public Law No. IC-30, as amended by Public  
2 Law No. 1-5, is hereby amended to read as follows:

3 "Section 2. Congress Sessions in 1980 and thereafter.

4 (1) During the calendar year 1980 and thereafter, the  
5 Congress shall meet in two regular sessions commencing on the  
6 second Monday in May and the second Monday in October, unless the  
7 Presiding Officer shall set a different date or dates. The President  
8 of the Federated States of Micronesia shall submit the annual budget  
9 of the national government to the Congress no later than 10 days  
10 after the convening of its May regular session.

11                   (2) The sessions required by Subsection 1 above shall last  
12                   for 30 calendar days, unless shortened or extended by a resolution  
13                   adopted by a majority vote of all members of the Congress."

14       Section 2. This act shall become law upon approval by the President of  
15 the Federated States of Micronesia, or upon its becoming law without such  
16 approval.

October 25, 1979

*Edward*

Tosiwo Nakayama  
President  
Federated States of Micronesia

## AN ACT

To further amend Public Law No. 7-33 as amended by Public Law No. 1-7, which established a Health Care Certificate of Need Program, and for other purposes.

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

1       Section 1. Section 1 of Public Law No. 7-33 as amended by Public  
2 Law No. 1-7 is hereby amended to read as follows:

3               "Section 1. This act may be cited as the Federated States  
4               of Micronesia Health Care Certificate of Need Act of 1979."

5       Section 2. Public Law No. 7-33 as amended by Public Law No. 1-7  
6 is hereby amended by renumbering Section 14 as Section 26 and by adding  
7 the following:

8               "Section 14. Reconsideration of Application Hearings. The  
9               agency shall order a public hearing on an application upon  
10              written request of the applicant, any affected party, or any  
11              bona fide resident of the Federated States of Micronesia, for  
12              the purposes of reconsidering an Agency decision, PROVIDED:  
13              (a) that the request is received within thirty (30) days after  
14              the decision was rendered, and (b) that a good cause is shown.  
15              A request for public hearing shall be deemed to have shown good  
16              cause if it (1) presents significant relevant information not  
17              previously considered by the Agency; (2) demonstrates that there  
18              have been significant changes in factors or circumstances relied  
19              upon by the Agency in making its decision; (3) demonstrates  
20              that the Agency failed to follow appropriate procedures  
21              prescribed in these regulations; or (4) that the Agency acted  
22              without regard for a conflict of interest situation.

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1           Section 15. Appellate Hearings. Notwithstanding the right  
2           to reconsideration under Section 14 of this act, any  
3           applicant for certificate of need aggrieved by an action of  
4           the Agency in denying acceptance of an application, by a  
5           finding denying a certificate of need, or by a dismissal of  
6           an application, may request and be granted a hearing upon  
7           written request filed with the Chief of the Trust Territory  
8           Office of Planning and Statistics within thirty (3) days of  
9           notification of such action or dismissal.

10          Section 16. Requests for Appellate Hearings. Written requests  
11          for an appellate hearing must give detailed and specific  
12          grounds for the appeal, specifying violations by the Agency in  
13          following Regulations or wrongful interpretation of data and  
14          arguments.

15          Section 17. Elective Dispensation. An aggrieved applicant  
16          may, at its election, dispense with an appellate hearing and  
17          seek Administrative Review pursuant to Section 23 of this Act,  
18          or judicial remedy under Title 17 of the Trust Territory Code.

19          Section 18. Evidence and Counsel. During an appellate hearing,  
20          the Hearing Officer shall accept written and oral presentations  
21          by the appellant and the Agency. The appellant shall have the  
22          right to present favorable witnesses or experts whose testimony  
23          may support its case. The appellant may be represented by  
24          counsel of his choice at no expense to the Agency.

25          Section 19. Public Notice. All appeal hearings shall be duly

1           noticed in accordance with the procedures established by the  
2           Trust Territory Office of Planning and Statistics to inform  
3           the public of its meetings. Appellate hearings shall be  
4           open to the public. Any interested or affected party may  
5           timely present written or oral testimony concerning the action  
6           under appeal.

7           Section 20. Appellate Hearing Rules of Procedure. The Trust  
8           Territory Office of Planning and Statistics shall adopt rules  
9           of appeal procedure necessary to ensure a fair appellate  
10          hearing which will protect the interests and rights of the  
11          Agency and the appellant.

12          Section 21. Appellate Hearing Adjudication. Upon completion  
13          of an appellate hearing, all evidence by the Agency, appellant,  
14          and other interested parties, in accordance with the promulgated  
15          criteria and procedures established for such an appeal, shall  
16          be considered by the Trust Territory Office of Planning and  
17          Statistics; thereupon, it may:

18               (1) Uphold the decision of the State Health Planning and  
19               Development Agency by dismissal of the appeal; or

20               (2) Request further information of the Agency or appellant  
21               and continue the hearing at a later date; or

22               (3) Find in favor of the appellant and order the Agency  
23               to issue a certificate of need, or to revoke the Agency's  
24               dismissal of an application, or to revoke the Agency's  
25               termination of a certificate of need.

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1           Section 22. Administrative Procedure Act Remedies. In the  
2           event that the Trust Territory Office of Planning and  
3           Statistics dismisses the appeal, the appellant may seek  
4           judicial remedies under Title 17 of the Trust Territory Code.

5           Section 23. Administrative Review without Hearing. Any  
6           applicant for a certificate of need aggrieved by an action of  
7           the Agency in declining acceptance of an application, or by a  
8           finding denying a certificate of need, or by a dismissal of an  
9           application, may be granted Administrative Review, without  
10          hearing, by the Trust Territory Office of Planning and  
11          Statistics of the decision and the record upon which any  
12          decision was made. Administrative Review shall be accomplished  
13          upon written request filed with the Chief of the Trust Territory  
14          Office of Planning and Statistics within thirty (30) days of  
15          notification by the Agency of action of dismissal, or denial of  
16          determination of need. The Administrative Review must be  
17          initiated by the Trust Territory Office of Planning and Statistics  
18          within thirty days after timely filing of the request.

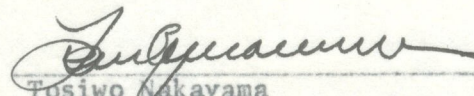
19          Section 24. Appellate Hearing Decision. The decision rendered  
20          by the Trust Territory Office of Planning and Statistics, shall  
21          be considered the final decision of the Agency, unless the  
22          appellant seeks judicial remedies under Title 17 of the Trust  
23          Territory Code. Such a decision must be made in writing within  
24          forty-five (45) days after completion of the appellate hearing  
25          or initiation of Administrative Review without hearing pursuant

1 to Section 23 of this act. The decision shall be sent by  
2 mail to the applicant, the members of the Micronesia Health  
3 Coordinating Council of the Federated States of Micronesia,  
4 the Review Board, to the Agency, the High Commissioner, and  
5 Secretary of Health, Education and Welfare of the United  
6 States Government. Such decisions must also be made available  
7 to others upon request.

8 Section 25. Decision Inconsistent with District Health Plan  
9 and Applicable Annual Implementation Plan. If a decision  
10 rendered by the Trust Territory Office of Planning and  
11 Statistics is determined by the Agency to be inconsistent with  
12 the goals of the Health Plan and the annual Implementation  
13 Plan of the Federated States of Micronesia, the Agency shall  
14 submit a written, detailed, statement of the reasons for the  
15 inconsistency to the President of the Federated States of  
16 Micronesia, the Secretary of Health, Education and Welfare of  
17 the United States Government, the High Commissioner, the  
18 members of the Micronesia Health Coordinating Council, the  
19 Review Board and the applicant."

20 Section 3. This act shall become law upon approval by the President  
21 of the Federated States of Micronesia, or upon its becoming law without  
22 such approval.

23  
24 December 10, 1979

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Tosiwo Nakayama  
President  
Federated States of Micronesia