

AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by amending sections 201 and 202 to establish a two term limit for members of the National Oceanic Resource Management Authority of the Federated States of Micronesia, to limit the period of time a member may serve after expiration of a term to six months, and for other purposes.

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

1 Section 1. Section 201 of title 24 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law No. 12-
3 34, is hereby amended to read as follows:

4 "Section 201. National Oceanic Resource Management
5 Authority - established.

6 (1) There is hereby established a National Oceanic
7 Resource Management Authority ('Authority') composed of
8 five members, each discharging a national duty and
9 charged with responsibility for overseeing the FSM
10 exclusive economic zone, and appointed as follows:

11 (a) one member from each FSM State appointed by
12 the President of the Federated States of Micronesia, in
13 consultation with the Governor and with the advice and
14 consent of the Congress; and

15 (b) one at-large member appointed by the
16 President of the Federated States of Micronesia with the
17 advice and consent of the Congress.

18 (c) No member shall be appointed for more than
19 two consecutive terms after the effective date of this

1 Act.

2 (2) No member shall also serve as a member of the
3 Board of Directors of the National Fisheries Corporation
4 of the Federated States of Micronesia or any subsidiary
5 or affiliate thereof or serve as executive director or a
6 member of any board or authority of any entity operating
7 in the states dealing with fishing in the Federated
8 States of Micronesia under an agreement or permit issued
9 pursuant to this subtitle during the term of his
10 membership on the Authority.

11 (3) The Authority shall choose a chairman by a
12 majority vote of the members of the Authority.

13 (4) The Authority shall meet at such time and place as
14 may be designated by the Chairman or by vote of the
15 members pursuant to any method set out in the Authority
16 bylaws.

17 (5) The Authority shall adopt its own bylaws governing
18 the conduct of its business and performance of the
19 powers and duties granted to or imposed upon it by law.

20 (6) A quorum of the Authority shall consist of a
21 majority of all voting members. All official business of
22 the Authority shall be conducted by a majority of those
23 members present and voting at a meeting of the Authority
24 for which a quorum exists, unless otherwise provided by
25 law or the bylaws of the Authority."

1 Section 2. Section 202 of title 24 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law No. 12-
3 34, is hereby amended to read as follows:

4 "Section 202. Authority - term of office of members;
5 vacancies.

6 (1) All appointments of Authority members shall be for
7 a term of two years. The term of office of each member
8 shall commence either upon the granting of advice and
9 consent to a member's appointment by the Congress of the
10 FSM under this act's predecessor legislation, or, for
11 any vacancies existing upon the effective date of this
12 act or thereafter, upon the granting of advice and
13 consent of the Congress to the appointment of a member
14 to fill a vacancy. The rights and powers of a member,
15 other than a member whose appointment is terminated or
16 vacated pursuant to subsection (3) below, shall remain
17 in effect until the date of the first meeting of the
18 Authority following the effective date of the term of
19 office of that member's successor or for a period of six
20 months, whichever is less.

21 (2) The Executive Director shall notify the President
22 of the Federated States of Micronesia in writing of an
23 impending vacancy on the Authority not less than ninety
24 (90) days prior to the expiration of the term of a
25 member and immediately upon receipt of a member's notice

1 of intent to resign or resignation.

2 (3) Notwithstanding any other provision of this
3 subtitle, an appointment to the Authority shall be
4 declared vacant or terminated by the President of the
5 Federated States of Micronesia in the event of any of
6 the following:

7 (a) submission of a written resignation, signed
8 by the member and delivered to the President of the
9 Federated States of Micronesia;

10 (b) the death or other incapacity of a member;

11 (c) absence of a member, except with the written
12 consent of the President of the Federated States of
13 Micronesia or of the chairman, from three consecutive
14 meetings of the members;

15 (d) failure of a member to comply with the
16 provisions in sections 208 or 209 of this subtitle;

17 (e) bankruptcy of a member, application by a
18 member to take advantage of benefits available by law to
19 bankrupt or insolvent debtors, assignment by a member of
20 his remuneration for the benefit of his creditors, or a
21 member's entry into an agreement with creditors not to
22 take legal action against him; or

23 (f) conviction of a member of an offense under
24 this subtitle or of an offense under any other law
25 punishable by a term of imprisonment for one year or

1 longer.

2 (4) Vacancies occurring pursuant to subsection (3)
3 above, or for any other reason prior to the expiration
4 of a member's term, shall be filled in the same manner
5 as vacancies arising from the expiration of a member's
6 term, provided that such appointments shall only be
7 effective for the remainder of the unexpired term of the
8 departing member."

9 Section 3. This act shall become law upon approval by the
10 President of the Federated States of Micronesia or upon its
11 becoming law without such approval.

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18 Law w/out signature 6/5/08

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Manny Mori
President
Federated States of Micronesia

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