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A BILL FOR 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

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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."

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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 greater."

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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13 Date: 10/26/07

Introduced by: /s/ Dion G. Neth  
Dion G. Neth

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