A BILL FOR AN ACT

To amend sections 201 and 202 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 19-21, to modify the term limit of members of the National Oceanic Resource Management Authority of the Federated States of Micronesia, and for other purposes.

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

Section 1. Section 201 of title 24 of the Code of the Federated States of Micronesia, is hereby amended to read as follows:


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

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

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

[(c) No member shall be appointed for more than]
two consecutive terms after the effective date of this Act.

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

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

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

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

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

Section 2. Section 202 of title 24 of the Code of the Federated States of Micronesia, is hereby amended to read as follows:

“Section 202. Authority – term of office of members; vacancies.

(1) All appointments of Authority members shall be for a term of two years, with possible reappointment for an additional two-year term. The term of office for each member shall commence either upon the granting of advice and consent to a member’s appointment by the Congress of the FSM under this act’s predecessor legislation, or, for any vacancies existing upon the effective date of this act or thereafter, upon the granting of advice and consent of the Congress to the appointment of a member to fill a vacancy. The rights and powers of a member, other than a member whose appointment is terminated or vacated pursuant to subsection (3) below, shall remain in effect until [the date of the first meeting of the Authority following the effective date of the terms of office of that member’s successor [or for a period of six months, whichever is less].

(2) The Executive Director shall notify the President
of the Federated States of Micronesia in writing of an impending vacancy on the Authority not less than ninety (90) days prior to the expiration of the term of a member and immediately upon receipt of a member’s notice of intent to resign or resignation.

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

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

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

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

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

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

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

(4) Vacancies occurring pursuant to subsection (3) above, or for any reason prior to the expiration of a member’s term, shall be filled in the same manner as vacancies arising from the expiration of a member’s term, provided that such appointments shall only be effective for the remainder of the unexpired terms of the departing member.”

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