
A BILL FOR AN ACT

To further amend sections 201 and 202 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 12-34 and 15-38, to grant the Governor of each State the authority to appoint State representatives on the Board of Directors of the National Oceanic Resource Management Authority with the advice and consent of the respective State legislature, to grant the Governor of each State the authority to declare a vacancy or termination on the Board of Directors of NORMA of a member representing the State, and to clarify that the term of office of a member representing the State commences by the advice and consent of the respective State legislature; 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 amended by Public Laws Nos.
3 12-34 and 15-38, is hereby further 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
8 of 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~~
12 ~~by the President of the Federated States of~~
13 ~~Micronesia, in consultation with the Governor and with~~
14 ~~the advice and consent of the Congress]~~ The Governor
15 of each State of the Federated States of Micronesia

1 shall appoint one member of the Board with the advice
2 and consent of the respective State legislature; and

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

6 (c) No member shall be appointed for more than
7 two consecutive terms after the effective date of his
8 Act.

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

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

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

25 (5) The Authority shall adopt its own bylaws

1 governing the conduct of its business and performance
2 of the powers and duties granted to or imposed upon it
3 by law.

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

10 Section 2. Section 202 of title 24 of the Code of the
11 Federated States of Micronesia, as amended by Public Laws Nos.
12 12-34 and 15-38, is hereby further amended to read as follows:

13 "Section 202. Authority - term of office of members;
14 vacancies.

15 (1) All appointments of Authority members shall be
16 for a term of two years. The term of office of each
17 member shall commence either upon the granting of
18 advice and consent to a member's appointment by the
19 Congress of the FSM or the respective State
20 legislature under this act's predecessor legislation,
21 or, for any vacancies existing upon the effective
22 date of this act or thereafter, upon the granting of
23 advice and consent of either the Congress or the
24 respective State legislature to the appointment of a
25 member to fill a vacancy. The rights and powers of a

1 member, other than a member whose appointment is
2 terminated or vacated pursuant to subsection (3)
3 below, shall remain in effect until the date of the
4 first meeting of the Authority following the
5 effective date of the term of office of that member's
6 successor or for a period of six months, whichever is
7 less.

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

14 (2) Notwithstanding any other provision of this
15 subtitle, an appointment to the Authority shall be
16 declared vacant or terminated by either the President
17 of the Federated States of Micronesia or the Governor
18 of each State in the event of any of the following:

19 (a) submission of a written resignation,
20 signed by the member and delivered to the President
21 of the Federated States of Micronesia or the Governor
22 of each State;

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

24 (c) absence of a member, except with the
25 written consent of the President of the Federates

1 States of Micronesia or of the chairman, from three
2 consecutive meetings of the members;

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

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

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

15 (4) Vacancies occurring pursuant to subsection (3)
16 above, or for any other reason prior to the expiration
17 of a member's term, shall be filled in the same manner
18 as vacancies arising from the expiration of a member's
19 term, provided that such appointments shall only be
20 effective for the remainder of the unexpired term of the
21 departing member."

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25 Section 3. This act shall become law upon approval by the

1 President of the Federated States of Micronesia or upon its
2 becoming law without such approval.

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4 Date: 11/18/13

Introduced by: /s/ Yosiwo P. George
Yosiwo P. George

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