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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:

1           Section 1. Section 201 of title 24 of the Code of the  
2 Federated States of Micronesia, is hereby amended to read as  
3 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~~

1           ~~two consecutive terms after the effective date of this~~  
2           ~~Act.]~~

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

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

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

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

22          (6) A quorum of the Authority shall consist of a  
23          majority of all voting members. All official business  
24          of the Authority shall be conducted by a majority of  
25          those members present and voting at a meeting of the

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1 Authority for which a quorum exists, unless otherwise  
2 provided by law or the bylaws of the Authority.”

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

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

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

25 (2) The Executive Director shall notify the President

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1 of the Federated States of Micronesia in writing of an  
2 impending vacancy on the Authority not less than ninety  
3 (90) days prior to the expiration of the term of a  
4 member and immediately upon receipt of a member's notice  
5 of intent to resign or resignation.

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

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

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

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

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

21 (e) bankruptcy of a member, application by a  
22 member to take advantage of benefits available by law to  
23 bankrupt or insolvent debtors, assignment by a member of  
24 his remuneration for the benefit of his creditors, or a  
25 member's entry into an agreement with creditors not to

1 take legal action against him; or

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

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

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

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17 Date: 9/23/15

Introduced by: /s/ Alik L. Alik  
Alik L. Alik

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