



PRESIDENTIAL COMM. NO. 15-212
The President
Palikir, Pohnpei
Federated States of Micronesia

June 5, 2008

The Honorable Isaac V. Figir
Speaker
15th FSM Congress
Palikir, Pohnpei, FM 96941

Dear Speaker Figir:

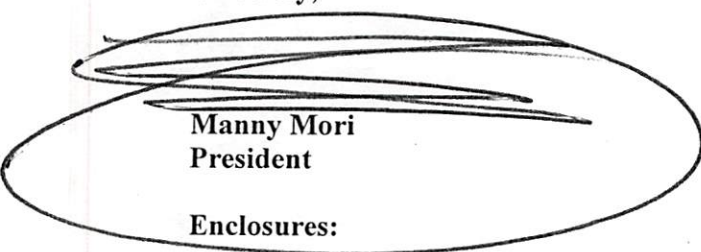
I am pleased to transmit herewith Congressional Act No. 15-44, which have become Public Law No. 15-38, without my signature, entitled:

Congressional Act No. 15-44, "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 PURPOSE."

I must admit, Mr. Speaker, that I found it difficult to make a decision reconciling the conflicting positions of the Congress and that of the Authority. On the one hand, the authority is troubled by the limiting of the terms of office of the members of the board to a two years term. New board members are not as effective as experienced board members. The longer a board member serves on the board, the better and more effective he becomes. On the other hand, the Congress takes the view that members who serve on the board too many times become complacent and are too comfortable resulting in ineffectiveness in the discharge of their duty as managers of the authority. It seems to me that both positions are plausible and logical, yet they are not effectively addressed in the Act. Therefore, I decided to let it becomes law without my signature with intend to revisit those issues so that those seemingly conflicting positions could be harmonized for the betterment of the Authority.

With all due respect, I remain,

Sincerely,



Manny Mori
President

Enclosures:

XC: Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Legislative Counsel, CFSM
Library, CFSM
Director, SBOC
PIO, FSM



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. K-212
FSM CONGRESS

Office of the Chief Clerk

May 20, 2008



His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear Mr. President:

I have the honor to transmit herewith Congressional Act No. 15-44, "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.", which was passed by the Fifteenth Congress of the Federated States of Micronesia, Fourth Regular Session, 2008, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Liwiana K. Ramon".

Liwiana K. Ramon
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures



Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. 15-212
FSM CONGRESS

ACT NO. 15-44

(CONGRESSIONAL BILL NO. 15-73, C.D.1)

We hereby certify that on May 14 the foregoing act passed Second and Final Reading of the Fifteenth Congress of the Federated States of Micronesia, Fourth Regular Session, 2008, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

A handwritten signature in black ink, appearing to read "Isaac V. Figir".

Isaac V. Figir
Speaker
Congress of the
Federated States of Micronesia

A handwritten signature in blue ink, appearing to read "Liwiana K. Ramon".

Liwiana K. Ramon
Chief Clerk
Congress of the
Federated States of Micronesia



PRESIDENTIAL COMM. NO. 15-212
FSM CONGRESS

FIFTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FOURTH REGULAR SESSION
MAY 12 - 31, 2008

PUBLIC LAW No. 15 - 38

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.

INTRODUCED BY: SENATOR DION G. NETH

DATE: OCTOBER 26, 2007

REFERRED TO: RESOURCES AND DEVELOPMENT COMMITTEE

S.C.R. NO. 15-75 – FEBRUARY 12, 2008

FIRST READING: FEBRUARY 13, 2008

SECOND READING: MAY 14, 2008

Liwiana K. Ramon
Chief Clerk, FSM Congress

PUBLIC LAW No. 15-38

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

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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 of
24 the Authority shall be conducted by a majority of those
25 members present and voting at a meeting of the Authority

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1 for which a quorum exists, unless otherwise provided by
2 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, as enacted by Public Law No. 12-
5 34, is hereby amended to read as 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. The term of office of each
10 member shall commence either upon the granting of advice
11 and consent to a member's appointment by the Congress of
12 the FSM under this act's predecessor legislation, or,
13 for any vacancies existing upon the effective date of
14 this act or thereafter, upon the granting of advice and
15 consent of the Congress to the appointment of a member
16 to fill a vacancy. The rights and powers of a member,
17 other than a member whose appointment is terminated or
18 vacated pursuant to subsection (3) below, shall remain
19 in effect until the date of the first meeting of the
20 Authority following the effective date of the term of
21 office of that member's successor or for a period of six
22 months, whichever is less.

23 (2) The Executive Director shall notify the President
24 of the Federated States of Micronesia in writing of an
25 impending vacancy on the Authority not less than ninety

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1 (90) days prior to the expiration of the term of a
2 member and immediately upon receipt of a member's notice
3 of intent to resign or resignation.

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

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

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

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

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

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

25 (f) conviction of a member of an offense under

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.

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