

A BILL FOR AN ACT

To alter the composition of the Micronesian Maritime Authority by further amending 52 TTC 101, as set forth in Public Law No. 7-71, as amended by Public Laws Nos. IC-3 and 1-34; to further amend 52 TTC 206, as set forth in Public Law No. 7-71, as amended by Public Laws Nos. IC-3, 1-34, and 1-92; and for other purposes.

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

1 Section 1. Section 101 of 52 TTC (P.L. No. 7-71), as amended by Public
2 Law No. IC-3 and Public Law No. 1-34, is hereby further amended to read as
3 follows:

4 "Section 101. Micronesian Maritime Authority.

5 (1) There is hereby established a Micronesian Maritime
6 Authority composed of ~~four members appointed by the High~~
7 ~~Commissioner~~, four members from the Congress of the Federated
8 States of Micronesia appointed by the Speaker of the Congress
9 of the Federated States of Micronesia, ~~and one member appointed~~
10 ~~jointly by the Speaker and the High Commissioner~~ PROVIDED,
11 HOWEVER, that present members of the Authority who were appointed
12 jointly by the Presiding Officers of the former Congress of Micronesia
13 and who are also members of the Congress of the Federated
14 States of Micronesia, as well as the appointees of the High
15 Commissioner and the joint appointee of the High Commissioner and
16 the Presiding Officers of the former Congress of Micronesia, shall
17 serve until their terms of appointment expire, one from each of
18 the congressional delegations and four members, one from each of the
19 four States, to be appointed by the President of the Federated
20 States of Micronesia after consultation with the Governor of each
21 State, and a ninth member to be appointed by agreement between the
22 Speaker and the President upon the resignation of or the expiration
23 of the term of the current joint appointee in March 1982. All
24 appointments shall be for a term of two years. The term of office
25 of each original member shall commence effective the date of the

1 first meeting of the Authority. Vacancies shall be filled in the
2 same manner as the original appointment for the remainder of the
3 term of office of the vacancy. The Chairman shall be chosen by
4 majority vote of the members of the Authority. The Authority shall
5 meet at such times and places as may be designated by the Chairman
6 or by the Authority. The Authority shall adopt its own rules of
7 procedure and regulations by majority vote. Regulations adopted
8 by the Authority shall have the full force and effect of law. The
9 process for the adoption of regulations by the Authority is expressly
10 exempt from the requirements of the Administrative Procedure Act
11 set forth in Title 17 of the Trust Territory Code, but the Authority
12 nevertheless shall publish its proposed regulations and afford the
13 public a reasonable opportunity to present its views prior to the
14 adoption of any regulation. The Chairman may promulgate interim
15 regulations on his own authority which shall be effective for a
16 period no longer than six months unless the Authority by majority
17 vote revokes the interim regulations.

18 (2) The Authority shall have the following duties, functions
19 and authority:

20 (a) To adopt regulations for the conservation, management,
21 and exploitation of all living resources in the Extended Fishery
22 Zone of the Federated States of Micronesia pursuant to Sections 52,
23 53, and 54 of this Title;

24 (b) To provide technical assistance in the delimitation
25 of the Extended Fishery Zone in accordance with Section 57 of this

Title;

(c) To issue and collect fees for permits in accordance with Section 154 (7) of this Title.

(d) To issue foreign fishing permits with procedures published by the Authority pursuant to Subsection 1 and 2(a) of this section.

(e) To require all foreign fishing vessels to possess a permit issued by the State before fishing in the Territorial Sea or Exclusive Fish Zone of a State;

(f) To rebate according to regulation approved by the Authority all or portion of a fee collected pursuant to Section 154 (7) of this Title from a joint fishing venture duly organized by law, the rebate will promote fishery development;

(g) The Authority shall submit its budget and a report regarding the expenditure of its funds to the Congress each regular session for approval and

(h) To perform such other duties and functions as may be necessary to carry out the purposes of this Title.

(3) The Authority shall employ a full-time Executive Director possessing such qualifications as may be established by the Authority. The Authority may employ such other staff as it may deem necessary.

(4) Members of the Authority, other than the member appointed jointly by the Presiding Officers of the former Congress

1 Title;

2 (c) To negotiate foreign fishing agree-
3 ments in accordance with S of this Title;

4 (d) To issue fishing permits in accordance
5 with procedures established by Authority or regulations
6 promulgated pursuant to Subsection and paragraph Subsection
7 2(a) of this section;

8 (e) To require all fishing vessels to possess
9 a permit issued by a State being in the Territorial Sea
10 or Exclusive Fishery Zone of a

11 (f) To rebate according to regulation approved by the
12 Authority all or a portion of a vessel's fishing venture duly
13 Section 154 (7) of this Title from fishing venture duly
14 organized by law, if the rebate promote fishery development;

15 (g) The Authority shall submit its budget and a report
16 regarding the expenditure of its funds to the Congress each regular
17 session for approval; and

18 (h) To perform such other duties and functions as may
19 be necessary to carry out the purpose of this Title.

20 (3) The Authority shall employ full-time Executive Director
21 possessing such qualifications as may be established by the
22 Authority. The Authority may employ such other staff as it may
23 deem necessary.

24 (4) Members of the Authority, other than the member
25 elected jointly by the Presiding Officers of the former Congress

1 of Micronesia and the High Commissioner, or appointed jointly by
2 the Speaker of the Congress of the Federated States of Micronesia
3 and the High Commissioner, shall be compensated at the rate of
4 thirty-five dollars per day when actually on the business of the
5 Authority. The joint appointee All appointees who are not members
6 of the Congress of the Federated States of Micronesia or the State
7 government which they represent shall be compensated at a rate
8 established by the Authority, but shall not participate in the
9 decision of the Authority determining ~~his~~ their compensation. Member; of
10 the Authority who are employees of ~~State~~ governments or the
11 Governments of the Federated States of Micronesia, ~~or the Trust~~
12 ~~Territory of the Pacific Islands~~ shall not be entitled to receive
13 any compensation. All members of the Authority shall receive per
14 diem and travel expenses at established ~~Trust Territory Government~~
15 Federated States of Micronesia Government rates while on the
16 business of the Authority.

17 (5) The Chairman of the Authority shall report on its
18 activities to the High Commissioner and to the Presiding Officer
19 of the Congress of the Federated States of Micronesia and to each
20 State Governor on an annual basis, which report shall contain
21 a detailed accounting of the expenditure of funds of the Authority."

22 Section 2. Section 206 of 52 TTC (P.L. No. 7-71), as amended by Public
23 Law No. IC-3, Public Law No. 1-34, and Public Law No. 1-92, is hereby
24 further amended to read as follows:


25 "Section 206. Fees. Fees collected by the Authority pursuant to

1 Section 154 (7) shall be deposited in ~~the General Fund of the~~
2 ~~Congress of the Federated States of Micronesia, or its successor,~~
3 a separate special trust fund, the Maritime Trust Fund, from which
4 funds shall be expended for marine related matters only; PROVIDED,
5 HOWEVER, that in the case of fees collected from a joint fishing
6 venture, and if its application for a fishing permit includes a
7 request for rebate of fees which the Authority accepts pending
8 its decision to rebate the fee, such fees shall be deposited in
9 a separate trust account maintained by the Authority until rebated
10 to the joint fishing venture or paid into the ~~General Fund~~
11 Maritime Trust Fund of the Congress of the Federated States of
12 Micronesia, or its successor, if the rebate request is denied; and
13 PROVIDED FURTHER, that in the case of fees paid in goods or services
14 rather than money, such goods and services shall be distributed,
15 sold or otherwise disposed of by the Congress of the Federated
16 States of Micronesia by Resolution while in session, and by the
17 appropriate Committee of the Congress between sessions."

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

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22 Date: MAY 29, 1981

Introduced by:


Jack Fritz