A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by amending section 113 to enable the waiver of permit fees in certain circumstances, and for other purposes.

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

Section 1. Section 113 of chapter 1 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, is hereby amended to read as follows:

"Section 113. Permits - fees and charges.

(1) No permit shall be issued without payment of a fee, royalty or other form of compensation, except if the royalty, fee or other form of compensation payable has been waived by the Executive Director in accordance with subsection (5) of this section.

(2) The Authority shall determine the fees, royalties or other forms of compensation for permits, and other charges it may require in relation to fishing or related activities, including fees and charges related to authorized observers and authorized observer placements.

(3) In determining the fees for marine scientific research, the Authority shall take into account a research plan submitted by the applicant, and the long term value of such research to the management and development of any fishery in the exclusive economic zone.
(4) Subject to subsection (5) of this section, no permit shall be issued pursuant to this subtitle until the requisite fees, royalties, charges and other forms of compensation have been paid in accordance with this subtitle and in accordance with the terms of any applicable access agreement.

(5) If the Executive Director is satisfied, on the basis of all the information before him or her, that a vessel holding a current, valid permit has:

(a) located a citizen of the Federated States of Micronesia who is genuinely lost or in distress at sea and has been reported as such to the relevant authorities; and

(b) safely delivered that citizen to the nearest port, whether in the Federated States of Micronesia or elsewhere; and

(c) in doing so, has not acted contrary to (i) the laws of any state within the Federated States of Micronesia (ii) if the nearest port is outside the Federated States of Micronesia, the laws of the country in which the port is located or (iii) international law; the Executive Director shall waive fees payable, in full or in part, for the next permit granted to that vessel in accordance with subsection (6) of this section. It
shall be the responsibility of the individual seeking
the waiver of permit fees to provide the necessary
information regarding a rescue to the Executive
Director.

(6) If the Executive Director is satisfied that a
vessel is eligible to have permit fees waived in
accordance with subsection (5) of this section, he or
she shall waive whichever is lower of the full cost of
the permit or:

   (a) for a long line fishing vessel weighing under
   20 gross tons, $10,000;
   (b) for a long line fishing vessel weighing over
   20 gross tons but under 70 gross tons, $15,000;
   (c) for a long line fishing vessel weighing over
   70 gross tons, $20,000;
   (d) for a purse seine fishing vessel, $25,000; and
   (e) for any other vessel that may apply for a
permit in accordance with this chapter, an amount up to
$25,000, to be determined by the Executive Director.”

Section 2. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

Date: 9/13/05

Introduced by: /s/ Manny Mori
Manny Mori