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
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,

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

Enclosures
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.

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

Liwiana K. Ramon
Chief Clerk
Congress of the Federated States of Micronesia
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
FIRST READING: FEBRUARY 13, 2008
SECOND READING: MAY 14, 2008

Liwiana K. Ramon
Chief Clerk, FSM Congress
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
two consecutive terms, after the effective date of this Act.

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

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

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

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

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

Section 2. Section 202 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 202. Authority — term of office of members;
vacancies.

(1) All appointments of Authority members shall be
for a term of two years. The term of office of each
member shall commence either upon the granting of advice
and consent to a member's appointment by the Congress of
the FSM under this act's predecessor legislation, or,
for any vacancies existing upon the effective date of
this act or thereafter, upon the granting of advice and
consent of the Congress to the appointment of a member
to fill a vacancy. The rights and powers of a member,
other than a member whose appointment is terminated or
vacated pursuant to subsection (3) below, shall remain
in effect until the date of the first meeting of the
Authority following the effective date of the term of
office of that member's successor or for a period of six
months, whichever is less.

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

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

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

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

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

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

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

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

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

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.

______________, 2008

Manny Mori
President
Federated States of Micronesia