



A BILL FOR AN ACT

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

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

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

4           "Section 113. Permits - fees and charges.

5                   (1) No permit shall be issued without payment of a  
6 fee, royalty or other form of compensation, except if  
7 the royalty, fee or other form of compensation payable  
8 has been waived by the Executive Director of the  
9 Authority in accordance with subsection (2) of this  
10 section.

11                   (2) If the Executive Director of the Authority is  
12 satisfied, on the basis of all the information before  
13 him or her, that a fishing vessel holding a current,  
14 valid permit:

15                           (a) has located another vessel that is genuinely  
16 lost or in distress at sea;

17                           (b) has, with the consent of the owner or the  
18 highest ranking crew member on board the vessel in

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1           distress, if any, safely delivered that vessel and any  
2           or all people on board to the nearest port, whether in  
3           the Federated States of Micronesia or elsewhere; and

4                   (c) in doing so, has not acted contrary to (i)  
5           the laws of any state within the Federated States of  
6           Micronesia (ii) if the nearest port is outside the  
7           Federated States of Micronesia, the laws of the country  
8           in which the port is located or (iii) international law  
9           the Executive Director shall waive any fee payable for  
10           the next permit granted to that fishing vessel. It shall  
11           be the responsibility of the owner of a fishing vessel  
12           to provide information regarding a rescue to the  
13           Executive Director.

14           ~~[(2)]~~ (3) The Authority shall determine the fees,  
15           royalties or other forms of compensation for permits,  
16           and other charges it may require in relation to fishing  
17           or related activities, including fees and charges  
18           related to authorized observers and authorized observer  
19           placements.

20           ~~[(3)]~~ (4) In determining the fees for marine scientific  
21           research, the Authority shall take into account a  
22           research plan submitted by the applicant, and the long  
23           term value of such research to the management and  
24           development of any fishery in the exclusive economic

1 zone.  
2 [~~(4)~~] (5) ~~[No]~~ Subject to subsection (1), no permit  
3 shall be issued pursuant to this subtitle until the  
4 requisite fees, royalties, charges and other forms of  
5 compensation  
6 have been paid in accordance with this subtitle and in  
7 accordance with the terms of any applicable access  
8 agreement."

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

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13 Date: 1/24/05

Introduced by: /s/ Manny Mori  
Manny Mori

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