



GOVERNMENT OF KOSRAE

Office of the Governor

Post Office Box 158

Kosrae, Federated States of Micronesia 96944

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October 22, 2014

The Honorable Gibson T. Siba
Speaker
Tenth Kosrae State Legislature
Tofol, Kosrae FM 96944

Dear Mr. Speaker.

Pain kom a kulo nu sin God ke moui mwo lasr.

Nga sim in tukakin la L.B. No. 10-238 el inge masap se lun State su orala Kosrae State Law No. 10-144, su sifwa u fwak ouinge:

"TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING SECTIONS 13.415, 13.419, 13.512, 13.519, 13.523, 13.524, 13.530, 13.542, 13.543, 13.544, 13.545, 13.546, 13.547, 13.548, 13.549, 13.550, 13.551, 13.552, 13.553 AND 13.630 THERE OF AND TO FURTHER INSERT THE CORRECT NUMBERING OF SECTION 13.630 THRU 13.633, FOR PURPOSE OF RECTIFYING REFERENCES TO TILE 19 OFFENSE PROVISIONS, AND FOR OTHER PURPOSES."

Certified copy ke Masap se inge pa attached nuke letter luk.

Kulo ma lulap.


Lyndon H. Jackson
Governor

/mct



TENTH KOSRAE STATE LEGISLATURE

P. O. Box 187

Tofol, Kosrae State

Federated States of Micronesia 96944

Telephone: (691) 370-3019/3177 * Fax: 370-2177

Web Page: www.kosraelegislature.org

Gibson T. Siba
SPEAKER

September 23, 2014

Palikun M. Shrew
VICE SPEAKER

Robert I. Taulung
FLOOR LEADER

The Honorable Lyndon H. Jackson
Governor
State of Kosrae
Kosrae, FM 96944

LELU

Bob H. Skilling
Chang B. William
Gibson T. Siba
Reedson P. Abraham
Tulensa W. Palik

Dear Governor Jackson:

TAFUNSAK

Alokoa J. Sigrah
Maker L. Palsis
Robert I. Taulung
Rolner L. Joe

I have the honor to transmit herewith for your consideration and action **L. B. NO. 10-238, L.D. 1, TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING SECTIONS 13.415, 13.419, 13.512, 13.519, 13.523, 13.524, 13.530, 13.542, 13.543, 13.544, 13.545, 13.546, 13.547, 13.548, 13.549, 13.550, 13.551, 13.552, 13.553 AND 13.630 THEREOF, AND TO FURTHER INSERT THE CORRECT NUMBERING OF SECTION 13.630 THRU 13.633, FOR PURPOSE OF RECTIFYING REFERENCES TO TITLE 19 OFFENSE PROVISIONS, AND FOR OTHER PURPOSES.**; which passed the Legislature, Eighth Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

MALEM

Jarinson M. Charley
Jefferson M. Timothy
Palikun M. Shrew

Respectfully yours,

UTWA

Josaiah F. Waguk
Rinson H. Edmond



Tosie K. Elley
Chief Clerk

Tenth Kosrae State Legislature

Enclosures



**TENTH KOSRAE STATE LEGISLATURE
EIGHTH REGULAR SESSION
AUGUST 11, 2014 – SEPTEMBER 13, 2014**

A BILL FOR AN ACT

TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, BY AMENDING SECTIONS 13.415, 13.419, 13.512, 13.519, 13.523, 13.524, 13.530, 13.542, 13.543, 13.544, 13.545, 13.546, 13.547, 13.548, 13.549, 13.550, 13.551, 13.552, 13.553 AND 13.630 THEREOF, AND TO FURTHER INSERT THE CORRECT NUMBERING OF SECTION 13.630 THRU 13.633, FOR PURPOSE OF RECTIFYING REFERENCES TO TITLE 19 OFFENSE PROVISIONS, AND FOR OTHER PURPOSES.

INTRODUCED Floor Leader Robert I. Taulung (By Request)

DATE: September 3, 2014

ACTION BY THE LEGISLATURE

PASSED FIRST READING: September 10, 2014

REFERRING TO: **Committee on J&GO**
 SCR. No. 10-298 – A – 09/10/14

PASSED SECOND READING: September 11, 2014


Tosie K. Elley
Chief Clerk

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Gibson T. Siba
SPEAKER

LEGISLATIVE BILL NO. 10-238, L.D. 1

Palikun M. Shrew
VICE SPEAKER

Robert I. Taulung
FLOOR LEADER

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Eighth Regular Session, 2014, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.

LELU

Bob H. Skilling
Chang B. William
Gibson T. Siba
Reedson P. Abraham
Tulensa W. Palik

TAFUNSAK


Alokoa J. Sigras
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Rinson H. Edmond


Gibson T. Siba
Speaker
Tenth Kosrae State Legislature


Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

A BILL FOR AN ACT

To amend Title 13 of the Kosrae State Code, by amending Sections 13.415, 13.419, 13.512, 13.519, 13.523, 13.524, 13.530, 13.542, 13.543, 13.544, 13.545, 13.546, 13.547, 13.548, 13.549, 13.550, 13.551, 13.552, 13.553 and 13.630 thereof, and to further insert the correct numbering of Section 13.630 thru 13.633, for purpose of rectifying references to Title 19 offense provisions, and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Section 13.415 of Title 13 of the Kosrae State Code is hereby amended to
2 read as follows:

3 “Section 13.415. Theft From Fish Traps, Ponds, Enclosures and Storage Device
4 No person shall remove a fish from, or knowingly destroy, damage or impair the functioning of,
5 a fish trap, pond, enclosure or storage device that belongs to another person without that person’s
6 permission, whether the trap or storage device is located in private property or the fishing waters
7 of Kosrae.

8 (1) A “fish” and “fishing waters” have the same meanings as defined in Section
9 19.103(11) and (12). “Fish” includes crabs and clams.

10 (2) ...”

11 Section 2. Section 13.419 of Title 13 of the Kosrae State Code is hereby amended to read
12 as follows:

13 “Section 13.419. Protected areas violation. Protected areas violation is committing
14 any action in violation of Section 19.805 or 19.812.

15 Protected areas violation is a category one misdemeanor.”

1 Section 3. Section 13.512 of Title 13 of the Kosrae State Code is hereby amended to read
2 as follows:

3 “Section 13.512. Tampering with antiquities. Tampering with antiquities is
4 disturbing, removing, damaging, or selling matter belonging to antiquities unless the user has
5 authorization pursuant to the regulations issued pursuant to Section 19.403, or the user owns the
6 matter.

7 Tampering with antiquities is a category one misdemeanor.”

8 Section 4. Section 13.519 of Title 13 of the Kosrae State Code, as amended by S. L.
9 No.7-99, is hereby further amended to read as follows:

10 “Section 13.519. Violating State waters. Violating State fishery waters is entering
11 or remaining within State fishery waters without proper authorization in violation of Section
12 19.322 or in violation of a lawful order. This section does not apply to ships entering for stress of
13 weather or force majeure.

14 Violating State fishery waters is a category one misdemeanor.”

15 Section 5. Section 13.523 of Title 13 of the Kosrae State Code, as amended by S. L. Nos.
16 4-112, 5-139, 5-196, 7-78 and 7-99, is hereby further amended to read as follows:

17 “Section 13.523. Unauthorized procuring of aquatic life. Unauthorized procuring
18 of aquatic life is any of the following:

- 19 (1) Any violation of Section 19.357;
20 (2) Any violation of Section 19.328;

1 (3) Any violation of Section 19.326;

2 (4) Procuring fish or other aquatic life from midnight Saturday to midnight
3 Sunday; and

4 (5) Engaging in the commercial harvesting, commercial processing, or
5 commercial exportation of sea cucumbers without a permit, in violation of any permit conditions,
6 or in violation of regulation(s) drafted pursuant to Section 19.359; or

7 (6) Possessing more than five (5) sea cucumbers without a permit, in violaticn of
8 any permit conditions, or in violation of regulations drafted pursuant to Section 19.359.

9 Unauthorized procuring of aquatic life is a category one misdemeanor.”

10 Section 6. Section 13.524 of Title 13 of the Kosrae State Code, as amended by S. L.
11 No.7-99, is hereby further amended to read as follows:

12 “Section 13.524. Endangering a species. Endangering a species is taking,
13 possessing, exporting or engaging in any commercial activity concerning any endangered species
14 of plant or animal, as such are identified by regulations published pursuant to Title 19 or Section
15 19.406.

16 Endangering a species is a category one misdemeanor.”

17 Section 7. Section 13.530 of Title 13 of the Kosrae State Code is hereby amended to read
18 as follows:

19 “Section 13.530. Polluting. Polluting is willfully or negligently discharging
20 pollutants in violation of Title 19 or in violation of any condition or limitation included in a

1 permit issued pursuant to Title 19 or, in the case of introduction of pollutants into publicly
2 owned treatment works, violating a pretreatment standard or toxic effluent standard.

3 Polluting is a category one misdemeanor.”

4 Section 8. Section 13.542 of Title 13 of the Kosrae State Code is hereby amended to read
5 as follows:

6 “Section 13.542. Marine resource violation. Marine resource violation is
7 committing any act in violation of Section 19.315.

8 Marine resource violation is a category one misdemeanor.”

9 Section 9. Section 13.543 of Title 13 of the Kosrae State Code is hereby amended to read
10 as follows:

11 “Section 13.543. Unauthorized foreign fishing. Unauthorized foreign fishing is
12 fishing in violation of Section 19.316 or Section 19.317.

13 Unauthorized foreign fishing is a category three felony.”

14 Section 10. Section 13.544 of Title 13 of the Kosrae State Code is hereby amended to
15 read as follows:

16 “Section 13.544. Unauthorized fishing. Unauthorized fishing is fishing in violation
17 of Section 19.318, Section 19.319 or Section 19.320.

18 Unauthorized fishing is a category one misdemeanor.”

19 Section 11. Section 13.545 of Title 13 of the Kosrae State Code is hereby amended to
20 read as follows:

1 “Section 13.545. Unauthorized development or activity in the State fishery waters.

2 Unauthorized development or activity in the State fishery waters is any act in violation of
3 Section 19.321.

4 Unauthorized development or activity in the State fishery waters is a category one
5 misdemeanor.”

6 Section 12. Section 13.546 of Title 13 of the Kosrae State Code is hereby amended to
7 read as follows:

8 “Section 13.546. Unauthorized destruction to marine environment. Unauthorized
9 destruction to marine environment is any act in violation of Section 19.324 or Section 19.325.

10 Unauthorized destruction to marine environment is a category three felony.”

11 Section 13. Section 13.547 of Title 13 of the Kosrae State Code is hereby amended to
12 read as follows:

13 “Section 13.547. Placement of fishing nets in navigational channels. Placement of
14 fishing nets in navigational channels is any act in violation of Section 19.327.

15 Placement of fishing nets in navigational channels is a category one misdemeanor.”

16 Section 14. Section 13.548 of Title 13 of the Kosrae State Code is hereby amended to
17 read as follows:

18 “Section 13.548. Unauthorized import or export of marine resources.
19 Unauthorized import or export of marine resources is any act in violation of Section 19.329,

20 Section 19.330, or Section 19.331.

1 Unauthorized import or export of marine resources is a category one misdemeanor.”

2 Section 15. Section 13.549 of Title 13 of the Kosrae State Code is hereby amended to
3 read as follows:

4 “Section 13.549. Reckless operation of a motor driven vessel. Reckless operation
5 of a motor driven vessel is any act in violation of Section 19.332(1).

6 Reckless operation of a motor driven vessel is a category one misdemeanor.”

7 Section 16. Section 13.550 of Title 13 of the Kosrae State Code is hereby amended to
8 read as follows:

9 “Section 13.550. Negligent operation of a motor driven vessel. Negligent
10 operation of a motor driven vessel is any act in violation of Section 19.332(2).

11 Negligent operation of a motor driven vessel is a category three misdemeanor.”

12 Section 17. Section 13.551 of Title 13 of the Kosrae State Code is hereby amended to
13 read as follows:

14 “Section 13.551. Operating a motor driven vessel under the influence. Operating a
15 motor driven vessel under the influence is any act in violation of Section 19.333.

16 Operating a motor driven vessel under the influence is a category one
17 misdemeanor.”

18 Section 18. Section 13.552 of Title 13 of the Kosrae State Code is hereby amended to
19 read as follows:

20 “Section 13.552. Tampering with marine devices. Tampering with marine devices

1 is any act in violation of Section 19.334 or Section 19.335.

2 Tampering with marine devices is a category one misdemeanor.”

3 Section 19. Section 13.553 of Title 13 of the Kosrae State Code is hereby amended to
4 read as follows:

5 “Section 13.553. Unauthorized fishing gear or equipment. Unauthorized fishing
6 gear or equipment is any act in violation of Section 19.336, Section 19.337, Section 19.338,
7 Section 19.339, or Section 19.340.

8 Unauthorized fishing gear or equipment is a category three misdemeanor.”

9 Section 20. Section 13.629 of Title 13 of the Kosrae State Code is hereby renumbered as
10 Section 13.630 and amended to read as follows:

11 “Section 13.630. Interfering with authorized officers or observers. Interfering with
12 authorized officers or observers is any act in violation of Section 19.341.

13 Interfering with authorized officers or observers is a category one misdemeanor.”

14 Section 21. Sections 13.630, 13.631 and 13.632 are hereby renumbered as 13.631,
15 13.632 and 13.633 respectively.

16 Section 22. Effective Date. This act takes effect upon the approval of the Governor or
17 upon it becoming law without such approval.

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1 PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 11TH DAY OF
2 SEPTEMBER, 2014.

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Gibson T. Siba
Speaker, Tenth Kosrae State Legislature

Attested by: 
Chief Clerk


Lyndon H. Jackson
Governor, State of Kosrae

Date: 10-22-14

