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 moul 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 fwa ouinge:


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

Kulo má julap.

Lyndon H. Jackson
Governor

/mct
September 23, 2014

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

Dear Governor Jackson:


Respectfully yours,

[Signature]

Josie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

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

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

A BILL FOR AN ACT


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. Eley
Chief Clerk
KOSRAE STATE LEGISLATURE
TENTH KOSRAE STATE LEGISLATURE
P. O. Box 187
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LEGISLATIVE BILL NO. 10-238, L.D. 1

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.

Gibson T. Siba
Speaker
Tenth Kosrae State Legislature

Rosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature
A BILL FOR AN ACT


BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

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

"Section 13.415. **Theft From Fish Traps, Ponds, Enclosures and Storage Device**

No person shall remove a fish from, or knowingly destroy, damage or impair the functioning of, a fish trap, pond, enclosure or storage device that belongs to another person without that person’s permission, whether the trap or storage device is located in private property or the fishing waters of Kosrae.

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

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

"Section 13.419. **Protected areas violation**. Protected areas violation is committing any action in violation of Section 19.805 or 19.812.

Protected areas violation is a category one misdemeanor."
Section 3. Section 13.512 of Title 13 of the Kosrae State Code is hereby amended to read as follows:

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

Tampering with antiquities is a category one misdemeanor."

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

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

Violating State fishery waters is a category one misdemeanor."

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

"Section 13.523. Unauthorized procuring of aquatic life. Unauthorized procuring of aquatic life is any of the following:

(1) Any violation of Section 19.357;

(2) Any violation of Section 19.328;"
(3) Any violation of Section 19.326;

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

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

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

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

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

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

Endangering a species is a category one misdemeanor.”

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

“Section 13.530. Polluting. Polluting is willfully or negligently discharging pollutants in violation of Title 19 or in violation of any condition or limitation included in a
permit issued pursuant to Title 19 or, in the case of introduction of pollutants into publicly
owned treatment works, violating a pretreatment standard or toxic effluent standard.

   Polluting is a category one misdemeanor.”

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

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

   Marine resource violation is a category one misdemeanor.”

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

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

   Unauthorized foreign fishing is a category three felony.”

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

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

   Unauthorized fishing is a category one misdemeanor.”

Section 11. Section 13.545 of Title 13 of the Kosrae State Code is hereby amended to
read as follows:
“Section 13.545. Unauthorized development or activity in the State fishery waters. Unauthorized development or activity in the State fishery waters is any act in violation of Section 19.321.

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

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

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

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

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


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

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

“Section 13.548. Unauthorized import or export of marine resources. Unauthorized import or export of marine resources is any act in violation of Section 19.329, Section 19.330, or Section 19.331.
Unauthorized import or export of marine resources is a category one misdemeanor."

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


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

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


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

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

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

Operating a motor driven vessel under the influence is a category one misdemeanor."

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

"Section 13.552. Tampering with marine devices. Tampering with marine devices
is any act in violation of Section 19.334 or Section 19.335.

Tampering with marine devices is a category one misdemeanor.”

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


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

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

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

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


Section 22. Effective Date. This act takes effect upon the approval of the Governor or upon it becoming law without such approval.
PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 11TH DAY OF SEPTEMBER, 2014.

Gibson T. Siba  
Speaker, Tenth Kosrae State Legislature

Attested by:  
Chief Clerk

Lyndon H. Jackson  
Governor, State of Kosrae

Date: 10-22-14