

## AN ACT

To amend Title 5 of the Yap State Code by adding a new Chapter 6 to provide for Researcher Registration in the State, and for other purposes.

Be it enacted by the Legislature of the State of Yap.

1 Section 1. Title 5 of the Yap State Code is hereby  
2 amended by adding a new Chapter 6 to provide for Researcher  
3 Registration in the State to read as follows:

4 "Chapter 6: Researcher Registration

5 Section 601. Title. This Chapter may be known and cited  
6 as the "State Researcher's Registration Act."

7 Section 602. Findings. The Legislature finds that:

8 (a) Throughout the course of the State's recent  
9 history, many scholars and scientists from a variety of  
10 academic fields have come to Yap State to study its unique  
11 society, culture and traditions.

12 (b) Yap State has always welcomed, and will  
13 continue to welcome, such persons, including, but not limited  
14 to, anthropologists, archaeologists, marine specialists,  
15 historians, lawyers, and other social scientists.

16 (c) Yap has a strong State interest in ensuring  
17 that all such researchers are able to access the data which  
18 they need, that they are able to be apprised of any  
19 inaccuracies in data collected, that they provide Yap with at  
20 least two copies of their final work product, and that they  
21 pay Yap a royalty fee on the sale of their final work product.

22 Section 603. Purpose; intent. It is the intent of the  
23 Legislature to require that all researchers, as so defined  
24 herein, register with the Division of Civic Affairs to ensure  
25 that the State may assist the researchers whenever possible

1 and to provide a mechanism whereby a researcher's data may be  
2 confirmed, verified and cross-checked so as to prevent the  
3 dissemination of misinformation, and to insure that Yap State  
4 receives a royalty payment on each final work product sold.

5 Section 604. Definitions. As used in this Chapter,  
6 unless the context otherwise requires, the term:

7 (a) "Division of Civic Affairs" means the Division  
8 of Civic Affairs within the Department of Youth and Civic  
9 Affairs.

10 (b) "Chief" means the Chief of the Division of  
11 Civic Affairs under whose supervision and direction the Yap  
12 Historic Preservation Program is administered.

13 (c) "Researcher" means any person actively and  
14 exclusively engaged in the full-time academic study of any  
15 aspect of Yap State's history, culture, customs, or  
16 traditional skills, songs, myths, chants or dances for the  
17 purpose of disseminating the results of that study in any  
18 tangible medium of expression from which they can be  
19 perceived, reproduced or otherwise communicated, either  
20 directly or with the aid of a machine or device. "Researcher"  
21 shall include, but not limited to, all those persons who are  
22 entering the State pursuant to a researcher's entry permit  
23 issued in accordance with the relevant requirements of FSM  
24 National law codified at 50 FSM Section 103. "Researcher"  
25 shall not include any citizen of the FSM, or any employee or

1 agent of the State or FSM national government engaged in such  
2 research or study on behalf of the State or national  
3 government, or any agency or instrumentality thereof.

4 (d) "Research" or "study" means the active and  
5 direct pursuit of information or data concerning any aspect of  
6 Yap's history, culture, customs, or traditional songs, myths,  
7 chants or dances by generally accepted methods of eliciting  
8 such information or data, including, but not limited to,  
9 interviewing State residents, distributing questionnaires  
10 among State residents, taking photographs or making  
11 audio/visual recordings, digging or excavating and/or  
12 examining any area of land or historic property, as defined in  
13 Chapter 4 of this title, on such land.

14 (e) "Final work product" means the complete and  
15 final work of authorship containing the results of the  
16 researcher's study in Yap. In the category of literary works  
17 intended for mass circulation, the "final work product" shall  
18 be that work of authorship in the form issued by the  
19 publisher. In the category of academic dissertations or  
20 scholarly articles or papers intended to be submitted for  
21 purposes of advanced academic degrees, the "final work  
22 product" shall be that work of authorship in the form  
23 submitted to the academic institution. In the category of  
24 scholarly, academic or scientific articles intended for publi-  
25 cation in specialized journals or magazines published on a



1 monthly, quarterly or periodic basis, the "final work  
2 product" shall be in the form issued by the publisher. In the  
3 category of audio-visual tapes or other such audio-visual  
4 recording media, the "final work product" shall be a copy of  
5 the tape or other device.

6 (f) "Royalty fee" means a compensation from the  
7 researcher to the State of Yap for the use of Yap's resources  
8 in his research and which compensation is ten percent (10%) of  
9 each final work product sold.

10 (g) "FSM" means the Federated States of  
11 Micronesia.

12 Section 605. Registration required; royalty agreement.

13 (a) All researchers shall, before commencement of  
14 the research project, register with the Division of Civic  
15 Affairs.

16 (b) Researchers shall provide the Division of Civic  
17 Affairs with the following data:

- 18 (1) Name and permanent address;  
19 (2) Purpose and scope of research;  
20 (3) Intended method(s) of research;  
21 (4) Intended duration of stay in Yap;  
22 (5) Local address in Yap;  
23 (6) School, university, foundation or other  
24 professional affiliation through which  
25 entity or for which entity the research

1 is being conducted and address of such  
2 entity;

3 (7) Name and address of publisher, if  
4 available;

5 (8) A signed statement by the researcher  
6 promising to pay Yap State a ten percent  
7 (10%) royalty fee on any final work  
8 product sold; and

9 (9) Any other data which the Chief believes  
10 relevant.

11 (c) Upon receipt of the data required to be  
12 submitted in Subsection (b) of this Section, the Chief shall  
13 inform the traditional leader of the municipality or island  
14 where the researcher will be working of the researcher's  
15 purpose and scope of study, intended method(s) of research and  
16 intended duration of stay in Yap. In the event that the  
17 researcher will be focusing on several municipalities or  
18 islands, the Chief shall notify the Council of Pilung and/or  
19 Council of Tamol, as appropriate.

20 (d) Upon submission of the data required, by  
21 Subsection (b) of this Section, notification required by  
22 Subsection (c) of this Section, and payment of a non-  
23 refundable registration fee in the amount of five hundred  
24 dollars (\$500.00), the researcher shall be issued a permit  
25 to conduct his or her research for a period of one year. Such

1 permits may be automatically renewed for another year by  
2 paying a non-refundable renewal fee of two hundred fifty  
3 dollars (\$250.00) upon the expiration of the initial one year  
4 term.

5 (e) All researchers shall consult with the Chief  
6 and the members of the Councils of Pilung and Tamol to verify,  
7 confirm, cross-check and clarify any data derived in the  
8 course of their research in the State.

9 (f) All researchers shall provide the Division of  
10 Civic Affairs with at least two copies of their final work  
11 product. One copy shall be maintained by the Division of Civic  
12 Affairs. The second copy shall be given to the Council of  
13 Pilung, if the research was conducted only in Yap Proper, or  
14 the Council of Tamol if the research was conducted in the  
15 Outer Island. If the research was conducted in both areas,  
16 then the second copy shall also be maintained by the Division.

17 Section 606. Deposits to General Fund of the State of  
18 Yap. All funds collected pursuant to the provisions of this  
19 chapter shall be deposited into the General Fund of the State  
20 of Yap within five days of collection.

21 Section 607. Prohibited Acts. In addition to any other  
22 acts which may be prohibited pursuant to any other provision  
23 of State law, including those prohibited by 5 YSC 408 and the  
24 applicable rules and regulations, it shall be unlawful for any  
25 researcher:



1           (a) To engage in research or study without securing  
2 the permit required by Section 605 of this Chapter; and

3           (b) To provide false information to the Chief for  
4 purposes of Researcher Registration pursuant to Section 605 of  
5 this Chapter.

6           Section 608. Penalties.

7           (a). There shall be a civil penalty of not more than  
8 one hundred dollars (~~\$100.00~~) for providing false information  
9 to the Chief for purposes of Researcher Registration pursuant  
10 to Section 605 of this Chapter.


11           (b) There shall be a civil penalty of not more than  
12 two hundred dollars (~~\$200.00~~) for actively engaging in  
13 research or study without registering and securing the permit  
14 as provided in Section 605 of this Chapter.

15           (c) In addition to any other penalty provided  
16 herein, the permit of any researcher, who fails to provide the  
17 Chief with at least two copies of his or her final work  
18 product within two months of the publication of that work of  
19 authorship, or who fails to pay a royalty fee within one year  
20 of the publication of that work of authorship, shall be  
21 immediately revoked and such researcher shall not be entitled  
22 to renew or reapply for another permit for a period of ten  
23 years.

24           Section 609. Severability. If any provision of this  
25 Chapter or the application thereof to any person or circum-

1 stance is held invalid, the invalidity does not affect other  
2 provisions or applications of the Chapter which can be given  
3 effect without the invalid provision or application, and to  
4 this end the provisions of this Chapter are severable."

5 Section 2. This Act shall take effect upon its approval  
6 by the Governor, or upon its becoming law without such  
7 approval.

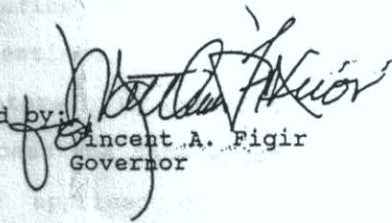
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10 Certified by 

Robert A. Ruecho  
Speaker

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15 Certified by 

Aggie Kotnay  
Chief Clerk

Date: 04-22-96

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21 Approved by 

Vincent A. Figir  
Governor

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24  
25 Date: 06-13-96