

AN ACT

To further amend title 55 of the Code of the Federated States of Micronesia, as amended, by creating a new chapter 16 thereof, for the purpose of establishing the Pohnpei State Commission on Improvement Projects, and for other purposes.

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

1 Section 1. Title 55 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by creating a
3 new chapter 16 entitled: "Pohnpei State Commission on Improvement
4 Projects."

5 Section 2. Title 55 of the Code of the Federated States of
6 Micronesia is hereby further amended by adding a new section 1601
7 to chapter 16 to read as follows:

8 "Section 1601. Commission created.

9 There is hereby created a Pohnpei State Commission on
10 Improvement Projects ('PSCIP'). The commission shall be
11 composed of the following: a representative from each of the
12 election districts within the State of Pohnpei, or his
13 designee, and the Budget Officer of the Pohnpei State
14 Government. A majority of the chief municipal executives of
15 the election district shall select a person from within the
16 district to represent the district on the PSCIP."

17 Section 3. Title 55 of the Code of the Federated States of
18 Micronesia is hereby further amended by adding a new section 1602 to
19 chapter 16 to read as follows:

20 "Section 1602. Commission - Organization; Quorum; Interim

1 Manager.

2 (1) The commission shall meet to organize itself and to
3 select a chairman and a vice chairman. The presence of a
4 majority of the representatives from the election districts
5 shall be necessary to constitute a quorum. Meetings shall
6 be conducted according to bylaws adopted by the members.
7 The Pohnpei State Budget Officer will be a non-voting
8 member.

9 (2) Until such time as sufficient representatives have
10 been selected to constitute a quorum to organize, the
11 Governor of the State of Pohnpei is authorized to appoint an
12 interim manager to carry out duties and responsibilities
13 authorized under subsections (1) through (5) of section 803.

14 (3) Members of the commission shall serve terms of four
15 (4) years.

16 (4) To stagger the replacement of commission members,
17 of the first commission to organize and the first only, one
18 election district member shall serve a two year term, one a
19 three year term, and one a four year term. The commission
20 members shall determine this by a fair, random method of
21 selection.

22 (5) Members may be removed by a majority vote of the
23 chief municipal executives in their election district.
24 Removal shall be based on misconduct. Replacement members
25 shall be elected from the same election district."

1 Section 4. Title 55 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 1603 to
3 chapter 16 to read as follows:

4 "Section 1603. Commission - Authority.

5 The commission shall have the authority to:

- 6 (1) Obligate funds appropriated and allotted to the
7 commission by the Congress for projects in Pohnpei;
- 8 (2) Award and enter into contracts for projects, giving
9 priority to bids by Micronesian citizens or corporations
10 qualified and capable of performing fully and without delay
11 such projects;
- 12 (3) Assess damage to private property caused by
13 projects and negotiate written settlements on amounts of
14 compensation, such written settlements to be treated as
15 obligations for the purposes of the Financial Management Act
16 of 1979;
- 17 (4) Establish priorities for the performance of
18 projects, ensuring that each district is treated as equally
19 as possible;
- 20 (5) Submit all reports required by applicable law,
21 including, but not limited to, the Financial Management Act
22 of 1979; and
- 23 (6) Appoint an executive director, who may carry out
24 such duties of the commission as the commission deems
25 advisable; the commission may authorize the executive

