

**TITLE 2**  
**LEGISLATURE**



## TITLE 2 LEGISLATURE

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### CHAPTER 1 GENERAL PROVISIONS

#### Section

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#### **§1-101. Legislative seal. —**

(1) *Description.* There is hereby adopted an official seal for the Pohnpei Legislature, which shall consist of a circle containing 11 stars, a representation of Sokehs Island, and a coconut tree, and which shall be designated as the Pohnpei Legislature Official Seal.

(2) *Custody and use.* The custody of the official seal shall be the responsibility of the Clerk of the Legislature, and the seal shall be used on certified copies of acts and resolutions of the Pohnpei Legislature. Any reproduction of the seal shall require the approval of the Speaker and shall be used only on official communications or publications and property of the Legislature. Improper use of the seal is prohibited.

Source: PDC §1-1, 3/71; S.L. No. 6L-79-06 §2-102, 11/1/06

**§1-102. Session designation. —** Sessions of the Ponape District Legislature are hereby redesignated and shall be known as the following:

(1) The first through the eighth regular sessions, inclusive, are respectively designated the First through the Eighth Regular Sessions of the First Ponape District Legislature.

(2) The ninth, tenth, and eleventh regular sessions are respectively redesignated the First, Second, and Third Regular Sessions of the Second Ponape District Legislature.

(3) The First Special Session is redesignated the First Special Session of the First Ponape District Legislature.

(4) The Second Special Session is redesignated the First Special Session of the Second Ponape District Legislature.

(5) Succeeding sessions until the 1971 general election for the Ponape District Legislature shall be designated as the appropriately numbered Regular or Special Session of the Second Ponape District Legislature.

(6) Sessions held following the 1971 general election for the Ponape District Legislature shall be designated the appropriately numbered Regular or Special Session of the Third Ponape District Legislature, with the numeral designation of the Ponape District Legislature to change after each general election of the Legislature.

(7) Commencing on the effective date of the Constitution of the Federated States of Micronesia [*May 10, 1979*], the Fourth Ponape District Legislature is hereby designated as the First Ponape State Legislature.

(8) The portion of the Eighth Regular Session of the Fourth Ponape District Legislature which falls on the effective date of the Constitution of the Federated States of Micronesia [*May 10, 1979*] and thereafter until it adjourns sine die is hereby designated as the First Regular Session of the First Ponape State Legislature.

(9) Sessions of the next Legislature held following the 1979 general election shall be designated the appropriate numbered regular or special session of the Second Ponape State Legislature, with numerical designation of the Ponape State Legislature to change after each general election of the Legislature.

Source: PDC §1-2, 3/71; D.L. No. 4L-194-79 §1, 8/9/79

**§1-103. Full-time membership.** — Every member of the Pohnpei Legislature shall serve full-time in that position from the time he assumes office by taking the oath until the time he leaves office by resignation, removal, recall or the swearing-in of his successor. Upon taking office, he shall resign from any other offices or employment in government. He may also resign from any board or committee membership in business, if it is in conflict with his Legislature duty.

Source: PDC §1-3, 3/71; S.L. No. 6L-79-06 §2-105, 11/1/06

**§1-104. Legislative rules.** —

(1) Each Pohnpei Legislature is hereby authorized and shall, by resolution, adopt its own rules not inconsistent with the Pohnpei Constitution or any law of Pohnpei governing its proceedings, conduct, and exercise of its powers.

(2) The permanent rules of the immediate preceding Legislature shall be the temporary rules of each new Legislature until it has adopted its own permanent rules.

Source: S.L. No. 2L-147-90 §§1 & 2, 3/6/90

**§1-105. Legislature fiscal year.** — The Pohnpei Legislature fiscal year is hereby declared to commence on October 1 each calendar year and to end on September 30 the following year.

Source: D.L. No. 4L-136-78 §36, 3/27/78

Note: Reference to transitional year FY 1978 has been omitted.

**§1-106. Individual offices; authorization for appropriation.** —

(1) Each member of the Pohnpei Legislature shall establish and/or maintain an office. The office shall be utilized in furtherance of the duties and responsibilities of the member as a representative. Such office shall be under the supervision and direction of the member for which it is established.

(2) There is hereby authorized from the general fund of Pohnpei a sum or sums as may be determined annually in the Comprehensive Budget Act for the purpose of financing the operational

costs of the offices as established pursuant to this section. For purposes of this section, “operational costs” shall be limited to expenses directly related to said office as established herein and may include salaries and benefits of employees attached to said office; purchase, lease or maintenance of equipment and furniture for said office; costs of office lease, construction or maintenance; costs of travel while undertaking the functions directly related to said office; costs of supplies and materials, utilities, communications, and petroleum, oil, and lubricant for use by said office. The sums herein authorized for appropriation shall be equally apportioned among the seats of the Legislature by the Chief of Administration and Budget of the Pohnpei Legislature and allocated to each office established pursuant to Subsection (1) of this section. The Chief of Administration and Budget of the Pohnpei Legislature shall be responsible for the administration and expenditure of all sums authorized for appropriation by this section and shall certify requests for expenditure of such sums to the Director of the Department of Treasury and Administration pursuant to the Financial Organization and Management Act, Title 11 Chapter 2, or its successor in law. For the purpose of this section, each member shall be the allottee of the sums allocated to his office. The Chief of Administration and Budget shall report to the Legislature on or before October 15 each year on all matters concerning the expenditure of the sums authorized for appropriation by this section. A copy of such report shall be submitted to the Governor. Any balance of the sums appropriated under the authorization of this section not expended or obligated for expenditure on September 30 each year shall revert to the general fund of Pohnpei.

Source: PDC §1-9, 3/71; S.L. No. 2L-77-88 §2, 12/12/88

Notes: 1. The original PDC §1-9, as established by the Ponape District Code, related to session allowances and per diem. PDC §1-9 and its original intent were completely repealed by D.L. No. 3L-104-75 §1. 2. S.L. No. 2L-77-88 §2 establishes a completely new PDC §1-9 relating to members’ office operations.

Extended legislative history: PDC §1-9(a) was amended by D.L. No. 3L-31-72 §1, 6/13/72; PDC §§1-9(a) and (b) were amended by D.L. No. 3L-58-73 §7, 5/29/73; PDC §1-9 was repealed by D.L. No. 3L-65-73 §1, 1/1/74, and new PDC §§1-9(a), (b), and (c) were established; PDC §1-9 was again repealed by D.L. No. 3L-76-73 §3, 1/1/74, and new PDC §§1-9(a) and (b) were established; PDC §1-9 was again repealed by D.L. No. 3L-104-75 §1, 1/3/76; S.L. No. 2L-77-88 §2, 12/12/88, established a new PDC §1-9.

**§1-107. Legislature Administrative Manual: established.** — There is hereby established a Legislature Administrative Manual, hereinafter referred to as “Manual,” which shall be adopted by resolution of the Pohnpei Legislature and shall incorporate all provisions for the administration and management of the Legislature staff. The Manual shall provide the means for disseminating in an orderly fashion, instructions from the Legislature relative to the management and administration of the Legislature staff, its organization, delegations of authority, policies, and certain procedures of general and continuous application affecting the day-to-day administrative operations of the Legislature staff.

Source: D.L. No. 4L-39-76 §2(B), 7/1/76

**§1-108. Legislature Administrative Manual: contents.** — The Manual shall be arranged in parts, each of which shall contain in orderly sequences chapters on specific subjects for which there is a need for organization and instruction. A table of contents will set forth in detail the subjects to be contained in the respective parts and chapters. Chapters for inclusion in the Manual will be developed on the basis of need or direction of the Pohnpei Legislature. When revisions become necessary the entire chapter or appropriate pages shall be rewritten and substituted for the existing chapter.

Source: D.L. No. 4L-39-76 §2(B)(1), 7/1/76

**§1-109. Legislature Administrative Manual: documents and methods for inclusion.** — All laws, resolutions, Rules of Procedure, and other directives of the Pohnpei Legislature pertaining to the management and administration of the Legislature staff shall be incorporated into the Manual. The

members of the staff shall submit to the Speaker of the Legislature, their recommendations relating to the organization, delegation of authority or changes in basic policy in the Manual. The Speaker shall review and present such recommendations to the Legislature for adoption and incorporation in the Manual; PROVIDED, HOWEVER, that if the Legislature is not in session, the Speaker shall submit such approved recommendations to the Judiciary and Governmental Operations Committee, which shall have the power to approve such recommendations for incorporation in the Manual, subject to appeal to the Legislature by any legislator.

Source: D.L. No. 4L-39-76 §2(B)(2), 7/1/76

**§1-110. Legislature Administrative Manual: Chief of Administration and Budget's responsibilities.** — The Chief of Administration and Budget shall be responsible for the coordination and general control over Manual issuances. The Chief of Administration and Budget shall, upon direction of the Speaker and in consultation with the Legislative Clerk and the Legislative Counsel, be responsible for incorporating in the Manual all matters pertaining to the same, and shall, upon direction of the Speaker, cause the Manual and further issuances to be printed and distributed to such persons and agencies as the Speaker deems necessary, or as may be designated by the Pohnpei Legislature.

Source: D.L. No. 4L-39-76 §2(B)(4), 7/1/76

Notes: 1. D.L. No. 4L-39-76 §1, 7/1/76 repealed PDC §1-4, as amended by D.L. No. 3L-58-73, 5/29/73. 2. D.L. No. 4L-39-76 §3, 7/1/76 repealed PDC §1-11, as amended by D.L. No. 3L-58-73, 5/29/73. 3. D.L. No. 4L-39-76 §4, 7/1/76 repealed D.L. No. 3L-84-74, 6/29/74 relating to staff training and research.

**§1-111. Attendance at sessions of other legislatures: authorization, selection, compensation.** —

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum for the purpose of providing travel, per diem, and other expenses for members and staff of the Pohnpei Legislature and other leaders of Pohnpei State to attend and observe regular sessions of the Guam Legislature, the Congress of the Federated States of Micronesia, and legislatures in other states of the Federated States of Micronesia and former districts of the Trust Territory of the Pacific Islands or to attend legislative conferences within or without the FSM. All sums herein authorized for appropriation shall be expended and administered by the Chief of Administration and Budget solely for the purposes specified in this subsection.

(2) The Speaker is hereby authorized to select members of the Legislature and other leaders of Pohnpei State to attend sessions of the aforementioned legislative bodies or other conferences. The Speaker shall select different persons to attend each of the different legislative bodies. The Speaker shall further determine which meetings or conferences and the length of time that the attendants may attend.

(3) During the time the staff members are attending or observing any of the aforementioned legislative bodies or other conferences, they are to be on full pay status.

(4) All members of the Legislature who attend and observe the designated legislative bodies are hereby required to submit written or oral reports of the activities and observations to the session of the Legislature immediately following their return.

Source: PDC §1-7, 3/71; D.L. No. 3L-58-73 §4, 5/29/73; D.L. No. 3L-64-73 §1, 10/19/73

Notes: 1. PDC §1-7(e) was repealed by D.L. No. 3L-58-73 §5. 2. Descriptions of legislative bodies in Subsection (1) have been modified to reflect the post-Trusteeship era.

## CHAPTER 2 INVESTIGATIVE HEARINGS

### Section

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**§2-101. Purpose.** — The purpose of this chapter is to establish procedures for the conduct of investigative hearings by committees and subcommittees of the Pohnpei Legislature.

Source: S.L. No. 2L-157-90 §1, 7/18/90

**§2-102. Application.** — This chapter shall apply to the conduct of hearings by duly constituted committees of the Pohnpei Legislature, including standing committees, special committees, joint committees, and the Committee of the Whole, and duly constituted subcommittees and joint subcommittees of such committees.

Source: S.L. No. 2L-157-90 §2, 7/18/90

**§2-103. Definitions.** — As used in this chapter, unless the context clearly requires otherwise, the following words shall have the following meanings:

(1) “Chairman” means the presiding officer of a committee at the time of the hearing. The chairman at the hearing may be the duly elected or appointed chairman of the committee, or in the absence of such person, any member of the committee designated to serve as the chairman under the Legislature or committee rules, or in the absence of a rule pertaining thereto, any member so serving with consent of the members present.

(2) “Committee” means a Legislature committee formulated under the rules of procedure of the Pohnpei Legislature. For purposes of this chapter, “committee” includes duly constituted subcommittees of Legislature committees formulated under the procedural rules of the parent committee or its standard mode of operation; “committee” also includes two or more committees or subcommittees of the Legislature joined together and acting as one unit in the consideration of a matter or matters jointly referred thereto.

(3) “Investigative hearing” is any hearing of a committee designated as such under the terms of this chapter.

Source: S.L. No. 2L-157-90 §3, 7/18/90

**§2-104. Designation of an investigative hearing.** — Any hearing conducted by a committee may be designated as an investigative hearing by any one of the following means:

(1) By designation thereof in law or resolution authorizing or directing the committee to conduct the investigation; or

(2) By majority vote of all the members of the committee; PROVIDED that such designation may occur before the conduct of a hearing or at any time during the course of a committee review of a matter referred to it when the committee determines that the interests of the Legislature will be best

served through the conduct of a formal investigation.

Source: S.L. No. 2L-157-90 §4, 7/18/90

**§2-105. Holding of investigative hearings. —**

(1) A committee may hold investigative hearings appropriate to the performance of its duties, at such times and places as the committee determines.

(2) The chairman of the committee shall notify the members thereof of the conduct of an investigative hearing at least 48 hours prior thereto. Notice may be given orally by announcement on the floor of a legislative session or by written notice personally served on the member or deposited in the member's mailbox at the Legislature. The notice shall include a statement of the subject matter of the investigative hearing and the time and place for the conduct thereof. An investigative hearing, and any action taken at the hearing, shall not be deemed invalid solely because notice of the hearing was not given in accordance with this provision.

(3) A quorum must be present to conduct an investigative hearing.

Source: S.L. No. 2L-157-90 §5, 7/18/90

**§2-106. Issuance of subpoenas. —**

(1) Every committee may issue, by majority vote of all its members, subpoenas requiring the attendance of witnesses and subpoena duces tecum requiring the production of books, documents or other evidence at or for investigative hearings.

(2) A person subpoenaed to attend an investigative hearing of the committee may receive the same fees and allowances as a person legally required to attend a criminal case before the Pohnpei Supreme Court.

(3) A subpoena shall be issued by the chairman of the committee to the Legislature Sergeant-at-arms or any state police officer. The subpoena shall be on a form prescribed by the Speaker of the Legislature, which form shall be filed with the Clerk of the Pohnpei Supreme Court. The subpoena shall be written in both Pohnpeian and English. In the event of a conflict between the two versions, the language version most utilized by the recipient of the subpoena shall prevail. The subpoena shall be signed by the chairman in his official capacity, shall contain a reference to the legal authority for the issuance thereof, and shall set forth in general terms the matter or question with reference to which the testimony or evidence is to be taken. The subpoena shall contain a statement that the person so subpoenaed may upon written request to the chairman of the committee obtain a copy of pertinent documents relative to the establishment of the committee, the rules under which it operates, and the measure, communication or other authority under which it is conducting its investigation. The subpoena shall also contain statements to the effect that failure to comply therewith can result in penalties and sanctions, that the person so subpoenaed may not be compelled to give or provide information which may be protected by constitutional or statutory right or privilege, and that the person may be accompanied at the hearing by counsel of the person's own choosing.

(4) Any officer to whom such process is directed, if within the officer's territorial jurisdiction, shall forthwith serve or execute the same. Upon service thereof, the officer shall forthwith file a return of service with the chairman who issued the subpoena. The officer shall execute the service and return of service without charge or compensation, but shall be paid for actual and reasonable expenses incurred in connection therewith.

Source: S.L. No. 2L-157-90 §6, 7/18/90

**§2-107. Notice to witnesses. —** Service of a subpoena requiring the attendance of a person or the production of evidence shall be made at least five days prior to the date of the investigative hearing unless a shorter period of time is authorized by majority vote of all members of the committee in a particular instance when, in their opinion, the giving of five days notice is not practical; PROVIDED



that if a shorter time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

Source: S.L. No. 2L-157-90 §7, 7/18/90

**§2-108. Conduct of investigative hearings. —**

(1) All investigative hearings conducted under this chapter shall be public, unless the committee, or the parent committee or committees of a subcommittee, by unanimous vote decides that the public interest requires that the proceeding be closed.

(2) No investigative hearing, or part thereof, shall be televised, broadcast, filmed, photographed or electronically recorded, except pursuant to this statute and the committee rules or at the direction of the chairman, subject to appeal by the members present.

Source: S.L. No. 2L-157-90 §8, 7/18/90

**§2-109. Right to counsel. —** Every witness at an investigative hearing may be accompanied by counsel of the witness' own choosing, who may advise the witness as to the witness' rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

Source: S.L. No. 2L-157-90 §9, 7/18/90

**§2-110. Submission of questions. —** Any witness at an investigative hearing, or the witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such questions as are appropriate to the subject matter of the hearing.

Source: S.L. No. 2L-157-90 §10, 7/18/90

**§2-111. Testimony. —**

(1) A committee shall cause a record (either electronic or written, or both) to be made of all proceedings relative to an investigative hearing, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chairman may direct.

(2) All testimony given or adduced under subpoena at an investigative hearing shall be under oath or affirmation unless the requirement is dispensed with in a particular instance by majority vote of the committee members present at the hearing.

(3) Any person designated by the chairman of the committee may administer an oath or affirmation to a witness at an investigative hearing thereof. The oath or affirmation shall be in either Pohnpeian or English, whichever the witness shall prefer, shall be in a standard format prescribed by the Speaker of the Legislature, and shall contain an acknowledgment by the witness that giving testimony and providing evidence to the committee under oath at or for an investigative hearing is controlled by statute, the violation of which will subject the witness to criminal penalties. The oath shall also include an acknowledgment to the effect that the witness may not be compelled to give testimony or provide information that is protected by constitutional or statutory right or privilege.

(4) Subject to this chapter, the presiding officer at an investigative hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt.

(5) Upon consent of a majority of the committee members present at the hearing, a witness at an investigative hearing, or the witness' counsel, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purposes, subject matter, and scope of the committee's investigation or inquiry.

(6) A witness at an investigative hearing open to the public, upon the witness' advance request and at the witness' own expense, shall be furnished a transcript, certified by the Clerk of the Legislature, of the witness' testimony at the hearing.

(7) Testimony or other evidence given or adduced at an investigative hearing closed to the public shall not be made public unless authorized by unanimous consent of the committee, or parent committee or committees in the case of a subcommittee investigation. The authorization shall also specify the form and manner in which the testimony or other evidence may be released.

Source: S.L. No. 2L-157-90 §11, 7/18/90

**§2-112. Interested persons. —**

(1) Any person whose name is mentioned or who is otherwise identified during an investigative hearing and who, in the opinion of the committee may be adversely affected thereby, may, upon the person's request or upon request of any member of the committee, appear personally before the committee and testify in the person's own behalf, or with consent of the committee, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.

(2) Upon consent of a majority of its members, a committee may permit any other person to appear and testify at an investigative hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance or other submission of evidence shall limit in any way the committee's power of subpoena.

(3) Any person who appears before a committee pursuant to this section shall have the rights, privileges, and responsibilities of a witness provided under this chapter.

Source: S.L. No. 2L-157-90 §12, 7/18/90

**§2-113. Contempt of the Legislature. —**

(1) A person shall be in contempt of the Legislature, otherwise referred to in this chapter as "contempt," if he:

- (a) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;
- (b) Fails or refuses to answer any relevant question or fails or refuses to submit any relevant book, paper or other document subpoenaed by or on behalf of any committee which answer or submission is not protected by constitutional or statutory right or privilege;
- (c) Knowingly gives false testimony under oath or affirmation to the committee;
- (d) Submits false documentation under subpoena duces tecum to the committee, knowing such evidence to be false or having substantial reason to suspect the untruthfulness of such documentation without informing the committee of his suspicions thereof;
- (e) Resists or interferes with the Sergeant-at-arms or any other officer in the service of a subpoena properly issued under this chapter, or tampers with any witness, or attempts to prevent the attendance of any witness or the submission of any evidence to or at an investigative hearing of a committee, or attempts to prevent or to disrupt the conduct of an investigative hearing, or improperly attempts to tamper with the fair judgment of any member of the committee or advisor thereto;
- (f) Violates §2-111(7); or
- (g) Commits any other act or offense against the committee which, if committed against the Legislature, would constitute a contempt.

(2) A committee may, by majority vote of all its members, report to the Legislature any instance of alleged contempt. The Speaker of the Legislature shall certify a statement of such alleged contempt to the Attorney General, who shall promptly cause the offender to be prosecuted in the Trial Division of the Pohnpei Supreme Court. The action may only be taken following receipt of the certified statement

from the Speaker, shall be taken in the name of the state of Pohnpei, and the alleged contempt shall be considered as though committed against the Legislature itself.

Source: S.L. No. 2L-157-90 §13, 7/18/90; S.L. No. 5L-14-00 §3-24, 10/1/00

**§2-114. Penalties; defenses. —**

(1) A person guilty of contempt under this chapter shall be fined not more than \$1,000, or imprisoned not more than one year, or both; PROVIDED, HOWEVER, that any person other than the witness concerned or the witness' counsel who violates §2-111(7) shall be fined not more than \$500, or imprisoned not more than six months, or both such fine and imprisonment.

(2) If any committee fails in any material respect to comply with the requirements of this chapter, any person subject to a subpoena or a subpoena duces tecum who is injured by the failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and the failure shall be a complete defense in any proceeding against the person for contempt or other punishment based upon the refusal to appear, testify or produce evidence.

Source: S.L. No. 2L-157-90 §14, 7/18/90

**§2-115. Inherent legislative power not limited. —** Nothing in this chapter shall limit the Legislature or any committee thereof in their inherent or constitutional powers of contempt or impeachment nor shall anything in this chapter limit any power which the Legislature, a committee or a member may have to discipline any member or employee thereof or to impose a penalty in the absence of action by the prosecuting officer or court.

Source: S.L. No. 2L-157-90 §15, 7/18/90

**§2-116. Powers of the Sergeant-at-arms. —** Whenever a committee, by majority vote of all its members, finds a person is in contempt of the Legislature for violation of any provision of this chapter, the committee, when authorized by the Legislature Rules of Procedure, at its discretion and upon majority vote of all its members, may direct that the offender be summarily taken into custody by the Sergeant-at-arms until:

- (1) A complaint has been filed and arrest made pursuant to this chapter; or
- (2) A citation for contempt has been served pursuant to the Legislature Rules of Procedure.

Source: S.L. No. 2L-157-90 §16, 7/18/90

**§2-117. Injunctive relief. —**

(1) If the Speaker of the Legislature, upon recommendation of a majority vote of all the members of the committee affected, finds reasonable grounds to believe that any person is in contempt of the Legislature for violating any provision of this chapter, or is about to do so, the Speaker, on behalf of the Legislature, may petition a court of competent jurisdiction for an order and the court may issue such order directing the person to cease and desist from such contemptuous behavior in the future.

(2) The petition shall set forth the facts on which it is based and the nature and extent of the relief sought.

(3) The Legislature may, by its Rules of Procedure, empower the Speaker to designate one or more members or officers of the Legislature to make the petition on his behalf. Any such designation shall be filed with the Clerk of the Legislature and, if a petition is made by any person named in such designation, a copy of such designation shall be submitted to the court together with the petition.

(4) If a court to which such a petition is presented is satisfied that the petition sets forth a prima facie case for the granting of the relief requested, in whole or in part, it may issue a temporary order relative thereto pending the ultimate determination of the matter after due notice and hearing. A copy of such temporary order and the petition upon which it is based, together with notice of the date and

place of a hearing to be held thereon, shall be given to such person within the time and in the manner as the court shall direct.

(5) A temporary injunction and any preliminary or permanent injunction which thereafter may be granted on the petition following a hearing thereon is enforceable by contempt proceeding, or other enforcement proceeding, in the same manner as other orders of such court.

(6) Except as otherwise provided, all law applicable to the granting of injunctive relief by the court to which a petition hereunder is presented apply to proceedings instituted under this section.

Source: S.L. No. 2L-157-90 §17, 7/18/90

**§2-118. Remedies cumulative.** — The remedies for contempt of the Legislature provided by this chapter, other laws of Pohnpei, the Legislature Rules of Procedure, individual committee procedural rules, and internal operating procedures, manuals, and systems of the Legislature and its committees are cumulative, and the application or attempted application of one does not bar any other.

Source: S.L. No. 2L-157-90 §18, 7/18/90

## CHAPTER 3 OFFICE OF LEGISLATIVE INVESTIGATIONS

### Section

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**§3-101. Establishment of office of Legislative Investigations.** — There is hereby created within the staff services of the Pohnpei Legislature the office of Legislative Investigations. The office shall consist of a Commissioner for Legislative Investigations and such permanent and temporary investigators and other staff members, consultants, and advisors as provided in the Legislature Administrative Manual and as the budget shall permit.

Source: S.L. No. 3L-83-94 §1, 11/24/94

**§3-102. Appointment of the Commissioner for Legislative Investigations.** — The office of Legislative Investigations shall be under the leadership and guidance of the Commissioner for Legislative Investigations, who shall be appointed by the Speaker of the Legislature with the advice and consent of a majority of the total membership of the Legislature. In making his selection, the Speaker shall be mindful of the need to obtain the services of an expert in the field of government investigations whose previous work experiences indicate that the individual maintains a high degree of professionalism in his investigatory activities.

Source: S.L. No. 3L-83-94 §2, 11/24/94

**§3-103. Term of office.** — The Commissioner for Legislative Investigations shall serve at the pleasure of the Legislature for a term consistent with that of the appointing Speaker and until his successor is appointed, but no longer than 180 days following the conclusion of the term for which he was appointed. A commissioner may be appointed for successive terms. The Commissioner may be removed upon the affirmative vote of a majority of the total membership of the Legislature while in session at any time during the course of his term. The Speaker may suspend the services of the Commissioner for cause for a period not to exceed 90 calendar days, but may not extend that suspension beyond such period unless he shall receive the concurrence of a majority of the total membership of the Legislature during session.

Source: S.L. No. 3L-83-94 §3, 11/24/94

**§3-104. Vacancies.** — A vacancy in the position of Commissioner of Legislative Investigations shall be filled for the remainder of the unexpired term in the same manner as an original appointment; PROVIDED that the Speaker of the Legislature, following consultation with the members of the Legislature, may provide for temporary appointments to fill the position of Commissioner for periods not to exceed 90 calendar days following the occurrence of the vacancy; PROVIDED FURTHER that no person may serve as temporary Commissioner for more than 90 days in any 180-day period. A vacancy in the position of Commissioner shall not impair the right of the office of Legislative

Investigations to exercise all functions and duties of the office and all investigatory powers of the office granted or recognized under this chapter.

Source: S.L. No. 3L-83-94 §4, 11/24/94

**§3-105. Functions and duties of the office.** — When directed by resolution of the Legislature, the office of Legislative Investigations shall have the following functions and duties within the context and subject matter of the directive:

(1) The faithful execution and enforcement of the laws of Pohnpei, with particular reference to, but not limited to, the effects of criminal conduct and substance abuse on the affairs of the Pohnpei Government;

(2) The conduct of public officers and public employees, and officers and employees of public corporations and authorities, with particular reference to, but not limited to, the effects on the affairs of the Pohnpei Government of corruption in office and the commission of politically motivated crimes;

(3) The conduct, management, and affairs of any branch, department, board, bureau, commission, agency, public corporation or other instrumentality of the Pohnpei Government; and

(4) The conduct, management, and affairs of any recipient or custodian of any funds, properties or other assets of the Pohnpei Government with respect to the use and disposition thereof.

Source: S.L. No. 3L-83-94 §5, 11/24/94

**§3-106. Initiation of investigations.** — The Legislature shall provide in its Rules of Procedure for the form and content of resolutions as set forth in §3-105 for the office of Legislative Investigations to initiate investigations under said section and other provisions of this chapter.

Source: S.L. No. 3L-83-94 §6, 11/24/94

**§3-107. Committee investigations.** — At the request of any duly constituted and authorized committee of the Legislature, the office shall assist the committee in the conduct of investigations being undertaken by that committee and in the preparation of reports to be issued by that committee.

Source: S.L. No. 3L-83-94 §7, 11/24/94

**§3-108. Intergovernmental cooperation.** — Unless there is a conflict of interest or other good and compelling reason, the office of Legislative Investigations shall cooperate with similar legislative and executive investigatory agencies and officers of the national, state, and local governments in the investigations of any persons, agencies or activities over which the office shares jurisdiction and an investigatory interest with such agency or officer.

Source: S.L. No. 3L-83-94 §8, 11/24/94

**§3-109. Referral of matters.** — Whenever it shall appear to the office of Legislative Investigations that there is cause for the prosecution of a crime, or for the removal of a public officer for misconduct or neglect of duty, the office shall refer the evidence of such crime, misconduct or neglect of duty to the officials authorized to conduct the prosecution or remove the public officer.

Source: S.L. No. 3L-83-94 §9, 11/24/94

**§3-110. Investigatory powers.** — With respect to the exercise of its functions and duties under this chapter, the office of Legislative Investigations, inclusive of its Commissioner and each duly authorized permanent or temporary staff member, consultant, and advisor thereto, shall be authorized to:

(1) Conduct any investigation authorized by this chapter at any place within Pohnpei, and to maintain offices, hold meetings, and to function at any place within Pohnpei;

(2) Examine into matters relating to the subject's functions, duties, and powers extending beyond the territorial limits of the state and into other jurisdictions and international waters and consult with

and exchange information with similar agencies and officers of other jurisdictions with respect to such matters; and

(3) Assist the Legislature committees and the subcommittees thereof when the assistance of the office is requested by resolution of the Legislature in preparing and conducting investigatory hearings, which shall include, but need not be limited to, assistance to administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence deemed relevant or material to an investigation; and in this respect, the chairman of the appropriate committee or subcommittee may designate the Commissioner for Legislative Investigations or any staff member or consultant or advisor attached to the office of Legislative Investigations to exercise any such powers on behalf of the committee or subcommittee, subject to the procedural restrictions and due process protections of Chapter 2 as it may be amended or superseded.

Source: S.L. No. 3L-83-94 §10, 11/24/94

**§3-111. Disclosures.** — Any person conducting or participating in any examination or investigation within or attached to the office of Legislative Investigations who shall disclose to any person other than the Commissioner for Legislative Investigations, an authorized representative of the office, or member, committee or subcommittee of the Legislature, the name of any witness examined, or any information obtained or given upon such examination or investigation that is confidential information, except where disclosure is required by this chapter or other law, shall be guilty of an offense against Pohnpei and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than six months, or both such fine and imprisonment; PROVIDED, HOWEVER, that duly seated members of this Legislature shall be subject to sanctions as provided in the Legislature Rules of Procedure.

Source: S.L. No. 3L-83-94 §11, 11/24/94

**§3-112. Records.** — Except where inspection, use or release of information is appropriate to the investigation or otherwise required by law, the Commissioner for Legislative Investigations shall maintain sealed records of all information acquired during the course of an investigation undertaken by the office under the authority of this chapter, and shall furthermore provide for the appropriate closing of the files and disposal of the records at the conclusion of the investigation.

Source: S.L. No. 3L-83-94 §12, 11/24/94

**§3-113. Reporting.** — The Commissioner for Legislative Investigations shall make a comprehensive report to the Legislature within the first ten days of the first regular session of the Legislature each year, which shall include an accounting of the activities of the office of Legislative Investigations for the previous year and recommendations as to improvements in the composition and operations of the office. The Commissioner shall make such additional reports to the Legislature at such times as the Legislature may prescribe.

Source: S.L. No. 3L-83-94 §13, 11/24/94

**§3-114. Authorization for appropriation; administration.** — The office of Legislative Investigations created by this chapter is an agency of the legislative branch of the Pohnpei Government and as such is entitled to receive such financing and is accountable pursuant to such fiscal procedures as are applicable generally for the legislative branch of the Pohnpei Government. In addition:

(1) There is hereby authorized for appropriation such sums from such Treasury funds as may be identified and allocated annually in the Comprehensive Budget Act for the purpose of financing the office of Legislative Investigations established under §3-101.

(2) In addition to the sums appropriated under the authorization of Subsection (1) of this section, the Office shall be eligible to receive financial assistance from other grants made available to the Legislature, including, but not limited to, contributions from intergovernmental legislative associations, the United States of America Government, the national government of the Federated States of Micronesia, the local governments of Pohnpei, and other sources.

(3) All financing made available to the Office established by this chapter shall be administered and expended by the Chief of Administration and Budget of the Legislature at the direction of the Speaker, in consultation with the Commissioner for Legislative Investigations, solely for the purposes specified in this chapter and subject to the terms and conditions of the granting authority which are not inconsistent with this chapter.

(4) The balance of any sums appropriated under the authorization of Subsection (1) of this section that are not expended or obligated for expenditure at the close of the fiscal year for which they were appropriated shall revert to the fund from which the appropriation was made.

(5) The Chief of Administration and Budget of the Legislature shall submit an annual report to the Legislature on all financial matters with respect to his administration of the monies made available under this chapter within 15 working days following the close of each fiscal year.

Source: S.L. No. 3L-83-94 §14, 11/24/94

**§3-115. Regulations and orders.** — The Commissioner for Legislative Investigations is authorized to promulgate regulations and orders for the proper administration of this chapter which shall take effect upon compliance with the procedural requirements of law and approval of the Speaker of the Legislature.

Source: S.L. No. 3L-83-94 §15, 11/24/94

**§3-116. Preparation activities.** — The Legislative Counsel and the Chief of Administration and Budget of the Legislature shall assist the office of the Speaker of the Legislature in preparing appropriate recommendations for amending the Legislature Rules of Procedure, the Legislature Administrative Manual, and the Comprehensive Budget Act to assist in the organization of the office of Legislative Investigations created by §3-101.

Source: S.L. No. 3L-83-94 §16, 11/24/94

**§3-117. Construction.** — Nothing in this chapter shall be construed to supersede, repeal or limit the investigatory powers or responsibilities of any member, committee or subcommittee of the Legislature, or of any other officer or agency of the Legislature, nor shall the office created by this chapter be construed to supersede, or in any other manner be considered to take the place of or override the responsibilities of any investigatory officer or agency otherwise created or recognized by Pohnpei law.

Source: S.L. No. 3L-83-94 §17, 11/24/94

Note: S.L. No. 3L-83-94 §18 severability provision has been omitted.



## CHAPTER 4 CODE

### Section

4-101 Short title	4-105 Publication and codification revolving fund; authorization for appropriation; administration
4-102 Purpose	4-106 Distribution of Code
4-103 Responsible for Pohnpei Code	4-107 Discretionary decisions
4-104 Scope of the Code	

**§4-101. Short title.** — This chapter is known and may be cited as the “Pohnpei Codification Act of 1988.”

Source: S.L. No. 2L-11-88 §1, 5/24/88

**§4-102. Purpose.** — The purpose of this chapter is to provide a means of codifying all of the laws of Pohnpei, to provide for their publication and regular update on a continuing basis.

Source: S.L. No. 2L-11-88 §2, 5/24/88

**§4-103. Responsible for Pohnpei Code.** — The Division of the Legislative Counsel of the Pohnpei Legislature shall be responsible for organizing, codifying, publishing, and distributing the codified Pohnpei Code.

Source: S.L. No. 2L-11-88 §3, 5/24/88

**§4-104. Scope of the Code.** — The scope of the Code, and any amendments or revisions thereof, shall be as prescribed in Chapter 1 of Title 1 of the Official Code of the State of Pohnpei.

Source: S.L. No. 2L-11-88 §4, 5/24/88; S.L. No. 6L-79-06 §3-102, 11/1/06

Note: S.L. No. 6L-79-06 §3-102, 11/1/06 repealed S.L. No. 2L-11-88 §4, 5/24/88 in its entirety and inserted a new §4.

**§4-105. Publication and codification revolving fund; authorization for appropriation; administration.** —

(1) There is hereby established a publication and codification revolving fund for the compilation and publication of laws, and for the codification, revision, and publication of the Pohnpei Code. The revolving fund herein established shall be administered and expended by the Legislative Counsel.

(2) There is hereby authorized for appropriation from the general fund of Pohnpei such sums as may be determined annually in the Comprehensive Budget Act for deposit in the revolving fund created by Subsection (1) of this section. All sums so appropriated shall remain available until fully expended.

Source: S.L. No. 2L-11-88 §§ 5 & 6, 5/24/88

**§4-106. Distribution of Code.** —

(1) Interested persons and entities may acquire copies of the Official Code of the State of Pohnpei and periodic updates thereof from the Division of the Legislative Counsel of the Pohnpei Legislature upon payment of a fee of:

(a) CD-ROM Code Subscription (digital format): the CD-ROM disk plus three years of annual service updates on the Code commencing with the year following the date of purchase: \$25 plus delivery costs;

(b) Printed Code (RESERVED)

(2) Fees collected pursuant to this section shall be deposited into the publication and codification revolving fund.

(3) Notwithstanding Subsection (1) of this section, courtesy copies and updates of the Official Code of Pohnpei shall be provided without cost to the Governor of Pohnpei, the Lieutenant Governor of Pohnpei, each Justice of the Pohnpei Supreme Court, each Senator of the Pohnpei Legislature, the Pohnpei Auditor, the Attorney General and each of the eleven local jurisdictions.

(4) The Legislative Counsel may enter into agreements for the exchange of legal codes with other entities for use by the Pohnpei Legislature and other state agencies, and may, upon a finding that sufficient copies of the Code are available for said purpose and upon approval of the Speaker of the Pohnpei Legislature, waive all or a portion of the payment of fees as prescribed in this section in connection with said agreement.

(5) The Legislative Counsel, upon concurrence of the Speaker of the Legislature, may provide for access to the Official Code of the State of Pohnpei on the internet through the use of such service providers and with the assistance of such search engines as are deemed appropriate.

(6) The Legislative Counsel may request subsidies to the publication and codification fund when deemed necessary to fulfill the requirements of this section.

(7) The Legislative Counsel shall file an annual written report with the Speaker of the Legislature relating to the sale and distribution of the Code.

Source: S.L. No. 2L-11-88 §7, 5/24/88; S.L. No. 6L-90-07 §1, 2/14/07

**§4-107. Discretionary decisions.** — The Legislative Counsel, in executing his duty of compiling, arranging, indexing, publishing, and distributing the Code, is given broad discretionary authority so that the program can be efficiently accomplished. This includes, but is not limited to, contracting with outside entities for professional, technical, and publication services.

Source: S.L. No. 2L-11-88 §8, 5/24/88

Notes: 1. D.L. No. 4L-8-76, 2/26/76 authorized an appropriation for codification which, if not expended, would revert. It was amended by D.L. No. 4L-34-76, 5/14/76 creating a codification revolving fund to provide that funding would not revert but would go into the codification revolving fund. D.L. No. 4L-34-76, 5/14/76 was repealed by S.L. No. 2L-42-80 §1, 11/10/80. 2. S.L. No. 2L-8-80, 6/28/80 required that public laws be compiled, published, and distributed annually. Any money appropriated not expended reverted to the general fund. S.L. No. 2L-8-80, 6/28/80 did not amend any other law, nor did it reference PDC §1-400 or D.L. No. 4L-34-76. S.L. No. 2L-8-80, 6/28/80 was repealed by S.L. No. 2L-42-80 §1, 11/10/80.

Extended legislative history: PDC §1-400(b) was amended by D.L. No. 3L-47-73 §1, 5/25/73; PDC §1-400(d) was amended by D.L. No. 4L-34-76 §1, 5/14/76; PDC §1-400 was repealed by S.L. No. 2L-42-80, 11/10/80, and a new PDC §1-400 was established; PDC §1-400 was repealed in its entirety by S.L. No. 2L-11-88 §9, 5/24/88.

## CHAPTERS 5 – 8 [RESERVED]

## CHAPTER 9 LEGISLATURE FINANCES

### Section

<p>9-101 Salaries and allowances; authorization and appropriation</p> <p>9-102 Official expense allowances; budget authorization; administration</p> <p>9-103 Travel allowances and expenses; budget authorization; administration</p> <p>9-104 Representation Fund; budget authorization; administration</p> <p>9-105 Insurance; authorization for appropriation</p> <p>9-106 Administration of compensation and benefits</p> <p>9-107 Refreshment fund; budget authorization; administration</p>	<p>9-108 Contingency fund; budget authorization; administration</p> <p>9-109 Buildings and grounds improvement fund; budget authorization; administration</p> <p>9-110 Staff operations; budget authorization; administration</p> <p>9-111 Committee operations; budget authorization; administration</p> <p>9-112 Staff housing; budget authorization; administration</p> <p>9-113 Membership in Association of Pacific Island Legislatures; budget authorization; administration</p>
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### **§9-101. Salaries and allowances; authorization and appropriation. —**

(1) The officers and members of the Pohnpei Legislature shall receive salaries in such amounts as are determined in the Government Officers' Salary Act, Title 9 Chapter 4 Subchapter I, as amended or superseded by Pohnpei law.

(2) There is hereby authorized and continually appropriated out of the general fund of Pohnpei such sums as shall be necessary to carry out the purposes of this section.

Source: PDC §1-8(1), 3/71; S.L. No. 2L-77-88 §1, 12/12/88

Note: S.L. No. 1L-71-86 §4-1 repealed PDC §1-8 and inserted a new §1-8.

### **§9-102. Official expense allowances; budget authorization; administration. —**

(1) Each member of the Legislature shall be entitled to expend per fiscal year a sum or sums to be determined in the Comprehensive Budget Act for official expenses of such member as a legislator. Entitlement to expenditure of the sum or sums provided under this section for each member commences with the first payment thereof subsequent to the seating of such member.

(2) There is authorized for appropriation from the general fund of Pohnpei such sum or sums to be determined annually in the Comprehensive Budget Act to carry out the purpose of this section.

#### (3) *Administration.*

(a) The Chief of Administration and Budget of the Legislature shall effectuate equal quarterly payments of the sum or sums allotted to each member of the Legislature per fiscal year to be due and payable to each member. Payment to members shall be made on the tenth working day of each quarter of the fiscal year.

(b) Supplemental appropriations shall be equally divided among remaining quarterly payment dates of the fiscal year. Each member shall report to the Speaker within 15 days following the close of each fiscal year concerning the expenditure of the sum allotted to him during the previous fiscal year. Any balance of the sum reported unexpended or unobligated for expenditure by such member shall be paid by him to the general fund of Pohnpei. All obligated balances not expended within three years of the date of payment shall likewise be returned to the general fund of Pohnpei.

(c) The Chief of Administration and Budget shall maintain records available for public inspection of all payments and expenditure reports under this section for at least five years from the date of payment of such allowances.

Source: PDC §1-8(4), 3/71; S.L. No. 2L-77-88 §1, 12/12/88

Note: S.L. No. 1L-71-86 §4-1 repealed PDC §1-8 and inserted a new §1-8.

**§9-103. Travel allowances and expenses; budget authorization; administration.** — There is authorized for appropriation such sums as may be determined from time to time in the Comprehensive Budget Act for transportation, per diem, and officers' travel premium allowances and expenses for legislators as are provided by Pohnpei law. Procedures for entitlement thereto shall be prescribed in the Legislature Rules of Procedure.

Source: PDC §1-8(3), 3/71; S.L. No. 2L-77-88 §1, 12/12/88

Note: S.L. No. 1L-71-86 §4-1 repealed PDC §1-8 and inserted a new §1-8.

**§9-104. Representation Fund; budget authorization; administration.** —

(1) The Speaker of the Legislature shall be entitled to expend a sum or sums to be determined annually in the Comprehensive Budget Act for official representation, entertainment, and other similar expenses during each calendar year. Such expenditure shall be for activities directly related to the Legislature or the Office of the Speaker or both.

(2) The Speaker shall submit written requests for and detailed vouchers of expenditure of the sums specified in this section supported by proper receipt or other documentation, to the Chief of the Division of Finance and Property Accountability of the Department of Treasury and Administration through the Chief of Administration and Budget of the Legislature. The Chief of Administration and Budget shall maintain, for a period of five years, a complete file of all requests and a detailed record of all expenditures under the authorization of this section, and shall make such file of requests and record of expenditures available for inspection by the general public.

(3) There is authorized for appropriation out of the general fund of Pohnpei such sums as shall be necessary to carry out the purposes of this section.

Source: PDC §1-8(2), 3/71; S.L. No. 2L-77-88 §1, 12/12/88

Note: S.L. No. 1L-71-86 §4-1 repealed PDC §1-8 and inserted a new §1-8.

**§9-105. Insurance; authorization for appropriation.** —

(1) The Pohnpei Legislature is authorized to solicit group life, workmen' compensation, health, and death benefits insurance, or any combination thereof, for the benefit of its members, and to contribute not more than seventy-five percent (75%) of the premium costs of such coverage.

(2) There is authorized for appropriation out of the general fund of Pohnpei an annual sum or sums to be determined in the Comprehensive Budget Act to carry out the purpose of this section.

Source: PDC §1-8(5), 3/71; S.L. No. 2L-77-88 §1, 12/12/88

Note: S.L. No. 1L-71-86 §4-1 repealed PDC §1-8 and inserted a new §1-8.

**§9-106. Administration of compensation and benefits.** —

(1) Subject to the presentation of their credentials to the Pohnpei Legislature for their qualification, members shall receive their salaries and be entitled to such other allowances, expenses, and benefits authorized by §§9-101 – 9-106 as of the date their term begins, and shall remain eligible therefor until they leave or are terminated from office; PROVIDED that the salaries of members appointed or elected at special elections to fill vacancies in the Pohnpei Legislature shall commence on the day after their appointment or election, subject to the presentation of their credentials as soon as reasonable.

(2) The Chief of Administration and Budget of the Legislature shall be responsible for the administration and expenditure of all sums authorized by §§9-101 – 9-106, and shall certify requests

for the expenditure of such sums to the Pohnpei Department of Treasury and Administration for payment.

Source: PDC §1-8(6), 3/71; S.L. No. 2L-77-88 §1, 12/12/88

Note: S.L. No. 1L-71-86 §4-1 repealed PDC §1-8 and inserted a new §1-8.

Extended legislative history: PDC §§1-8(a) and (b) were amended by D.L. No. 3L-58-73 §6, 5/29/73; PDC §1-8 was amended by D.L. No. 3L-59-73 §1, 1/1/74; PDC §1-8 was repealed by D.L. No. 3L-76-73 §2, 1/1/74, and new PDC §§1-8(a) and (b) were established; PDC §1-8 was again repealed by D.L. No. 3L-104-75 §1, 1/3/76, and a new PDC §1-8 was established; PDC §§1-8(1)(a) and (b) were repealed by D.L. No. 4L-103-77 §1, 10/26/77, and a new PDC §1-8(a) was inserted; PDC §1-8(1)(a) was repealed by S.L. No. 3L-10-84 §6(1), 4/1/86, and a new PDC §1-8(1)(a) was established; PDC §1-8(3)(b) was amended by D.L. No. 4L-25-76 §1, 5/14/76; PDC §1-8(3)(d) was amended by D.L. No. 4L-25-76 §2, 5/14/76; PDC §1-8(3) was repealed by S.L. No. 2L-81-81 §34, 7/15/81, and a new PDC §1-8(3) was established; PDC §1-8(4)(a) was amended by D.L. No. 4L-66-76 §1, 1/1/77; PDC §1-8(4) was repealed by D.L. No. 4L-130-78 §1, 3/7/78, and a new PDC §1-8(4) was established; PDC §1-8(4)(a) was amended by S.L. No. 2L-97-81 §1, 11/24/81; PDC §1-8(4)(c) was amended by S.L. No. 2L-97-81 §2, 11/24/81; PDC §1-8(4)(c) was again amended by S.L. No. 3L-10-84 §1, 1/3/84; PDC §1-8 was again repealed in its entirety by S.L. No. 1L-71-86 §4-1, 4/1/86; PDC §1-8, as established by S.L. No. 1L-71-86, was amended by S.L. No. 2L-77-88 §1, 12/12/88.

**§9-107. Refreshment fund: budget authorization; administration.** — There is hereby authorized for appropriation from the general fund of Pohnpei a sum to be deposited in a refreshment fund. This fund shall not be distributed in cash to the members of the Pohnpei Legislature, but may be used to finance any program of the Legislature. All sums herein authorized for appropriation shall be expended and administered by the Chief of Administration and Budget solely for the purposes specified in this section.

Source: PDC §1-10, 3/71; D.L. No. 3L-39-72 §1, 11/29/72; D.L. No. 3L-58-73 §8, 5/29/73

**§9-108. Contingency fund: budget authorization; administration.** —

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum for the purpose of establishing a contingency fund of the Pohnpei Legislature to be administered and expended as follows:

- (a) A sum for the purpose of financing special sessions of the Legislature;
- (b) A sum for the purpose of financing expenses incurred in special elections of the Legislature; and
- (c) A sum for the purpose of such other legislative expenses that the Speaker, in his sound discretion, deems necessary.

(2) All sums herein authorized for appropriation shall be expended and administered by the Chief of Administration and Budget as directed by the Speaker of the Legislature solely for the purposes of this section. The Chief of Administration and Budget shall submit a written report of his activities under this section on the first day of each regular session of the Legislature. The report shall be signed and approved by the Speaker; PROVIDED, HOWEVER, that if the Speaker disapproves of the report, he shall note his disapproval thereon and give his reason or reasons therefor.

Source: D.L. No. 3L-66-73 §§1 & 2, 1/1/74

**§9-109. Buildings and grounds improvement fund: budget authorization; administration.** —

(1) There is hereby established a Legislature buildings and grounds improvement fund for the purpose of financing the construction, improvement, renovation, and repair of Pohnpei Legislature buildings and such other buildings as shall be under the jurisdiction and control of the Legislature, and the landscaping and improvement of their surrounding grounds.

(2) There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined from time to time in the Comprehensive Budget Act for the Legislature buildings and grounds improvement fund. The sum herein authorized for appropriation shall be administered and expended by the Chief of Administration and Budget of the Legislature, upon the direction of the

Speaker thereof, solely for the purposes specified in Subsection (1) of this section. The Chief of Administration and Budget shall submit an annual report on or before October 15 each year on all matters relating to the administration and expenditure of the sum appropriated under the authorization of this section for the previous fiscal year. The balance of all sums appropriated under the authorization of this section, shall remain available until fully expended.

Source: D.L. No. 4L-37-76 §§1 & 2, 5/24/76; D.L. No. 4L-136-78 §32, 3/27/78; S.L. No. 2L-98-81 §1, 11/24/81; S.L. No. 5L-48-01 §6, 9/05/01

**§9-110. Staff operations: budget authorization; administration.** — There is hereby authorized for appropriation from the general fund of Pohnpei a sum to be determined in the annual Comprehensive Budget Act for expenses incurred in the operation of the staff of the Pohnpei Legislature. The sum herein authorized for appropriation may include, but is not limited to, annual salaries, travel, per diem, overtime, housing, research, and training, and related materials and other benefits of the employees of the Legislature, and the purchase and rental of supplies and the operation, maintenance, and repair of the buildings, equipment, vehicles, and furniture of the Legislature. All sums herein authorized for appropriation shall be administered and expended in compliance with the Legislature Administrative Manual by the Chief of Administration and Budget of the Legislature upon approval of the Speaker.

Source: D.L. No. 4L-39-76 §2(E), 7/1/76

**§9-111. Committee operations: budget authorization; administration.** —

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined annually in the Comprehensive Budget Act and allocated to specific standing and special committees and their respective subcommittees, for the purpose of defraying the cost of transportation, per diem, studies, investigations, personal contractual services, and other appropriate and incidental expenses of such committees and subcommittees as specified in this section.

(2) All claims for expenses as provided in Subsection (1) of this section shall be approved by the chairmen and transmitted to the Speaker for approval and payment in the manner set forth in Subsection (3) of this section. Travel and per diem for meetings outside of Kolonia and expenses for printing and supplies may be incurred only with prior approval of the Speaker and shall be paid on vouchers so evidenced. In no instance shall expenses be incurred by a committee or subcommittee in excess of the sum or sums appropriated in the Comprehensive Budget Act and specifically allocated to the committee or to the subcommittee either within the committee allocation or by individual allocation, unless such expenses are approved by the Speaker to be paid from the contingency fund established by §9-108.

(3) All sums authorized for appropriation by this section shall be administered and expended by the Chief of Administration and Budget of the Pohnpei Legislature, upon the direction of the Speaker thereof, solely for the purposes of this section. The Chief of Administration and Budget shall submit an annual report to the Legislature on or before October 15 of each year on the administration of this section for the previous fiscal year. All sums appropriated under the authorization of this section not expended or obligated for expenditure on September 30 of each year shall revert to the general fund of Pohnpei.

Source: D.L. No. 4L-45-76 §7, 5/25/76; D.L. No. 4L-136-78 §33, 3/27/78; S.L. No. 3L-56-94 §2, 8/6/94

Note: S.L. No. 3L-56-94 §1 repealed D.L. No. 4L-45-76 §§1 – 6.

**§9-112. Staff housing: budget authorization; administration.** —

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum to be determined annually in the Comprehensive Budget Act for the purpose of providing housing for the staff, who are so entitled, of the Pohnpei Legislature. The sum herein authorized may be used for, but is not limited to, housing rental, purchase of furniture and equipment or house construction.

(2) The sums herein authorized for appropriation shall be administered and expended by the Chief of Administration and Budget, upon approval of the Speaker of the Legislature and the Chairman of the Legislature Committee on Finance or an authorized Subcommittee thereof, solely for the purposes stated in Subsection (1) of this section. The Chief of Administration and Budget shall report to the Legislature within 15 days after the closing day of the previous Legislative fiscal year on all matters concerning the expenditure of the sums authorized for appropriation by this section for the previous fiscal year. Any balance of the sum not expended or obligated for expenditure on the last day of each fiscal year shall revert to the general fund of Pohnpei.

Source: D.L. No. 4L-79-77 §§1 & 2, 5/6/77; D.L. No. 4L-136-78 §2, 3/27/78

**§9-113. Membership in Association of Pacific Island Legislatures: budget authorization; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined annually in the Comprehensive Budget Act, or so much thereof as may be necessary, for the purpose of defraying the costs of the Pohnpei Legislature's participation in activities relative to its membership in the Association of Pacific Island Legislatures.

(2) The sum herein authorized for appropriation shall be administered and expended by the Speaker of the Legislature solely for the purpose stated in Subsection (1) of this section. The Speaker shall report to the Pohnpei Legislature on or before October 15 each year on all matters concerning the expenditure of the sum authorized for appropriation by this section. Any balance of the sum appropriated for a fiscal year under the authorization of this section not expended or obligated for expenditure on September 30 of that fiscal year shall revert to the general fund of Pohnpei.

Source: S.L. No. 1L-70-86 §§1 & 2, 10/1/85

Note: S.L. No. 1L-70-86 §3 repealed S.L. No. 3L-38-84, 10/4/84 in its entirety.

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