

AN ACT

To establish a Development Authority for Faichuk as an autonomous public corporation with its own legal personality, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1       Section 1. Establishment. There is hereby established an autonomous public  
2 corporation to be known as the Faichuk Development Authority, hereinafter referred to as  
3 the "Authority" with a legal personality of its own distinct and separate from the Chuuk  
4 State Government and distinct and separate from any and all other legal entities created  
5 by State laws.

6       Section 2. Jurisdiction. The Authority shall have jurisdiction over those islands  
7 that comprise the Faichuk region, to wit: Eot, Udot, Romanum, Fanapanges, Tol, a/k/a  
8 Tolensom, Polle, Paata, and Wonei a/k/a Oneisom and the ocean that connects those  
9 islands together which are hereby deemed internal waters of Faichuk.

10       Section 3. Municipal Government vis-à-vis Authority. The power and authority of  
11 the municipal governments as set forth under section 5, in particular, and under article  
12 XIII, in general, of the Chuuk State Constitution as well as the rights of the municipal  
13 governments under section 6 of article VII of the said Constitution shall remain  
14 unaffected by the enactment of this act and the powers and authority of the Authority  
15 shall in supplement to and in support of those municipal powers, rights, and authority in  
16 order to enhance the development of the region. The power of each municipal  
17 government within its own jurisdiction and with regards to its rights under section 6 of  
18 article VII of the Chuuk State Constitution shall remain effective as if this act has not  
19 been enacted.

20       Section 4. Power of the Authority. The Authority is hereby granted powers, inter  
21 alia, to:

- 22       a. enter into contract in its own name and on its own behalf;
- 23       b. sue and be sued in its own name and to provide for its own defense in its own  
24 name and on its own behalf;

1 c. borrow on its own credit in its own name and on its own behalf, the debt of  
2 the Authority shall not be a debt of the Chuuk State Government or any of the  
3 legal entities established by Chuuk State laws, and to this extent the Chuuk  
4 State Government hereby expressly disclaims any and all liability for any debt  
5 or act, or omission, of the Authority.

6 d. to open and maintain bank accounts, including a revolving fund account, at  
7 any bank as deem appropriate by the Board of Governors and to deposit any  
8 and all money received or generated by the Authority in its own such accounts  
9 notwithstanding the provisions of the Chuuk State Financial Management Act,  
10 or any other relevant laws, to the contrary,

11 e. seek funding for any development projects for the Faichuk region including  
12 but not limited to projects for development of road, water, sewerage,  
13 electricity, communication and transportation systems. Notwithstanding the  
14 provision of Chuuk State Law No. 3-97-05, Chuuk Public Utility Corporation  
15 Act, to the contrary, the Authority is hereby granted the authority to construct,  
16 operate, and maintain public utilities in the Faichuk region including but not  
17 limited to the provision, maintenance, and improvement of water, electric, and  
18 sewerage systems in that region and;

19 f. do and exercise any and all powers that are related to, connected with,  
20 incidental of, and inherent in the powers expressly granted above.

21 Section 5. Management. The affairs of the Authority shall be managed and its  
22 powers exercised by a Board of Governors, which shall consist of ten members, eight of  
23 whom shall be appointed by the respective mayors of the eight municipalities of the  
24 Faichuk region, and two shall be appointed by the Faichuk Commission. The initial  
25 members of the Board of Governors shall be the mayor of the eight municipal  
26 governments and two representatives of the Commission. They shall remain in office  
27 until their replacements are appointed and qualified.

28 Section 6. Indemnification. The Authority shall hold the State of Chuuk harmless  
29 from any and all claims, demands, suits, controversies, litigations, or any other problems,

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d. to open and maintain bank accounts, including a revolving fund account, at any bank as deem appropriate by the Board of Governors and to deposit any and all money received or generated by the Authority in its own such accounts notwithstanding the provisions of the Chuuk State Financial Management Act, or any other relevant laws, to the contrary;

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f. do and exercise any and all powers that are related to, connected with, incidental of, and inherent in the powers expressly granted above.

Section 5. Management. The affairs of the Authority shall be managed and its powers exercised by a Board of Governors, which shall consist of ten members, eight of whom shall be appointed by the respective mayors of the eight municipalities of the Faichuk region, and two shall be appointed by the Faichuk Commission. The initial members of the Board of Governors shall be the mayor of the eight municipal governments and two representatives of the Commission. They shall remain in office until their replacements are appointed and qualified.

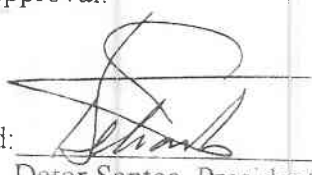
Section 6. Indemnification. The Authority shall hold the State of Chuuk harmless from any and all claims, demands, suits, controversies, litigations, or any other problems,

1 now existing or hereafter arising against the State of Chuuk for conduct or omission of  
2 the Authority and the same shall indemnify the State of Chuuk for any and all losses,  
3 settlements, claims, demands, suits, controversies, litigations, or payments made by the  
4 State of Chuuk for wrongful act or omission, or for any other liability of the Authority  
5 which is wrongfully imputed to the Chuuk State Government.

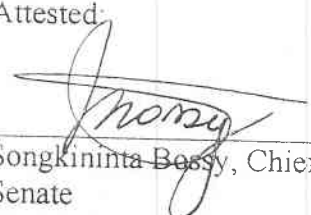
6 Section 7. Organization of the Authority. Within sixty days of the effective date  
7 of this Act, the members of the Board of Governors shall organize themselves and elect  
8 their temporary President, Vice President, Secretary and Treasurer. The first meeting  
9 shall be called and conducted by a representative of the Faichuk Commission. After the  
10 permanent members of the Board of Governors are appointed and qualified, the Board  
11 shall adopt its articles of incorporation and corporate bylaws and its manual of  
12 administration. The articles of incorporation and the bylaws shall be submitted to the  
13 Governor for approval. Any amendment to the articles of incorporation shall be  
14 approved by the Governor, but amendments to the bylaws shall be approved by the  
15 members of the Board of Governors in accordance with its bylaws.

16 Section 8. Funding. The Authority is hereby granted the authority to receive  
17 funding from the Chuuk State Legislature or from any other source other than the  
18 Legislature and to deposit such funds into its own revolving account. Notwithstanding  
19 any provision of law to the contrary, any and all funds received by the Authority shall not  
20 be lapsed but shall remain available until fully expended.

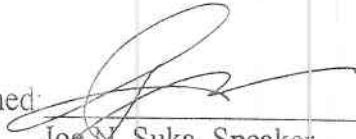
21 Section 9. Effective date. This act shall take effect upon approval by the  
22 Governor, or upon its becoming law without such approval.

Signed:   
Detor Santos, President  
Senate, Chuuk State Legislature

Attested:

  
Songkininta Bossy, Chief Clerk  
Senate  
Chuuk State Legislature

Date: Sept. 15, 2003

Signed: 

Joe M. Suka, Speaker  
House of Representatives  
Chuuk State Legislature

Attested:

  
Herter Sorim, Chief Clerk  
House of Representatives  
Chuuk State Legislature

Date Sept. 15, 2003

Approved: 

Ansito Walter, Governor  
Chuuk State Government

Date Sept 29, 2003

History

: SB No. 7-27; SD1  
: S. S. C. R. No. 7-1R-27  
: H. S. C. R. No. 7-1R-42

## EW NAMOPWUNG

A forata ew Development Authority an Faichuk mi pusin imuno won an pochokkun me nemenem ussun ew korporeison fan iten tufichin aramas chommong fiti pusin afotofotun me non annuk, me pwan ren ekkoch popun.

EPWE PWUNG ME REN EWE ENEPWUNGUN CHUUK:

1       Tetten 1. Forutan. Iei a foruta won pusin an pochokkun me nemenen ew  
2       korporeison epwe iteni Faichuk Development Authority, me kormwochan "Authority",  
3       fiti pusin afotofotun me non annuk mi affat me imuno seni ewe Mun Chuuk pwan affat  
4       me imuno seni ese nifinifin neein me meinisin ekkewe kinikinin angang ka nemenem  
5       mei kawor me non annukun Chuuk State.

6       Tetten 2. Kinikinin Nemenen. Ewe Authority epwe wor ren nemenen won  
7       ekkewe fonu minne ra forata ewe kinikinin Faichuk ren ekkei fonu iter: Eot, Udot  
8       Fonuweisom, Romanum, Fanapanges, Tol, are Tolensom, Polle, Paata Tupunion, Wonei  
9       are Oneisom me ewe matawen Faichuk mi ochufengenni ekkei fonu.

10       Tetten 3. Pochokkun Nefinen Mun Fonu me ewe Authority. Ewe pochokkun, me  
11       nemenem mi wor ren ekkewe mun fonu ussun mei affat me non tetten 5, ren affaten  
12       tichchikin, me fan sapun XIII, non mesenapan, me non noun Chuuk State we Chunapen  
13       Annuk fiti fengen me ekkewe pwung mei wor ren ekkewe municipal kafomen fan  
14       pwungun tetten 6 me non sapun VII non noun Chuuk State we Chunapen Annuk repwe  
15       chok kupachano won pochokkuneer rese taano ren forutan ei annuk; me ekkewe  
16       pochokkun me nemenem an ei Authority ra kawor pwe sopwosopun me aninnisin ekkewe  
17       pochokkun mi nonnom ren ekkewe municipal kafomen, ekkewe pwung, me nemenem  
18       mei wor ren ei Authority repwe atufich-ochuweno me anisi ekkei pochokkun, pwung me  
19       nemenem ren feffaitan pekin manawen fonu me aramas. Ekkewe pochokkun an ew me  
20       ew ekkewe municipal kafomen fiti kinikinin an nemenem ussun mi affat me fan pwungun  
21       tetten 6 me non sapun VII me non noun Chuuk State we Chunapen Annuk repwe chok  
22       sopwosopwono pochokkuner ussun nge ita ei annuk ese mwo kopwunguno.

23       Tetten 4. Pochokkunen Authority. Ewe Authority a wor ren ekkewe pochokkun  
24       fan iten an epwe tufichinin fori, me nein chommong angang :

- 1 a. fori etipe-ew won pusin itan pwan fan asengessin;
- 2 b. kopwung ngeni emon, ika emon epwe kopwung ngeni, me awora noun sou  
3 aninnis me non kopwung fan itan me pusin fan asengessin;
- 4 c. paaro won pusin an niwinimang fan itan me pusin fan asengessin, niwinimang  
5 esap an ewe Mun Chuuk are an ew chok me neein kinikinin kewe mi foruta  
6 me non annuk, tori ei ukukun ewe Mun Chuuk State mi pichiu seni ese  
7 nifinifin are meinisin niwinimang an ewe Authority mesen meet mi fori me  
8 met ese fori;
- 9 d. Epue pusin suuki me non bank an account kapachenong ew account ren  
10 mwoni epwe morokuun me wor manawan fiti pwungun ewe Board of  
11 Governor me pusin isenong non nenien iseis sakkopaten mwoni mi tonong  
12 ngeni me pusin manaw ren ewe Authority fan pusin an tinikken na mwo ren  
13 ekkewe uwekisin ika masowen ewe Chuuk State Financial Management Act,  
14 ika pwan ekkoch annuk mi wor me nukun ei;
- 15 e. pusin kutta mwonien project fan iten Faichuk kapachenong me esap chok  
16 oukuuk ngeni project ren forutan pekin aan, konik me pekin fetanin me  
17 tumunun kiten mwongo, pekin asarama fonu ren tengki, pekin atoura porous  
18 me wa ren mechersinon fetanin aramas non neeni me neeni. Nikitano mwo  
19 uwekisin annukun Mun Chuuk No. 3-97-95, Chuuk Public Utility Corporation  
20 Act, ewe mi sakkofesen seni ngiingin ei annuk, ewe Authority a wor ren ewe  
21 pochokkun an epwe forata, omowkutu, me tumunu ekkewe pisekin atufichi  
22 aramas chommong me non Faichuk kapachenong nge esap chok oukuuk ngeni  
23 kaworen, tumunun me emwirinonoon pekin fetanin konik ngeni aramas  
24 meinisin, fiifi, pekin fetanin me tumunun kiten mwongo me non ewe kinikin;
- 25 f. fori me aea ekkewe pochokkun meinisin mi weneiti, ika pusin wor ren fan iten  
26 mei awenewen ngeni ekkewe pochokkun me nemenem meinisin ra fen wor  
27 ngeni fan pwungun ei annuk.



1       Tetten 5. Amwokutun Authority. Ekkewe angang meinisin repwe tumun me  
2   ommokut, me an kewe pochokkun meinisin repwe mwokutukut seni ne-poun ewe Board  
3   of Governor ewe epwe wor engon monun, wanumon repwe kefinita seni ekkewe mayor  
4   non ekkewe wanu municipality non Faichuk, me ruemon repwe kefinita seni ewe Faichuk  
5   Commission. Ekkewe wanumon mayor ir ekkewe akkomwen monun ewe Board of  
6   Governor me ekkewe ruemon tupuwn ewe Faichuk Commission repwe kupachano mwo  
7   non wiser kewe tori an siwinir ra kefinita me poputa wor pochokkuner.


8       Tetten 6. Pichino seni mwarei choun chappen offor. Ewe Authoirty esap  
9   efeingawa ewe Mun Chuuk State an epwe mwarei chappen claim, suit, controversies,  
10   litigation, are pwan ekkoch osukosuk, ir mi wor are fis ar repwe tongeni efeingawa ewe  
11   Mun Chuuk State fan iten ekkewe angang ewe Authority mi fori ika ese fori, iwe ewe  
12   Authority epwe epichano ewe Mun Chuuk State on ese nifinifin loss, settlement, claim,  
13   demand, suit, controversy, litigation, are payment ewe Mun Chuuk epwe aani sekeningin  
14   fan itan pokiten mwaninon an ewe Authority angang mi fori are ese fori, are ese nifinifin  
15   chappen offor uruurun an ewe Authority a mwanino ewe mwun Chuuk a fen wisen  
16   feiengaw ren.

17       Tetten 7. Mwich me Finitan Nouwis. Non wone ran me mwirin an ei annuk a  
18   poputa wor pochokkunan, monun ewe Board of Governor repwe ne efisi ar mwich pwe  
19   repwe finita ewe sounik President, Vice President, Seketeri, me Treasurer. Epwe fis ewe  
20   aewin mwich epwe kokko fan omokutuwen ewe tupwun ewe Faichuk Commisison. Me  
21   mwirin monun ewe Board of Governor ra finita me wor pochokkuner, ewe Board epwe  
22   ne etiwa noun article of corporation me corporte bylaws me noun manual of  
23   administration. Ekkwe articles of incorporation me corporate bylaws repwe feinno ngeni  
24   ewe Governor ren an epwe apwungano me ekkesiwin meinsin ngeni ewe corporate  
25   bylaws repwe chok kopwunguno me ren ewe Board of Governor fiti pwungun nour we  
26   bylaws.

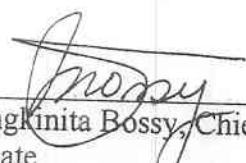
27       Tetten 8. Mwonien Authority. Ewe Authority a wor ren mumuta an epwe angei  
28   mwonien ammokutun seni ewe Chuuk State Legislature, are seni ese nifinifin nenien

1 kaworen mwoni me nukun ewe Legislature iwe epwe isenong ekkei mwoni non ew  
2 revolving account. Ina mwo are mi wor annuk mi affata fanousn kounon nounoun  
3 mwoni, mwonien ewe Authority resap kouk fansoun nounouur tori ar repwe pusin  
4 muchchuno meinsin.

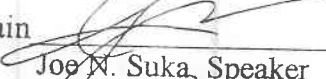
5 Tetten 9. Poputan pochokkun. Ei annuk epwe poputa wor pochokkunan nupwen a  
6 kopwunguno mre ren ewe Governor, are inet chok fansoun a pusin winita annuk won  
7 winikapan.

Sain seni:   
Detor Santos, President  
Senate  
Aneepwungun Chuuk

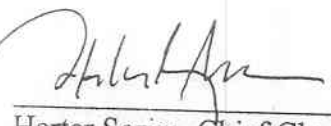
Annetata:

  
Songkinita Bossy, Chief Clerk  
Senate  
Aneepwungun Chuuk

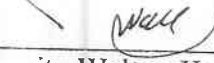
Pwinin Maram Sept. 15, 2003

Sain   
Joe M. Suka, Speaker  
Utten Representatives  
Aneepwungun Chuuk

Annetata:

  
Herter Sorim, Chief Clerk  
Utten Representatives  
Aneepwungun Chuuk

Pwinin Maram Sept. 15, 2003

Kopunguno   
Ansito Walter, Kepina  
Chuuk State

Pwinin maram: Sept 29, 03

Uruo : S. B. No. 7-27;SDI  
: S. S. C. R. No. 7-1R-27  
: H. S. C. R. No. 7-1R-42