March 25, 2011

The Honorable Lyndon P. Abraham  
Speaker  
Tenth Kosrae State Legislature  
Tofol, Kosrae FM 96944

Dear Mr. Speaker,

Pain kom a kulo nu sin God ke moul mwowo lasr nukewa.

Nga engan in tukakin nu sum la nga insese a sainiya L.B. No. 10-07, nuke masap, su orala Kosrae State Law No. 10-2. Sifwa u f awk mu:

“To amend Titles 1, 5, 7 and 11 of the Kosrae State Code to add new definitions and requirements relating to climate change and climate change adaptation measures; and for other purposes.”

Certified copy ke masap se inge pa attached nu ke letter luk.

Kulo ma lulap.

Lyndon H. Jackson  
Governor  
State of Kosrae

/jpa
March 14, 2011

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

Dear Governor Jackson:

I have the honor to transmit herewith for your consideration and action L.B. NO. 10-07, TO AMEND TITLES 1, 5, 7 AND 11 OF THE KOSRAE STATE CODE TO ADD NEW DEFINITIONS AND REQUIREMENTS RELATING TO CLIMATE CHANGE AND CLIMATE CHANGE ADAPTATION MEASURES; AND FOR OTHER PURPOSES., which passed the Legislature, First Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

Respectfully yours,

Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

Enclosures
LEGISLATIVE BILL NO. 10-07

TENTH KOSRAE STATE LEGISLATURE
FIRST REGULAR SESSION
FEBRUARY 14, 2011 – MARCH 19, 2011

A BILL FOR AN ACT

TO AMEND TITLES 1, 5, 7 AND 11 OF THE KOSRAE STATE CODE TO ADD NEW DEFINITIONS AND REQUIREMENTS RELATING TO CLIMATE CHANGE AND CLIMATE CHANGE ADAPTATION MEASURES; AND FOR OTHER PURPOSES.

INTRODUCED Senator Josaiah F. Waguk (By Request)

DATE: February 18, 2011

ACTION BY THE LEGISLATURE

PASSED FIRST READING: March 9, 2011

REFERRING TO: Committee on R&D
SCR. No. 10-04 –A - 030911

PASSED SECOND READING: March 11, 2011

Tosie K. Elley
Chief Clerk
KOSRAE STATE LEGISLATURE
LEGISLATIVE BILL NO. 10-07

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, First Regular Session, 2011, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.

Lyndon P. Abraham
Speaker
Tenth Kosrae State Legislature

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

To amend Titles 1, 5, 7 and 11 of the Kosrae State Code to add new definitions and requirements relating to climate change and climate change adaptation measures; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

Section 1. Findings and Purpose. The Legislature finds that climate change is a real and continuing process with substantial impacts upon the natural and human environment of the State of Kosrae. Climate changes of increasing temperatures, rising sea levels, increased precipitation and other severe weather events have impacted and will continue to impact the environment, sustainable development, food production, and existing and future infrastructure of the State of Kosrae.

The purposes of this act are to recognize and define climate change and climate change adaptation measures, and to require development activities in Kosrae State to take in account projected climatic changes, and to require the design and implementation of public infrastructure such as roads and buildings incorporate climate change adaptation measures consistent with the requirements of the FSM Nationwide Climate Change Policy of 2009, as presented by the Asian Development Bank in “Climate Proofing, Risk Based Approach to Adaptation” (2005) and “Climate Change Adaptation in the Pacific” (2005), and as reflected through the continuing proceedings of the United Nations Framework Convention on Climate Change (1992 et seq).

Section 2. Amendment. Title 1, Section 1.201 of the Kosrae State Code is hereby amended to read as follows.
"Section 1.201. Definitions. Unless another meaning clearly appears in the Code, the following terms have the meaning indicated:

(88) "climate change": A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

(89) "climate change adaptation measures": Responses that seek to reduce the vulnerability of natural and human systems to the changing climate and weather extremes, and minimize the predicted impacts of climate change."

Section 3. Amendment. Title 5, Section 5.202(4) of the Kosrae State Code is hereby amended to read as follows.

"Section 5.202. Powers and duties of principal departments. In addition to other powers and duties provided by law a director of a principal department is responsible to the Governor for the exercise of the departmental powers and duties indicated below by subsection. The Governor may delegate additional Executive powers and duties to a director as the Governor deems necessary.

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(4) The Department of Transportation and Infrastructure

(a) constructs a primary road encircling the island;

(b) constructs a primary road from Innem to Okat;

(c) maintains primary roads, overseeing their structure and
operational safety;

(d) develops, designs for, calculates cost effectiveness of, and conducts inspections of public projects, with all location, design and construction to include and incorporate consideration of weather and climate extremes and climate change adaptation measures; and

(e) maintains Government-owned buildings and equipment."

Section 4. Amendment. Title 7, Section 7.402 of the Kosrae State Code is hereby amended to read as follows:

"Section 7.402. Powers and duties. The Authority has the power and duty to:

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(18) Adopt climate risk reduction and climate change adaptation measures based upon existing weather and climate extremes and projected climate changes, and to provide consultation on application of climate change impacts and adaptation measures to the location, design and construction of public projects and other development projects."

Section 5. Amendment. Title 7, Section 7.405(1) of the Kosrae State Code is hereby amended to read as follows:

"Section 7.405. Environmental impact studies. The Authority requires that:

(1) All persons include in their development proposals an environmental impact assessment study which shall include consideration of the effects of climate change and potential adaptation options in accordance with regulations established by the
Section 6. **Amendment.** Title 11, Section 11.2104(1) of the Kosrae State Code is hereby amended to read as follows:

"Section 11.2104. Provisions of the Code. The Kosrae State Building Code shall be designed to achieve the following:

(1) To provide reasonably uniform standards and requirements for construction and construction materials, consonant with accepted standards of engineering and fire prevention practices and which shall include appropriate climate risk reduction and climate change adaptation measures."

Section 7. **Effective Date.** This Act takes effect upon approval by the Governor or upon its becoming law without such approval.

PASSED BY THE KOSRAE STATE LEGISLATURE ON THE 11TH DAY OF MARCH, 2011

Lyndon P. Abraham  
Speaker, Tenth Kosrae State Legislature

Attested by:  
Chief Clerk

Lyndon H. Jackson  
Governor, State of Kosrae  
Date: 3-25-11