

## Chapter 5

### Planned Development Zone

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42 PC 5-101. Purpose.

The Legislature finds that the Dekehtik Causeway is a prime area for the development of important facilities that could enhance the economic development of the state, including fisheries and tourism facilities. In this connection, the Legislature finds it appropriate to authorize the Public Lands Trust Board of Trustees to dedicate a portion of the Dekehtik Causeway and its appurtenant areas as the Dekehtik Planned Development Zone, as specified in 42 PC 5-102.

Source: S.L. No. 4L-66-98 §1, 2/23/98

42 PC 5-102. Planned Development Zone.

Pursuant to Chapter 1 of this title and Chapter 1 of Title 41, (41 PC 1-\*), the Legislature hereby authorizes and directs the Public Lands Trust Board of Trustees to dedicate the western side of the Dekehtik Causeway and its appurtenant areas extending from near the ALCO barge to the berm referred to as "Lidakihka Road" as the Dekehtik Planned Development Zone to be managed in the manner prescribed by statute; provided that the entire area bound by the following coordinates shall be part of this Zone and shall be used for

fisheries support and tourism and related uses: Starting from the point at northing 81,164.39 and easting 78,840.67 to a point 862.18 meters northeast at 73°36'38", thence to a point 628.53 meters northwest at 45°32'35", thence to a point 683.85 meters southwest at 72°38'25", and finally to the originating point 552.31 meters southeast at 29°45'53", northing 81,164.39 and easting at 78, 840.67; PROVIDED FURTHER that any development within the said Zone shall be deemed to be outside of the scope of Title 32 Chapter 2 (designating Dekehtik Island as a Transportation Zone) and Pohnpei Port Authority Chapter, Title 32 Chapter 1, (32 PC 1-\*), to the extent exempted by state law enacted following March 31, 1998, and shall be consistent with the integrated development goals of the Pohnpei Government, limited to the key areas of fisheries support and tourism.

Source: S.L. No. 4L-66-98 §2, 2/23/98

42 PC 5-103. Zoning map adopted.

The map identified as Pohnpei Drawing No. 7001/97, setting forth the Planned Development Zone as Tract No. 75516, is hereby adopted as the Zone Map for the purposes of this chapter. The said map and all its notations, references, and other information shown are fully incorporated herein by reference.

Source: S.L. No. 4L-66-98 §3, 2/23/98

42 PC 5-104. Authority to lease public trust lands within the Planned Development Zone. Pursuant to Chapter 1 and Chapter 2, Part A, the Public Lands Trust Board of Trustees, upon successfully completing the requirements of said Code provisions, including the requirement of public advertisement, as well as the further requirement of publication as specified in 42 PC 5-105, is hereby authorized, upon concurrence of the management of the Planned Development Zone, to enter into leases and other use agreements relating to public trust lands and areas located within the Planned Development Zone; PROVIDED that the development within the said Zone shall be consistent with the integrated development goals of the Pohnpei Government, limited to the key areas of fisheries support and tourism.

Source: S.L. No. 4L-66-98 §4, 2/23/98

42 PC 5-105. Publication.

The Public Lands Trust Board of Trustees, upon consultation with the management of the Planned Development Zone, shall initiate its application process through public announcement and by advertisement that shall be published in such manners as the Board, in its discretion, finds will effectively reach the largest numbers of investors who may be interested in developing the Dekehtik Causeway under the terms of this chapter. In so doing, the Board may utilize notices in newspapers of general distribution within the region, in Japan, the United States of America, and other centers of investment, as well as in trade journals that reach the types of investors the Board is seeking. The Board may also make direct contact with parties who have indicated to the Board a specific interest in development within the state. The period of publication shall be set by the Board in the manner it deems

will reach the most number of qualified bidders and provide them with sufficient time to develop well-reasoned applications, but not less than one month nor more than six months.

Source: S.L. No. 4L-66-98 §5, 2/23/98

42 PC 5-106. Authorization for appropriation; administration.

There is hereby authorized for appropriation from the general fund a sum or sums to be determined and as may be allocated annually in the Comprehensive Budget Act to be used solely and exclusively for publication purposes as specified in 42 PC 5-105. All sums appropriated under the authorization of this section shall be administered and expended by the Governor. All monies appropriated under the authorization of this section in a fiscal year remaining unexpended or unobligated for expenditure at the end of such fiscal year shall revert to the general fund of Pohnpei.

Source: S.L. No. 4L-66-98 §6, 2/23/98

42 PC 5-107. Conflicts of interests.

With regard to this Planned Development Zone:

(1) No state officer or employee shall take any official action directly affecting:

(a) A business or other undertaking in which he, or his spouse, or any one of his children, or anyone with whom he has a close business relationship, has a financial interest; or

(b) A private undertaking in which he is engaged as legal counsel, advisor, consultant, representative or other agency capacity.

(2) No state officer or employee shall acquire, either directly or indirectly, through his business holdings, by agent disclosed or undisclosed or by any undue influence within a family relationship, any financial interests in any business or other undertaking that he has reason to believe may be directly involved in official action to be taken by him.

(3) No state officer or employee shall assist any person or business or act in a representative capacity before any state agency in any transaction involving the state.

(4) No state officer or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim or other transaction or proposal in which he has participated or will participate as a state officer or employee, nor shall he assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the agency of which he is an officer, member, or employee.

(5) No state officer or employee shall assist any person or business or act in a representative capacity before a state agency for a fee or other consideration on any bill, contract, claim, or other transaction or proposal involving official action by the agency if he has official authority over that state agency unless he has made full disclosure to the agency and the head

of the branch of government of which the agency is a part. In the case of a head of a branch of government, disclosure shall be made to the heads of the other two branches.

Source: S.L. No. 4L-66-98 §7, 2/23/98

#### 42 PC 5-108. Contracts voidable.

In addition to any other penalty provided by law, any contract entered into by the state in violation of this chapter is voidable on behalf of the state; PROVIDED that in any action to void a contract pursuant to this section the interests of third parties who may be damaged thereby shall be taken into account, and the action to void the transaction is initiated within 60 days after the determination of a violation under this chapter. The Attorney General shall have the authority to enforce this section.

Source: S.L. No. 4L-66-98 §8, 2/23/98

#### 42 PC 5-109. Voidable actions; forfeiture.

(1) Any favorable state action obtained in violation of this chapter is voidable in the same manner as voidable contracts as provided for under 42 PC 5-108; and the state by the Attorney General may pursue all legal and equitable remedies available to it.

(2) The state, by the Attorney General, may recover any fee, compensation, gift or profit received by any person as a result of a violation of this chapter. An action to recover under this subsection shall be brought within two years of such violation.

Source: S.L. No. 4L-66-98 §9, 2/23/98

#### 42 PC 5-110. Transition.

Within 60 days following the effective date of this chapter [effective date is February 23, 1998], the Governor shall submit to the Legislature a detailed plan for the operation of the Dekehtik Planned Development Zone, which plan shall include, but need not be limited to:

(1) A description of the physical design for land use within the Planned Development Zone boundaries;

(2) A description of the proposed system of management for the Planned Development Zone, inclusive of the receipt, deposit, and disposition of public revenues generated by the Zone;

(3) A description of the regulatory authority for the policing and regulation of fisheries-port-related activities within the Planned Development Zone;

(4) A description of the elements of coordination between the Zone management and the Economic Development Authority with respect to the servicing of fishing vessels within the Planned Development Zone;

(5) A description of the elements of coordination between the Zone management and the Port Authority with respect to the transit and mooring of fishing vessels within the Pohnpei Transportation Zone and other navigable waters within the lagoon of Pohnpei Island; and

(6) The submission of recommended legislation that the Governor deems necessary for the implementation of the plan.

Source: S.L. No. 4L-66-98 §11, 2/23/98

Note: S.L. No. 2L-224-91 §1-3 relative to the Pohnpei Port Authority Act was amended by S.L. No. 4L-66-98 §10, 2/23/98, which was codified at 32 PC 1-103.