

TITLE 2: NATURAL RESOURCES
DIVISION 2: PORTS

§ 2131. No Financial Interests by Members.

(a) Except as provided in 2 CMC § 2176, no director, officer, or employee of the authority, either personally or as agent for anyone else, shall benefit directly or indirectly by reason of any sale, purchase, contract or transaction entered into by the authority.

(b) Any person who, directly or indirectly, becomes interested in any such sale, purchase, contract or transaction while serving as a director, officer, or employee of the authority shall be guilty of a felony. Upon the filing of an information of such felony, the board in its judgment may suspend the services of the charged person pending final determination. Immediately upon conviction of a violation thereof, said person shall forfeit his or her office or position. Upon conviction thereof, he shall be punished by a fine not to exceed \$2,000 or by confinement in the jail for not more than one year, or both.

Source: PL 2-48, § 22, modified.

Commission Comment: Subsection (b) derives from Congress of Micronesia PL 6-58, § 23, enacted in 1975. As originally enacted, the final sentence provided for a jail punishment “for not *more* than one year” (emphasis added). When reenacted in PL 2-48, the jail punishment was “not *less* than one year” (emphasis added). The change appeared to be inadvertent, particularly since the punishment as earlier stated seemed more appropriate to the crime involved. While generally avoiding policy choices regarding criminal sentencing, the Commission—after bringing the matter to the attention of legislative personnel—reinserted the original language.