

AN ACT

To organize the Executive Branch of the Government of the State of Chuuk pursuant to Section 10, Article VI of the Constitution of the State of Chuuk, to define the powers and duties of each Department and office, to provide for appointment of certain officials with the advice and consent of the Senate, Chuuk State Legislature, to repeal Truk State Law No. 3-25 and all amendments thereto in their entirety, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1 Section 1. Designation. This Act shall be known
2 and may be cited as the "Executive Branch Organization
3 Act of 1990."

4 Section 2. Executive Organization. In addition to
5 the Office of the Governor and Office of the Lieutenant
6 Governor, the Executive Branch of Chuuk State Government
7 shall consist of the following Departments and Offices:

- 8 1. Department of Health Services;
- 9 2. Department of Education;
- 10 3. Department of Transportation;
- 11 4. Department of Marine Resources;
- 12 5. Department of Agriculture;
- 13 6. Department of Public Affairs;
- 14 7. Department of Treasury;
- 15 8. Department of Justice;
- 16 9. Department of Public Works;
- 17 10. Department of Planning and Statistics;
- 18 11. Department of Commerce and Industry;
- 19 12. Office of Budget; and
- 20 13. Office of Personnel.

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1 Section 3. Designation of Heads of Departments and
2 Offices. The titles of the heads of Departments and Offices
3 established by Section 2 of this Act shall be as follows:

- 4 (1) Director of Health Services;
- 5 (2) Director of Education;
- 6 (3) Director of Transportation;
- 7 (4) Director of Marine Resources;
- 8 (5) Director of Agriculture;
- 9 (6) Director of Public Affairs;
- 10 (7) Director of Treasury;
- 11 (8) Attorney General;
- 12 (9) Director of Public Works;
- 13 (10) Director of Planning and Statistics;
- 14 (11) Director of Commerce and Industry;
- 15 (12) Director of Budget; and
- 16 (13) Director of Personnel.

17 Section 4. Department of Health Services. The
18 Department of Health Services consists of the divisions of
19 Field Dispensary; Management and Administration; Public
20 Health; Nursing; Dentistry; and Sanitation. This Department
21 is responsible for vocational rehabilitation, rural
22 sanitation, health education, and aging. It shall generally
23 provide for the protection and promotion of the public
24 health, and shall administer medical and dental
25 facilities of the State.

26 Section 5. Department of Education. The Department of
27 Education shall be composed of the divisions of Elementary
28 School; Secondary School; Curriculum; and Special Programs,
29 and shall provide for, support and administer a State-wide
30 system of public schools and instruction, PROVIDED, however,
31 that the Department of Education shall continue in its
32 present status until Sections 3 and 4 of Article X
33 of the Constitution have been fully implemented.

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1 Section 6. Department of Transportation. The Department
2 of Transportation consists of the Divisions of Sea and the
3 Division of Air. This Department is responsible for
4 interisland and international shipping operations, harbors
5 and port regulations, facilities and activities, adherence
6 to applicable safety regulations both local and
7 international, search and rescue operations; and air
8 transportation matters in Chuuk State. Until an Airport
9 Authority is established by statute, the operations of State
10 airports and airport facilities shall be the responsibility
11 of this Department.

12 Section 7. Department of Marine Resources. The
13 Department of Marine Resources consists of the divisions of:

- 14 a) Fisheries Research and Development;
- 15 b) Conservation and Management; and
- 16 c) Operation and Technical Support.

17 This Department is responsible for the conservation,
18 promotion, development, marketability, economic viability and
19 support of mariculture projects, fisheries, and commercial
20 utilization of marine resources in the State.

21 Section 8. Department of Agriculture. The
22 Department of Agriculture consists of the a) Division of
23 Plant Industry and Marketing, b) Division of Forestry and
24 Soil Conservation, and c) Division of Livestock Industry.
25 The Department of Agriculture shall be responsible for
26 the conservation, development, and marketability of the
27 State's agricultural resources and products.

28 Section 9. Department of Public Affairs. This
29 Department consists of the divisions of Governmental
30 Relations, Public Information and Broadcast, and
31 Youth. It is responsible for governmental affairs, effective
32 communication and relationship, including protocol between
33 the State and Municipal Governments, between the Municipal
34 Governments, between the State and the National Government of

1 the Federated States of Micronesia, between the State and
2 other governments, and shall be responsible for the
3 dissemination of public information and everything affecting
4 youth and shall facilitate communication between the State
5 Government, its agencies, instrumentalities and political
6 subdivisions, and other governments, their agencies and
7 instrumentalities, operate State owned broadcast facilities
8 and foster community and youth initiative and self-help.

9 Section 10. Department of Treasury. The Department
10 of Treasury consists of the divisions of Finance; Automated
11 Data Processing; Revenue; and, Property and Supply. This
12 Department shall provide for the administration and
13 management of government fiscal operation, revenues,
14 property and supplies, and shall coordinate all financial
15 grants and assistance. Each of these divisions shall be
16 headed by a Chief. This Department shall be primarily
17 responsible for the administration, management and accounting
18 of all distributions, procurement, and other transactions of
19 government finances, revenues, assets, and property pursuant
20 to law.

21 Section 11. Department of Justice
22 This Department consists of the co-equal divisions of
23 Law and Public Safety. The Attorney General is the head of
24 the Department who shall have overall authority and
25 supervision over the divisions. The Chief of
26 Police is the head of the Division of the Public Safety and
27 the Chief of Law who may be the Attorney General shall
28 head the Division of Law. The Division of Public Safety
29 shall promote and protect public safety and maintain public
30 peace and order, enforce all laws, conduct criminal
31 investigation, assist in the conduct of prosecution, serve
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1 legal processes, operate and administer penal institutions,
2 provide rehabilitation programs for inmates, and provide fire
3 prevention and fire rescue. The Division of Law shall
4 provide legal services, including but not limited to legal
5 advice, opinions, contract preparation, review legislative,
6 drafting and representation when appropriate of the State
7 Government, its agencies, instrumentalities, and political
8 subdivisions.

9 Section 12. Office of Budget. The Office of Budget shall
10 be responsible for the coordination and execution of the
11 entire budget process of the State, which shall include
12 coordination and preparation of annual and long term budgets
13 of the State. This process includes also budget formation,
14 review of allotment issuance, forecasting and fiscal control.

15 Section 13. Department of Public Works. The Department
16 of Public Works consists of the following divisions: Roads
17 and Government Facilities; and, Public Utilities. This
18 Department is responsible for the maintenance of public roads
19 and government facilities, public utilities, and for the
20 review and approval of drawings or plans for proposed
21 government facilities. The Division of Public Utilities
22 shall automatically cease to exist when the Public Utilities
23 Corporation is operational, upon notification to the Governor
24 and the Director of Public Works of such operational status
25 by the Chairman of the Board of Directors, Public Utilities
26 Corporation.

27 Section 14. Department of Planning and Statistics.
28 The Department of Planning and Statistics consists
29 of the divisions of Planning; Statistics; and Census.
30 This Department shall formulate development plans, review and
31 make recommendations on projects and programs of the State
32 Government, and when applicable, municipal programs and
33 projects, coordinate and implement financial grants and
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1 assistance to the State Government, compile statistical data,
2 coordinate and mobilize all government resources and projects
3 and programs, monitor report on the implementation of
4 national, State and municipal development plans. This
5 Department shall coordinate with other departments, offices
6 and branches of the State and National Governments to the
7 maximum extent in order to facilitate planning and
8 implementation of projects and programs.

9 Section 15. Department of Commerce and Industry. The
10 Department of Commerce and Industry consists of the divisions
11 of Labor and Manpower; Business and Trade; and, Land
12 Management and Historic Preservation. This Department is
13 responsible for the commercial and industrial development of
14 the State, municipal economic programs, including the
15 authority to negotiate government leases, acquire, manage,
16 survey, and register public lands and shall be responsible
17 for the custody of public land documents, and the
18 identification, registration, and maintenance of historical
19 sites, monuments, and land marks.

20 Section 16. Office of Personnel. The Office of
21 Personnel shall administer the Public Service System of the
22 State until the Public Service Commission becomes operational
23 pursuant to Article IX, Section 3 of the Chuuk State
24 Constitution.

25 Section 17. Nomination and Confirmation. The
26 Governor shall appoint and nominate, with the advice and
27 consent of the Senate, principal officers, principal
28 advisors, and other officials in positions requiring such
29 advice and consent of the Senate as prescribed by statute not
30 later than 45 days after:

- 31 a) the Governor has taken the oath of office;
32 b) a vacancy has occurred in any position
33 requiring advice and consent of the Senate;

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- 1 c) a new position requiring advice and
2 consent of the Senate has been created; or
3 d) an appointment and nomination by the
4 Governor has been rejected by the Senate.

5 Section 18. Exercise of Power and Authority by Nominee.

6 A nominee appointed by any appointing authority, whose
7 appointment and nomination requires the advice and consent of
8 the Senate, may exercise the power and authority of the
9 department or office to which nominated until such nomination
10 has been rejected by the Senate.

11 Section 19. Temporary Head of Department and Office.

12 In the event of any vacancy resulting from the death,
13 resignation, or removal of the head of a department or
14 office, or the disability of such officer beyond 180 calendar
15 days, the Governor shall designate an acting head of the
16 department or office who shall act in such capacity until the
17 Governor's appointment and nomination has been confirmed by
18 the Senate

19 Section 20. Absence of Governor. During the temporary
20 absence of the Governor from the State Capital, the
21 Lieutenant Governor shall, in his capacity as the Lieutenant
22 Governor, act on behalf of the Governor in accordance with
23 the general or specific instruction of the Governor.
24 Pursuant to such instruction, the Lieutenant Governor, and no
25 other officer except as provided in Section 21 below, may
26 sign any document for or on behalf of the Governor.

27 Section 21. Absence of Governor and Lieutenant Governor.

28 During the temporary absence of both the Governor and
29 Lieutenant Governor from the State Capital, any of these
30 department or office directors including the Attorney
31 General, except if not wesetan Chuukese, may be appointed to
32 function in the temporary capacity of Executive Officer and
33 who shall be the vocal point of communication and
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1 coordination on behalf of the Governor in accordance with
2 specific instructions of the Governor.

3 Section 22. Compensation. Heads of departments and
4 offices established by Section 2 of this Act shall receive
5 compensation as prescribed by law, provided that the Governor
6 may prescribe such compensation by executive order for heads
7 of departments and offices in the absence of law prescribing
8 such compensation. The compensation of a director may not be
9 diminished during his term of office unless there is a
10 uniform reduction of salaries of the directors.

11 Section 23. Operation of Government. In the absence of a
12 governing statute and consistent with this Act or the
13 Constitution, the Governor may provide for the operation of
14 the Executive Branch and creation of temporary commissions or
15 task forces by executive order, administrative directive or
16 regulation.

17 Section 24. Repeal. Truk State Law No. 3-25, the
18 Executive Branch Organization Act of 1980, with all
19 amendments thereto, is hereby repealed in its entirety.

20 Section 25. Severability Clause. If any provision of
21 this Act, or the application thereof, is held invalid,
22 such holding shall not affect other provisions or application
23 of this Act which can be given effect without the invalid
24 provision or application, and to this end the provisions of
25 this Act are severable.

26 Section 26. Effective Date. This Act shall take effect
27 upon approval by the Governor, or upon its becoming law
28 without such approval.

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Signed by: Ira E. Akapito
Ira E. Akapito, President
House of Senate

Attested to by:
Datasy Albert
Datasy Albert, Chief Clerk
House of Senate

Date: 9/14/90

Signed by: Kissande K. Sos
Kissande K. Sos, Speaker
House of Representatives

Attested to by:
Herter Sorim
Herter Sorim, Chief Clerk
House of Representatives

Approved by: Sasao H. Goulard
Sasao H. Goulard, Governor
Chunuk State Government
Date: Sept. 17, 1990

History: S.B. No. 1-69; SD.4; HD-1
Senate S.C.R. No. 1-21
House S.C.R. No. 1-22