

SEVENTH LEGISLATURE OF THE STATE OF CHUUK

FIRST REGULAR SESSION, APRIL, 2003

ACT NO: 7-09

AN ACT

To reorganize the Executive Branch of the Chuuk State Government by merging certain departments and offices into new departments, to define their powers and duties, and to provide for appointment of officials with the advice and consent of the Senate, and to further amend section 3 of CSL No. 190-07, as amended by Chuuk State Law No. 2-94-10, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1 Section 1. Amendment. Section 3 of Chuuk State Law No. 190-07, as amended
2 by CSL No. 2-94-10, is hereby amended to read as follows:

- 3 1. Department of Health Services
- 4 2. Department of Education
- 5 3. Department of Transportation and Public Works
- 6 4. Department of Marine Resources
- 7 5. Department of Agriculture
- 8 6. Department of Administrative Services
- 9 7. Department of Public Safety
- 10 8. Office of the Attorney General

11 Section 2. Department of Health Services. This department consists of the
12 divisions of Dispensary, Public Health, Dentistry, and Sanitation. The department shall
13 provide for the protection and promotion of the public health, and shall administer
14 medical and dental facilities of the State.

15 Section 3. Department of Education. This department consists of the divisions of
16 Elementary School, Secondary School, Curriculum, and Special Programs. The
17 department shall provide for the administration of a state-wide system of public schools
18 and instruction pursuant to Sections 1 and 5 of the Chuuk State Constitution.

19 Section 4. Department of Transportation and Public Works. This department
20 consists of the divisions of Sea, Air, and Land. The department is responsible for inter-
21 island and International shipping operations, government boats and boat pool, marinas,
22 implementation of local and international safety requirements, search and rescue, air
23 transportation matters and the Division of Public Works shall be responsible for

1 maintenance of public roads, government facilities, and for the review of approval of
2 drawings, or plans for proposed government facilities.

3 Section 5. Department of Marine Resources. This department consists of the
4 divisions of Fisheries, Research and Development, Conservation and Management, and
5 Operation and Technical Support. It is responsible for the conservation, promotion,
6 development, and support of mariculture projects, fisheries, and commercial utilization
7 and marketing of marine resources and products of the State.

8 Section 6. Department of Agriculture. The department consists of the divisions
9 of Invasive Plants and Forestry, Plant Industry, Soil Conservation and Livestock and
10 Quarantine. The department shall be responsible for the conservation, development, and
11 marketability of the State's agriculture resources and products.

12 Section 7. Department of Administrative Services. This department consists of
13 the divisions of Treasury, Budget, Personnel, and Public Affairs, Division of Planning
14 and Statistics, and Division of Commerce and Industry.

15 a) Within the division of Treasury are the sections of finance, automated
16 data processing, revenue, and property and supply. The division of
17 Treasury shall provide for the administration, management, control,
18 certification, and accounting of government fiscal operations including
19 revenues and assets.

20 b) The division of Budget shall be responsible for the management and
21 coordination of the entire budget process of the State, including
22 preparation of the annual budget, forecasting and control of the
23 allotment process.

24 c) The division of Personnel shall administer the Public Service System
25 of the State

26 d) The division of Public Affairs consists of the sections of governmental
27 relations and public information. This division is responsible for
28 effective governmental relations and protocol and the uncensored
29 dissemination of public information.

1 e) Division of Planning and Statistics. The Division of Planning
2 and Statistics shall formulate development plans, review and make
3 recommendations on projects and programs of the state government, and
4 when appropriate, municipal programs and projects, coordinate and
5 implement financial grants and assistance to the state government, compile
6 statistical data, coordinate and mobilize all government resources and
7 projects and programs, monitor reports on the implementation of national,
8 state and municipal development plans. This Division shall coordinate
9 with other departments, offices and branches of the state and national
10 governments to the maximum extent in order to facilitate planning and
11 implementation of projects and programs.

12 f) Division of Commerce and Industry. The Division of
13 Commerce and Industry is responsible for the commercial and Industrial
14 development of the state, municipal economic programs, including the
15 authority to negotiate government leases, acquire, manage, survey, and
16 register public land and shall be responsible for the custody of public land
17 documents, and the identification, registration, and maintenance of
18 historical sites, monuments, and landmarks.

19 Section 8. Department of Public Safety. This Department consists of the
20 divisions of Police Operations. Corrections Administrations and Fire Operations. The
21 Director of Public Safety is the head of the department who shall have overall authority
22 and command over the divisions. The Division of Police Operations is responsible for
23 promoting and protecting public safety and maintaining public peace and order, enforcing
24 all laws, conducting criminal investigations, assisting in the conduct of prosecutions, and
25 serving legal processes. The Division of Corrections Administration shall be responsible
26 for the operations and administration of the penal institution. It shall also provide
27 rehabilitation programs for inmates. The Division of Fire Operations shall provide fire
28 prevention and suppression and conduct rescue operations within the Lagoon and
29 perform other related duties and functions when needed. The three Divisions in the

1 Department of Public Safety shall be administered by three division chiefs who shall be
2 directly responsible to the Director. Other divisions may be created in accordance with
3 law.

4 Section 9. Office of the Attorney General. Office of the Attorney General. The
5 Office of the Attorney General shall be headed by the State Attorney General who shall
6 have the authority and responsibility to render legal opinions, provide legal services,
7 including but not limited to advice, contract preparations, review legislative, drafting and
8 presentation when appropriate of the State Government its agencies, instrumentalities,
9 and political subdivisions

10 Section 10. Designation of Heads of Divisions and Sections.

11 a) A head of a division shall be designated as Chief.

12 b) The head of a section shall be designated as Supervisors.

13 Section 11. Other Divisions and Sections. Other divisions within a department of
14 sections within a division may be established, merged or abolished pursuant to statute.

15 Section 12. Governor and Lieutenant Governor's Office Staff.

16 a) The staff of the Governor's and Lieutenant Governor's Offices shall
17 not exceed 10 employees.

18 Section 13. Nomination and Confirmation. The Governor or any appointing
19 authority shall appoint and nominate, with the advice and consent of the Senate, principal
20 officer or directors, deputy directors, principal advisors, and other officials in positions
21 requiring such advice and consent of the Senate as prescribed by statute, not later than 45
22 days after:

23 a) the Governor has taken the oath of office;

24 b) a vacancy has occurred in any position requiring the advice and
25 consent of the Senate at any time before the end of the term
26 during which such vacancy occurred;

27 c) a new position requiring advice and consent of the Senate has
28 been created; or

29

1 d) an appointment or nomination by the Governor or any other
2 appointing authority has been rejected by the Senate.

3 The Senate shall act on a nomination if such nomination is received by the Senate
4 with 10 working days or more remaining in its current session, but will act on it in next
5 session if such nomination is received by the Senate with less than 10 working days
6 remaining in its current session.

7 Section 14. Nomination Communication. A duly signed nomination letter shall
8 be submitted to the Senate from the Governor or the appointing authority. The letter shall
9 include, but shall not be limited to, the following biographical information about the
10 appointee:

- 11 a) education;
- 12 b) employment experience;
- 13 c) training;
- 14 d) other accomplishments; and
- 15 e) reasons for employment termination if any.

16 Section 15. Acting Capacity. In the event of a vacancy resulting from death,
17 resignation, or removal from office, or disability of such officer beyond 180 calendar
18 days, the Governor or appointing authority shall designate the appropriate person from
19 such department or office to fill the vacancy until the appointment and nomination of the
20 Governor or appointing authority for the permanent position has been confirmed by the
21 Senate. The person in such acting capacity shall perform the duties of such position with
22 full power and authority. In case the position of Lieutenant Governor is vacant, no acting
23 Lieutenant Governor shall be appointed.

24 Section 16. Appointees or Nominees. Every person appointed or nominated to a
25 position requiring the advice and consent of the Senate shall not exercise the power and
26 authority of such position nor be paid the salary thereof until such nomination has been
27 confirmed by the Senate.

28 Section 17. Absence of Governor. During the temporary absence of the
29 Governor from the State capital, the Lieutenant Governor shall, in his capacity, as

1 Lieutenant Governor, act on behalf of the Governor. The Lieutenant Governor and no
2 other officer except as provided in Section 20 below may approve or disapprove acts of
3 the Legislature or other documents on behalf of the Governor.

4 Section 18. Absence of Governor and Lieutenant Governor. During the
5 temporary absence of both the Governor and Lieutenant Governor from the State Capital,
6 any one of the department directors, except if not a wesetan chon Chuuk, may be
7 appointed to function in the temporary capacity of Executive Officer who shall be the
8 central point of coordination of behalf of the Governor in accordance with specific
9 instructions of the Governor. Such Executive Officer shall not approve or disapprove
10 acts passed by the Legislature but may sign other documents as specifically directed in
11 writing by the Governor.


12 Section 19. Operation of Government. In the absence of a governing statute and
13 consistent with this Act, any other law, or the Constitution, the Governor may provide for
14 the operation of the Executive Branch and creation of temporary commissions or task
15 forces by executive order or administrative directive. Such executive order or
16 administrative directive may be emended or rescinded by a joint resolution of the
17 Legislature.

18 Section 20. Compensation. Heads of departments and offices established by
19 Section 1 of this act shall receive compensation as prescribed by law, provided that the
20 Governor may prescribe such compensation by executive order for heads of departments
21 and offices in the absence of law prescribing such compensation.

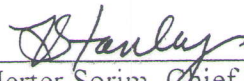
22 Section 21. Severability Clause. If any provision of this act, or the application
23 thereof, is held invalid, such holding shall not affected other provisions or application of
24 this act which can be given effect without the invalid provision or application, and to this
25 end the provision of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

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1 Section 22. Effective Date. This act shall take effect upon approval by the
2 Governor, or upon its becoming law without such approval.

Signed by: 
Joe N. Suka, Speaker
House of Representatives
Chuuk State Legislature

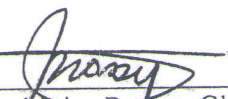
Attested:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

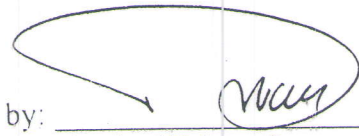
Date: 10-21-03

Signed by: 
Detor Santos, President
Senate
Chuuk State Legislature

Attested:


Songkinita Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date: 10-21-03

Approved by: 
Ansito Walter, Governor
Chuuk State

Date: Oct 23, 2003

History : H.B.NO: 7-16;HD1;SD1;CD1
H.C.R.NO: 7-1R-27
S.C.R.NO: None
J.C.R.NO: 7-1R-1S-02