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:

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

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

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

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

Section 4. Department of Transportation and Public Works. This department consists of the divisions of Sea, Air, and Land. The department is responsible for inter-island and International shipping operations, government boats and boat pool, marinas, implementation of local and international safety requirements, search and rescue, air transportation matters and the Division of Public Works shall be responsible for
Section 5. Department of Marine Resources. This department consists of the divisions of Fisheries, Research and Development, Conservation and Management, and Operation and Technical Support. It is responsible for the conservation, promotion, development, and support of mariculture projects, fisheries, and commercial utilization and marketing of marine resources and products of the State.

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

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

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

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

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

d) The division of Public Affairs consists of the sections of governmental relations and public information. This division is responsible for effective governmental relations and protocol and the uncensored dissemination of public information.
e) Division of Planning and Statistics. The Division of Planning and Statistics shall formulate development plans, review and make recommendations on projects and programs of the state government, and when appropriate, municipal programs and projects, coordinate and implement financial grants and assistance to the state government, compile statistical data, coordinate and mobilize all government resources and projects and programs, monitor reports on the implementation of national, state and municipal development plans. This Division shall coordinate with other departments, offices and branches of the state and national governments to the maximum extend in order to facilitate planning and implementation of projects and programs.

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

Section 8. Department of Public Safety. This Department consists of the divisions of Police Operations, Corrections Administrations and Fire Operations. The Director of Public Safety is the head of the department who shall have overall authority and command over the divisions. The Division of Police Operations is responsible for promoting and protecting public safety and maintaining public peace and order, enforcing all laws, conducting criminal investigations, assisting in the conduct of prosecutions, and serving legal processes. The Division of Corrections Administration shall be responsible for the operations and administration of the penal institution. It shall also provide rehabilitation programs for inmates. The Division of Fire Operations shall provide fire prevention and suppression and conduct rescue operations within the Lagoon and perform other related duties and functions when needed. The three Divisions in the
Department of Public Safety shall be administered by three division chiefs who shall be
directly responsible to the Director. Other divisions may be created in accordance with
law.

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

Section 10. Designation of Heads of Divisions and Sections.
   a) A head of a division shall be designated as Chief.
   b) The head of a section shall be designated as Supervisor.

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

Section 12. Governor and Lieutenant Governor's Office Staff.
   a) The staff of the Governor's and Lieutenant Governor's Offices shall
      not exceed 10 employees.

Section 13. Nomination and Confirmation. The Governor or any appointing
authority shall appoint and nominate, with the advice and consent of the Senate, principal
officer or directors, deputy directors, principal advisors, and other officials in positions
requiring such advice and consent of the Senate as prescribed by statute, not later than 45
days after:
   a) the Governor has taken the oath of office;
   b) a vacancy has occurred in any position requiring the advice and
      consent of the Senate at any time before the end of the term
      during which such vacancy occurred;
   c) a new position requiring advice and consent of the Senate has
      been created; or
d) an appointment or nomination by the Governor or any other appointing authority has been rejected by the Senate.

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

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

a) education;
b) employment experience;
c) training;
d) other accomplishments; and
e) reasons for employment termination if any.

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

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

Section 17. Absence of Governor. During the temporary absence of the Governor from the State capital, the Lieutenant Governor shall, in his capacity, as
Lieutenant Governor, act on behalf of the Governor. The Lieutenant Governor and no other officer except as provided in Section 20 below may approve or disapprove acts of the Legislature or other documents on behalf of the Governor.

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

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

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

Section 21. Severability Clause. If any provision of this act, or the application thereof, is held invalid, such holding shall not affect other provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provision of this act are severable.
Section 22. Effective Date. This act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by:

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

Date: 10-21-03

Approved by:
Anisio Walter, Governor
Chuuk State

Date: Oct 24, 2003