

*Amended by TSL 6-11*

AN ACT

To organize the Executive Branch of the State of Truk pursuant to Article IV to the Charter of the Truk State Government, to provide for the appointment of certain officials with the advice and consent of the Legislature, and for other purposes.

Be it enacted by the Legislature of Truk State.

Section 1. Title. This Act shall be known as "The Executive Branch Organization Act of 1980."

Section 2. Executive Organization. In addition to the Office of Governor and Office of Lieutenant Governor, the Executive Branch of the government of the State of Truk shall consist of the following Departments and Offices:

- (1) Department of Education;
- (2) Department of Health Services;
- (3) Department of Public Works;
- (4) Department of Resources and Development;
- (5) Department of Public Affairs;
- (6) Department of Treasury;
- (7) Department of Public Safety;
- (8) Department of Transportation and Communication;
- (9) Office of Planning;
- (10) Office of Personnel;
- (11) Office of Property and Supply; and
- (12) Office of Attorney General.

13 Office of Budget - TSL 6-11  
Section 30 Heads of Departments and Offices. The titles of the

heads of Departments and Offices established by Section 2 of this Act shall be as follows:

- (1) Director of Education;
- (2) Director of Health Services;

- (3) Director of Public Works;
- (4) Director of Resources and Development;
- (5) Director of Public Affairs;
- (6) Treasurer;
- (7) Director of Public Safety;
- (8) Director of Transportation and Communication;
- (9) Planner;
- (10) Personnel Officer;
- (11) Property and Supply Officer; and
- (12) Attorney General;

*Amended by TSC  
6-11*

13) Budget Officer  
Section 4. Department of Education. The Department of Education

shall be composed of the Divisions of Elementary School, Secondary School, and Special Programs, and shall provide for, support and administer a State-wide system of public schools and instruction.

Section 5. Department of Health Services. The Department of Health Services shall be composed of the Divisions of Medical Care, Nursing, Dentistry, and Public Health, and shall provide for the protection and promotion of the public health, and administer medical and dental facilities of the State.

Section 6. Department of Public Works. The Department of Public Works shall be composed of the Divisions of Power, Water and Sewerage, Operations and Maintenance, and shall operate and maintain public utilities, and provide for the construction, maintenance and operation improvements and facilities.

Section 7. Department of Resources and Development. The Department of Resources and Development shall be composed of the Divisions of Agriculture and Forestry, Marine Resources, Tourism and Commerce, Labor, and Land Management, and shall promote economic development and the conservation and development of agricultural, marine, mineral, forest, water, land and other natural resources.

Section 8. Department of Public Affairs. The Department of Public Affairs shall be composed of the Divisions of Political Affairs, Public Information and Broadcast and Community Development, and shall facilitate communication between the State Government, its agencies, instrumentalities

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and political subdivisions, and other governments, their agencies and instrumentalities, disseminate public information, operate broadcast facilities of the State, administer elections, and foster community and youth initiative and self-help.

Section 9. Department of Treasury. The Department of Treasury shall be composed of the Divisions of Finance, Budget, and Revenue, and shall provide for the administration and management of government finance, revenues, budget, shall coordinate all financial grants and assistance to the State Government, and shall coordinate and prepare annual and long term budgets.

Section 10. Department of Public Safety. The Department of Public Safety promote and protect the safety and peace of the public, maintain order, enforce all laws, conduct criminal investigations, assist in the conduct of prosecutions, provide bailiffs and other necessary court attendants, serve legal processes, operate and administer penal institutions, and rehabilitation programs and operate fire protection equipment.

Section 11. Department of Transportation and Communication. The Department of Transportation and Communication shall be composed of the Division of Transportation and Communication and shall develop, operate, administer, maintain and support transportation and communication facilities and systems.

Section 12. Office of Planning. The Office of Planning shall formulate development plans, review and made recommendations on projects and programs of the State Government, coordinate all financial grants and assistance to the State Government, to compile statistical data, to coordinate and mobilize all government resources, projects and programs, and monitor and report on the implementation of development plans and provide for disaster relief.

Section 13. Office of Personnel. The Office of Personnel shall administer the public service system of the State.

Section 14. Office of Property and Supply. The Office of Property and Supply shall administer and manage the property under the control of the Executive Branch.

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Section 15. Office of Attorney General. The Office of the Attorney General shall provide legal services to the State Government, its agencies, instrumentalities and political subdivision.

Section 16. Appointment and Confirmation. Heads of Departments and Offices, as provided in Section 3 of this Act, shall be nominated and appointed by the Governor, with the advice and consent of the Legislature, to serve at the pleasure of the Governor during his term of office and until appointment and qualification of their successors, except that the removal of the Attorney General shall be subject to the advice and consent of the Legislature.

Section 17. Temporary Appointment of Head of Department or Office. In case of the death, resignation, absence, sickness or removal of the head of any Department or Office, the first or sole assistant thereof shall, unless otherwise directed by the Governor as provided by Section 18 of this Act, perform duties of such head until a successor is appointed, or such absence or sickness shall cease.

Section 18. Discretionary Authority of the Governor as to vacancies. In any of the cases mentioned in Section 17 of this Act, except the death, resignation, absence, sickness or removal of the Attorney General, the Governor may authorize and direct the head of Department or Office established by this Act, or the Lieutenant Governor, to perform duties of the vacant office until a successor is appointed or the sickness or absence of the incumbent shall cease.

Section 19. Duration of Temporary Appointment. An officer filling a vacancy pursuant to Section 17 or 18 of this Act may not act in that capacity for a period to exceed one hundred eighty days, except if the Legislature extends the period by resolution.

Section 20. Extra Compensation while Filling Vacancies. An officer performing the duties of another office during a vacancy, as authorized by Section 17, 18, and 21 of this Act, is not entitled to compensation in addition to that attached to his proper office.

Section 21. Chief of Divisions. The title of the head of a Division established by Section 4 to 11 of this Act shall be Chief of \_\_\_\_\_

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(subject of the Division). The head of a Department or Office established by Section 2 of this Act may act as a Chief of a Division within his Department or Office with the concurrence of the Governor.

Section 22. Absence or disability of Governor and Lieutenant Governor. In the event of the absence of the Governor and Lieutenant Governor from the State of Truk, or the inability of both, to exercise and discharge the powers and duties of their offices, such duties shall devolve upon the following officers during such absence or disability in the following order of succession:

- (1) Director of Public Affairs;
- (2) Attorney General;
- (3) Director of Resources and Development;
- (4) Treasurer;
- (5) Director of Education;
- (6) Director of Public Works;
- (7) Director of Health Services;
- (8) Director of Public Safety; and
- (9) Director of Transportation and Communication.

Section 23. Vacancy in Office of Governor or Lieutenant Governor. A vacancy in the Office of Governor or Lieutenant Governor shall be determined by State Court upon presentment to it of a resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of the members of the Legislature. If the State Court determines the Office or Lieutenant Governor is vacant or both the Offices of Governor and Lieutenant Governor are vacant, the State Court shall order a special election to fill the vacancy or vacancies.

Section 24. Temporary Boards and Commissions. The Governor may establish such temporary boards and commissions as deemed necessary to gather information or furnish advice for the Executive Branch. The Governor may prescribe their organization, functions, and authority. A temporary board or commission shall not remain in existence beyond one year after the date of its establishment or beyond the period required to receive grants-in-aid from the United States or Federated States of Micronesia, whichever occurs later, unless extended by resolution of the Legislature.

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All members of temporary boards and commissions shall serve without pay, but shall be entitled to reimbursement of necessary expenses while attending meetings and while in the discharge of duties and responsibilities.

Section 25. Responsibility to Municipalities. The Department of Public Affairs shall advise and assist municipal governments. Other Departments and Offices of the State Government shall support the Department of Public Affairs in carrying out this responsibility.

Section 26. Legal Services for Departments and Offices. The Attorney General shall give all opinions and render all services requiring the skill of an attorney at law necessary to enable the Governor, heads of Department and Offices, Chiefs of Divisions, and other officers of the State Government to discharge their respective duties, and shall, on behalf of the State Government, procure the proper evidence for, and conduct, prosecute or defend all suits and proceedings in which the State Governments, or any officers thereof, as such officer, is a party or may be interested.

Section 27. Investigation of Crimes Involving Government Officials and Employees. The Attorney General shall have the authority to investigate any violation of law involving government officers and employees. Any information, allegation or complaint received in any Department or Office of the Executive Branch relating to said violation shall be expeditiously reported to the Attorney General by the head of such department or office.

Section 28. Annual Reports. The heads of Departments and Offices shall submit written annual reports to the Legislature at the commencement of each regular session. The report shall embrace the transaction, projects, programs and operations of the Department or Office for the preceding year.

Section 29. Compensation. Heads of Departments and Offices established by Section 1 of this Act shall receive compensation prescribed by law, provided that the Governor may prescribe such compensation by executive order for heads of Departments and Offices who are nominated and appointed by the Governor prior to the Legislature enacting law to prescribe their compensation.

Section 30. Operation of Government. The Governor may provide for the operation of the Executive Branch by executive order, administrative regulation and directive consistent with this Act.

Section 31. Transition.

(1) The Governor shall nominate heads of Departments and Offices established by Section 2 of this Act on or before the effective date of this Act. No person may head such department or office for more than six months after the effective date of this Act unless confirmed by the Legislature and appointed by the Governor pursuant to Section 16 of this Act.

(2) The Governor shall submit a proposal to the Legislature by January 15, 1981, to reorganize the various boards, commissions, authorities and committees of the State and to merge their functions with departments and office of the Executive Branch. Unless otherwise provided by the statute, regulation, rule, directive, or order creating a board, commission, authority or committee, boards, commissions, authorities and committees shall be under the authority and supervision of the Governor.

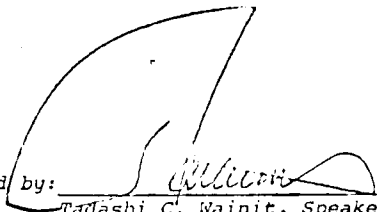
(3) Departments, Offices and Divisions established by this Act may provide administrative and technical assistance to agencies of the Trust Territory and Federated States of Micronesia.

(4) Officers and employees of the Office of Tax Collector and Treasurer shall continue to perform their duties and responsibilities despite their transfer from the Legislative to Executive Branch.

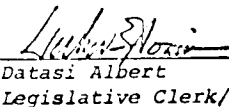
Section 32. Repeal. Sections 310 thru 312 of Chapter 20 of Title 21 of the Truk State Code (on offices of Treasurer and Tax Collector) are hereby repealed.

Section 33. Effective Date. This Act shall take effect upon the approval by the Governor, or upon its becoming law without such approval.

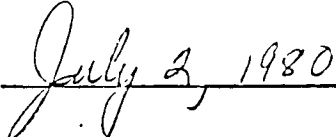
Signed by:

  
Tadashi C. Wainit, Speaker  
Truk Legislature

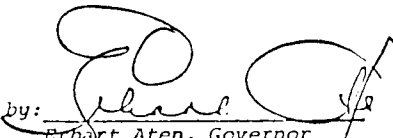
Attested to:

*for*   
Datasi Albert  
Legislative Clerk/Secretary  
Truk Legislature

Date:

  
July 2, 1980

DIS Approved by:

  
Erhart Aten, Governor  
Truk State Government

Date:

  
August 1, 1980