

## **EXECUTIVE ORDER NO. 271**

### ***Organizing the Ministry of Public Infrastructure, Industries and Commerce - Executive Branch of the Government of the Republic of Palau***

**WHEREAS**, Sections 2 and 5 of Article VIII of the Constitution of the Republic of Palau and 2 PNC § 103 provide for a Presidential Cabinet consisting of the Vice President and the Ministers who are appointed by the President with advice and consent of the Senate of the Olbiil Era Kelulau; and

**WHEREAS**, Section 7 of Article VIII of the Palau Constitution grants the President all the inherent powers and duties of a national chief executive, including, but not limited to enforcing the law of the land; and

**WHEREAS**, 2 PNC § 102 establishes eight Ministries within the Executive Branch of the Government of the Republic of Palau; and

**WHEREAS**, 2 PNC § 109 directs the President to provide for the subdivisions of the Ministries and to prescribe their duties, responsibilities and functions by Executive Orders; and

**WHEREAS**, 2 PNC § 110 empowers the President by Executive Orders to establish offices and agencies within the Executive Branch and to prescribe their duties, responsibilities and functions so as to assist the President, the Vice President and the Ministers in the performance of their duties, responsibilities and functions; and

**WHEREAS**, a series of Executive Orders have organized the Executive Branch of the Government of the Republic of Palau since the establishment of the Constitutional Government of the Republic of Palau on January 1, 1981, most recently Executive Order No. 203 and its addendums; and

**WHEREAS**, RPPL No. 7-43 split the existing Ministry of Resources and Development into two separate and distinct ministries, and dissolved the Ministry of Commerce and Trade; and

**WHEREAS**, in order to provide clarity and to ensure efficiency and the effective delivery and execution of government services, the President has determined that the Ministry of Public Infrastructure, Industries and Commerce within the Executive Branch of the Government of the Republic of Palau must be organized;

**NOW, THEREFORE**, by virtue of the authority vested in the President by Article VIII of the Constitution of the Republic of Palau and the aforementioned laws, the President orders that Executive Order No. 203, and all addendums thereto, as such apply to the Ministry of Public Infrastructure, Industries and Commerce, are hereby repealed and replaced by this Executive Order – all other Executive Orders and Presidential or Administrative Directives organizing the Ministry of Public Infrastructure, Industries and Commerce or its predecessor ministry within the Executive Branch of the National Government of the Republic of Palau being amended or repealed to the extent that such are specifically or by necessary implication amended or repealed hereby – and hereby organizes the Ministry of Public Infrastructure, Industries and Commerce within the Executive Branch of the National Government of the Republic of Palau as follows:

## **PART I. MINISTRY OF PUBLIC INFRASTRUCTURE, INDUSTRIES AND COMMERCE.**

The Ministry of Public Infrastructure, Industries and Commerce shall be headed by a Minister. The Ministry shall be responsible for the maintenance, operation, engineering, and design of government-owned facilities and equipment, including public utilities; public works; capital improvement projects; infrastructure; lands; surveys; land, sea, and air transportation, including ports; communications; for the promotion of economic and commercial development programs and projects, including, but not limited to, the implementation of development proposals; tourism promotion and regulations; assistance in the marketing of local products; the development of small cottage industries; the provision of technical assistance and services to local cooperatives and credit unions; the collection and compilation of trade and commercial statistics; the control of the operations of the Republic's commercial seaports; the administration, maintenance, operation and construction of all airport facilities and air navigational facilities in the Republic; the supervision over all vessels operating in the territorial waters of the Republic; the promulgation and implementation of communication rules and regulations; the licensing of the sale of alcohol and tobacco in the Republic; the enforcement of admiralty and maritime law and regulations promulgated thereunder; and for other related matters. The Minister shall coordinate the activities of the Ministry with appropriate authorities, boards, commissions and public corporations. The Minister shall be responsible for the performance of the duties and functions of the Palau Automated Land & Resource Information System project (PALARIS) and for the following offices, bureaus and divisions:

Section I. Office of the Minister. The Office of the Minister shall provide support to the entire Ministry. Such support shall include budget and financial management, management of information systems, and human resource development. The following offices and programs shall report directly to the Minister.

- A. Office of Administration. The Office of Administration shall be headed by an Administrative Officer. The Office shall: oversee all financial management matters, including the management of local, international and U.S. Federal funds; establish financial management policies and requirements; monitor the establishment and operation of financial management systems; be responsible for the recruitment, selection, retention and development of Ministry personnel; also manage and oversee all external continuing education for staff; and manage the Ministry's computer system.
- B. Safety Office. The Safety Office shall work closely with all appropriate agencies of government, authorities, boards, commissions and public corporations to implement and improve all existing Palau rules and regulations regarding safety;
- C. Energy Program Office. The Energy Program Office shall be headed by the Energy Program Manager, who will be the energy policies and practices advisor and compliance officer for the Executive Branch of the National Government of the Republic of Palau, and who shall have the duties and responsibilities set forth in Executive Order 132, and other duties and responsibilities as assigned by the Minister.

- D. OMIP/Grants.
- E. Small Business Development Center.
- F. Pacific Business Center Program.
- G. Office of the Palau Automated Land and Resources Information System (PALARIS). The Office of the Palau Automated Land & Resources Information System shall have the following duties and functions:
  - (1) Assist the Director of the Bureau of Lands and Surveys in carrying out assigned functions relating to land classification, land appraisal, the Land Record Information System and land use planning;
  - (2) Assist the Director of the Bureau of Lands & Surveys in formulating rules and regulations, policies and procedures;
  - (3) Provide logistical support for the Bureau of Lands and Surveys;
  - (4) Prepare contracts, whenever necessary, for outside organizations to perform any programs under this project;
  - (5) Direct and advise government *agencies that may* require any of the services provided by this Office;
  - (6) Review and recommend appropriate action to the Director of the Bureau of Lands and Surveys on any contracts, reports, studies, etc., prepared by any agency of the national government; and
  - (7) Provide training on land appraisal, land classification, the Land Record Information System, and land use planning.

Section 2. Bureau of Public Works. The Bureau of Public Works shall be headed by a Director. The Bureau shall be responsible for the maintenance, operation, engineering and design of government-owned facilities, roads and equipment, including public utilities and related matters. The Director shall perform the duties required as Procurement Officer for construction and architectural and engineering contracts (and shall be responsible for the performance of the duties and functions of the following divisions:

- A. Division of Facilities & Maintenance. The Division of Facilities & Maintenance shall be headed by a Chief. The Division shall be responsible for building, appliance, refrigeration, air conditioning, electrical and plumbing maintenance and shall conduct periodic inspections of all public schools to ensure continuing compliance with the standards established by the Board of Education pursuant to law.
- B. Division of Roads and Equipment. The Division of Roads and Equipment shall be headed by a Chief. The Division shall be responsible for road and grounds maintenance, equipment maintenance, dump operation and maintenance, boat operation and maintenance, and outer state power operation and maintenance.

- C. Division of Capitol Improvement. The Division of Capitol Improvement shall be headed by a Chief. The Division shall be responsible for the design, engineering, contract review and construction monitoring of all construction projects. The Division shall also be responsible for reviewing plans and providing cost estimate figures to the Director for state grant applications pursuant to applicable law.
- D. Division of Utilities. The Division of Utilities shall be headed by a Chief who shall be responsible for the water treatment plant and pump stations, the water distribution system, the sewer treatment plant and lift stations, the sewer collection system and sewer connections, and outer state water and sewer operation and maintenance.

Section 3. Bureau of Lands and Surveys. The Bureau of Lands and Surveys shall be headed by a Director, who, as the principal professional lands and surveys officer and technical authority of the Government of the Republic of Palau, shall advise the Minister of Public infrastructure, industries and Commerce and represent the Republic on all technical matters related to land. The Director shall coordinate the Bureau's logistical support to the Land Court and its State Land Registration Offices, to the Palau Public Land Authority and the state public land authorities, to the national government ministries, to the state governments, and to activities requiring the Bureau's if and when it becomes necessary for the national government or a state government to exercise their respective powers of eminent domain. The Director shall be responsible for the performance of the duties and functions of the following divisions:

- A. Division of Surveying and Mapping. The Division of Surveying and Mapping shall be headed by a Chief. The Division shall perform the following duties and functions:
  - (1) Assist the Director in formulating policies and procedures for all surveying and mapping activities of the Bureau;
  - (2) Provide staff advice and technical direction for all surveying functions and programs and all activities related to cartographic and wrapping programs;
  - (3) Carry out all official land and geodetic surveys and resurveys necessary for the identification and description of all public and private lands;
  - (4) Carry out cartographic surveys and urban and rural planning surveys, as required;
  - (5) Prepare all official survey drawings, property plat examinations, survey computations, map and survey plat compilations, photogrammetric computations, interpretations and drawings, urban and rural planning maps and drawings and map reproduction and printing; and
  - (6) Provide authorized survey services, cartographic and mapping services to the national and state government agencies, boards and commissions, public corporations and to the general public.
- B. Division of Land Resources Information. The Division of Land Resources Information shall be headed by a Chief. The Division shall perform the following duties and functions:

- (1) Assist the Director in formulating policies and procedures for carrying out functions pertaining to land classification, appraising and the land record information system;
- (2) Conduct a continuing, thorough and accurate inventory of the Republic's land and mineral resources above the high water mark and such areas of specific interest below the high water mark;
- (3) As part of the land resources inventory, classify and map the land forms for vegetation, soils, minerals, climate and topographic features, considering current and potential values;
- (4) Arrange for the printing of the inventory and other data gathered as official Bureau publications, on an annual basis, together with supplementary printed material, as deemed necessary;
- (5) Coordinate the Republic's land classification program, the purpose of which is to assess the productivity of the Republic's public and private lands and their suitability for agriculture;
- (6) Develop the land and mineral appraisal standards issued by the Bureau as a manual for application to the Republic's land programs;
- (7) Serve as the liaison with the Office of the Attorney General on land appraisal matters;
- (8) Formulate and develop the land information system including its rules, regulations, standards and procedures;
- (9) Develop the database for all land records for the Republic;
- (10) Compile previous administrations' land transactions, Japanese land records, court cases, and develop a system for their use; and
- (11) Conduct title searches using the database and all other records.

Section 4. Bureau of Commercial Development. The Bureau of Commercial Development shall be headed by a Director. The Bureau shall be responsible for providing technical assistance to aid in the development of domestic industries including, but not limited to, cooperatives and credit unions; the improvement of land and sea transportation systems; the licensing of establishments selling alcohol and tobacco in the Republic; and the collection and compilation of trade and commercial statistics. The Director shall be responsible for the performance of the duties and functions of the following divisions:

- A. Division of Economic Development. The Division of Economic Development shall be headed by a Chief. The Division shall be responsible for the development and growth of Palau's domestic industry, including cooperatives, credit unions and cottage industries. The Chief shall also collect and compile trade and commercial statistics.
- B. Division of Marine Transportation. The Division of Marine Transportation shall be

headed by a Chief. The Division shall perform the following duties and functions:

- (1) Formulate and recommend to the Minister for promulgation rules and regulations relating to commercial ports, harbors, and anchorages in the Republic; to marine transportation safety; to the standards, licensing, survey, inspection and use of marine transportation; and to the standards, licensing, and registration of vessel pilots, merchant officers, and deck ratings;
- (2) Implement maritime and port security policies and regulations and serve as the Chair of and provide administrative support to the Port Security Committee;
- (3) Perform vessel surveys, inspections, licensing, and registrations of vessels as required by law;
- (4) Under the direct supervision of the Minister, work closely with all appropriate agencies of government, authorities, boards, commissions and public corporations to implement and enforce all matters relating to the Micronesian Shipping Commission;
- (5) Work closely with the Bureau of Public Safety to implement rules and regulations relating to marine transportation; and
- (6) Work closely with designated international ports to implement their port security plans.

C. Division of Communication. The Division of Communication shall be headed by a Chief. The Division shall perform the following duties and functions:

- (1) Formulate and recommend to the Minister for promulgation rules and regulations relating to the use and management of radio frequencies; and to the standards, inspection and licensing of radio operators, radio stations and radio equipment;
- (2) Manage and license the use of radio frequencies, including frequencies for emergency use;
- (3) Perform inspections and license radio stations and radio operators; and
- (4) Work closely with and, as requested, provide technical advice and assistance to the Minister, the Director, and to all appropriate agencies of government, authorities, boards, commissions and public corporations, regarding matters relating to communications.

Section 5. Bureau of Aviation. The Bureau of Aviation shall be headed by a Director who shall be responsible for the safe operation and development of the Aviation Industry in Palau. The Director shall be responsible for the performance of the duties and functions of the following divisions:

A. Division of Airport Operations. The Division of Airports shall be headed by a Chief. The Division shall be responsible for managing, operating, and constructing airports and air navigation facilities within Palau;

- B. Division of Aircraft Rescue Firefighters (ARFF). The Division of Aircraft Rescue Firefighters shall be headed by a Chief. The Division shall perform the following functions:
- (1) Recruiting, equipping, training, and deploying a firefighting force at the Palau International Airport, and at other airports in Palau as the Chief deems necessary, and maintaining all airport firefighting equipment;
  - (2) Responding to any fire, crash, or other incident at the Palau International Airport – or at any other airport in which the firefighting force is deployed – in a rapid and effective manner to minimize the loss of life and damage to property;

PART II. EFFECTIVE DATE.

This Executive Order shall take effect immediately and shall remain in force and effect until amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16<sup>th</sup> day of September, 2009.

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Johnson Toribiong  
President  
Republic of Palau