

ECA H SA

A BILL FOR AN ACT

To amend the Kosrae State Code by inserting a new Chapter 18 under Title 7 of the Kosrae State Code to establish the Kosrae Cultural Association Act.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to amend the Kosrae State Code by
2 inserting a new Chapter 18 under Title 7, which shall be called the Kosrae Cultural Association
3 Act.

4 Section 2. Amendment. Title 7, Chapter 18 is hereby inserted to read as follows:

5 “Chapter 18. Kosrae Cultural Association Act.

6 Section 7.1801. Composition, nomination, confirmation, term.

7 (a) The association is governed by a body of five ministers.

8 (b) One minister is taken from the State. The other four ministers are each taken from
9 each municipality in the State. The Speaker of the Legislature gives notice to the
10 Mayors and the Governor of the need for nomination of persons to fill the association.
11 Within 60 days of receipt of the notice from the Speaker, the Governor and the
12 Mayors of the municipalities, separately and independently, each nominates a person
13 and submits the nomination to the Legislature. Within 60 days of receipt of the
14 nomination from the Governor or the Mayor, the Legislature may give consent or
15 advice regarding the nomination. The nominee confirmed becomes a member of the
16 governing body. If a nominee is not confirmed by the Legislature, the Speaker or his
17 designee gives prompt notice and advice to the Governor or the Mayor that the

1 Legislature did not confirm the nominee. The Governor or Mayor, within 30 days of
2 receipt of the notice and advice from the Speaker, may nominate another person and
3 submit the nomination to the Legislature. This process continues until a nominee is
4 confirmed. If no nomination is submitted after due and adequate notice is made to the
5 Governor or the pertinent Mayor, the Speaker makes a nomination on behalf of the
6 Governor and a municipal delegation head makes a nomination of behalf of the
7 Mayor.

8 (c) Swearing in; oath of office. The oath of office shall be administered pursuant to Title
9 2, Chapter 1 of the Kosrae State Code.

10 (d) When all five ministers are duly sworn in and took office, they meet and elect a
11 Chairperson and other officers as they may deem proper. The Chairperson is the
12 Senior Minister; all others are associate ministers.

13 (e) A minister serves a term of six years starting from the date of his swearing in or
14 taking the oath of office.

15 (f) A vacancy is filled for the remainder of the term. If the remainder of the term exceeds
16 one year, the vacancy is filled pursuant to subsection (a) of this section. If the
17 remainder of the term is less than one year, the Governor makes a nomination of
18 person to fill the vacancy. If confirmed by the Legislature, the person immediately
19 becomes a member of the governing body.

20 Section 7.1802. Power, duties, and services of the association.

- 21 1. The association may adopt and amend its own rules of procedures, by-laws,
22 articles, or charters.

- 1 2. The State of Kosrae supports or sustains the association pursuant to available
2 revenue or resources; the association may gather and keep revenue or
3 resources by its own efforts and undertakings.
- 4 3. The association has the authority to sue and be sued as an entity; the doctrine
5 of sovereign immunity is recognized and maintained for the association to the
6 extent that the State of Kosrae does not expressly deny it to the association.
- 7 4. To retain and terminate the service of employees, agents, and contractors;
- 8 5. Plan, coordinate, and conduct, gatherings, events, and activities, for the State
9 of Kosrae, relating to cultural preservation and awareness;
- 10 6. Make indexes, chronologies, and records of all cultural matters and
11 information, including, and not limited to, the following:
 - 12 a. Genealogies of all current residents of Kosrae;
 - 13 b. Name of all places in Kosrae;
 - 14 c. All history, stories, or legends associated with each land in Kosrae.
- 15 7. It may make, publish, issue, or circulate opinions, reports, articles,
16 recommendations, on issues it may deem proper pursuant to its mandates;
- 17 8. It may advise the Court or parties before the Court of persons who are
18 qualified to testify as experts on custom, tradition, and cultures of Kosrae; this
19 provision does not take away from the court its inherent authority and right to
20 accept or determine expert testimony.
- 21 9. It may give advice of needed legislations; recommend legislature of traditions
22 that needed to be protected by statute(s):

- 1 10. The association may keep and publish a register of midwives, or other
2 traditional healers; no midwives or traditional healer may be coerced against
3 her or his will, in regards to giving up of information vital to her or his trade
4 or art.
- 5 11. The ministry may keep a register of persons who can make ancient chants, or
6 persons who knows history; no person may be cohered against her or his will,
7 in regards to giving up of information vital to his or her trade or art.
- 8 12. It may make and keep a registry of persons who possess knowledge and skill
9 of traditional dances and music; no such person may be cohered against her or
10 his will, in regards to giving up of information vital to her trade or art.
- 11 13. Assists in areas of youth development, training, guidance, counseling; arts;
12 music; food preparations (cuisines); crafts; woodworking; constructions;
13 weavings; sports, recreations, games, and activities;
- 14 14. It may assist in strengthening and enriching family life and communal life;
- 15 15. It may facilitate and keep wisdom, knowledge, and skills, of the aged people;
- 16 16. Assist in resolving dispute in making compromises, keeping peace and
17 harmony; assist in making customary apologies and resolutions of conflicts;
- 18 17. Maintain and preserve communal spirit;
- 19 18. May contribute and participate in Kosrae leadership conference;
- 20 19. Preserve what is best in Kosrae's legacy; and perform all other activities in
21 relations thereto.

1 Section 7.1803. Debts and Obligations. Debts and obligations of the ministry are
2 not debts and obligations of the State of Kosrae, unless otherwise expressly provided by
3 law.

4 Section 7.1804. The ministry is exempt from any taxes or assessments on any of
5 its properties, operation, or activities, imposed by the State Government.

6 Section 3. Effective Date. This Act takes effect upon the approval of the Governor
7 or upon its becoming law without such approval.

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Date: 06 Apr. '12

Introduced by:


Sasaki L. George