

**COMMITTEE
ON
GOVERNMENTAL STRUCTURES AND FUNCTIONS
THIRD CHUUK STATE CONSTITUTIONAL CONVENTION**

**SCR NO : 3-08
COMMITTEE : GS & F
DATE :
REF. DP.NO. 3-8 & 3-30**

The Honorable Camillo Noket
President
Third Constitutional Convention
Chuuk State Government
Weno, Chuuk State, FM 96942

Re: DP No. 3-8 and DP No. 3-30

Dear President Noket:

Your Committee on Governmental Structures and Functions to which was assigned Delegate Proposal No. 3-8 and Delegate Proposal No. 3-30 amending section 10 of Article VI of the Chuuk State Constitution relating to the mandatory departments within the Executive Branch of the Chuuk State Government, respectively entitled:

"Section 10, The Executive departments of Health, Education, Transportation, Marine Resources, and Agriculture may not be divided, combined, or eliminated. Other executive departments may be established by statute. The powers, functions and responsibilities of all executive departments shall be prescribed by statute." (DP 3-8)

"Section 10. The Executive departments of Health, Education, Transportation, Marine Resources, and Agriculture may not be divided, combined, or eliminated. Other executive departments may be established by statute giving due regard to availability of resources from within and without Chuuk State. The power, functions, and responsibilities of all executive departments shall be prescribed by statute or executive orders."

Begs leave to report as follows:

I. RECOMMENDATIONS

Your committee wishes to recommend adoption of the report and the committee proposal.

II. Analysis.

A. Purpose.

Both delegate proposals zeroed in on the desire to give flexibility for the creation of Executive departments.

B. History.

Delegate Proposals No. 3-8 in plenary session by the Mortlocks Delegation and Delegate Proposal No. 3-30 by Delegate Jack Fritz in plenary session of the Third Chuuk Constitutional Convention on February 6, 2004. On that same day, a hearing was conducted on both delegate proposals and the findings are provided as follows:

C. Findings.

The Departments mandated by the Constitution be out and prescribed by statute. This is necessary to reduce expenditures of the Government. The departments shall be created by Legislature. They should not be locked in. If that is the case, then the Legislature is responsible for creating or abolishing executive departments depending on the fiscal condition of the State. Furthermore, where there is urgent public needs for creations of such departments the Legislature should do so without constitutional barriers getting in the way.

The existing departments as mandated by constitution are there without any legislative authority over their abolishment because they are locked in. the constitution of Chuuk State held onto the departments today because their existence in the Constitution reflected the old vision that these are the pillars of the economy. Do they serve that purpose today? Obviously, both proposals speak of down sizing of Chuuk State Government. Or they can merge. If the departments can merge, would that stop Chuuk State Government from hiring more?

Del. Camillo Nocket, Member

/S/
Del. Mino Mori, Member

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Del. Tony Rosokow, Member