

J4610

A RESOLUTION

Amending Rule 5.1.3 of the Kosrae State Legislative Rules of Procedures, by inserting a new clause that would prevent future uncertainties in terms of member absences.

1           **WHEREAS**, the primary constitutional function of the Legislature is to make laws  
2 efficiently for the State's benefit; and

3           **WHEREAS**, the purpose of the Kosrae State Legislature Rules of Procedure is to  
4 provide the internal structure, procedure, and discipline to enable the Legislature to fulfill its  
5 primary constitutional function in the fairest, most efficient, and most constitutionally  
6 responsible manner possible; and

7           **WHEREAS**, pursuant to Rule 1.3 of the Kosrae State Legislature Rules of Procedure, the  
8 Legislature adopts, amends, and repeals the rules by resolution; and

9           **WHEREAS**, Rule 5.1.3 lays out the absences controlling the members of the Kosrae  
10 State Legislature; and

11           **WHEREAS**, the Legislature has had prior occurrences questioning the extent to which  
12 member absences can be allowed; **now and therefore**

13           **BE IT RESOLVED**, that the 12<sup>th</sup> Kosrae State Legislature Rules of Procedure is hereby  
14 amended to read as follows:

15           **Rule 5.1.3 Absence.** A member shall not be absent from the Legislature during a meeting  
16 unless he has leave of the Speaker with good cause. All absence which result from illness of a  
17 member, illness or death in a member's immediate family, a natural occurrence making the route to

TWELFTH KOSRAE STATE LEGISLATURE  
SIXTH SPECIAL SESSION, OCTOBER 2019

L.R. No. 12-62

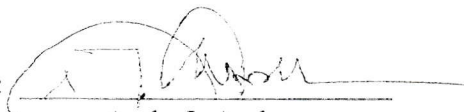
1 the place of meeting impassable, serious family obligations not related to death or illness, and  
2 absence while attending to Legislative business shall be deemed good cause or excusable. Only the  
3 absence while attending to Legislative business shall require prior approval by the Speaker. All other  
4 absences shall be deemed non-excused unless an extraordinary hardship is shown. The Speaker's  
5 decision to deny or grant leave of absence, or excuse an absence may be appealed to the Committee  
6 of the Whole, which may direct the Speaker to grant or deny leave or excuse a particular absence if it  
7 is determined that the Speaker's action was not in compliance with these Rules or contrary to the best  
8 interests of the Legislature. For purpose of these Rules "family" means spouse, children, parents,  
9 grandparents, grandchildren, siblings, spouse's parents, and spouse's siblings, including persons in  
10 relationship by adoption.

11 Each Senator shall have his salary reduced by ten dollars for each non-excused absence from a daily  
12 meeting of the Legislature. The name of a member not present to answer a quorum court, and not  
13 excused by the Presiding Officers, shall be noted in the journal as absent.

14 A member's excessive absences of three (3) consecutive sessions, whether special or regular, shall  
15 be subjected to removal by resolution, through the concurrence and action of the presiding officers of  
16 the legislature, and shall be acted upon no earlier than five days following introduction; and

17 **BE IT FURTHER RESOLVED**, that certified copies of this resolution be transmitted to  
18 the Honorable Carson K. Sigrah, Governor of the State of Kosrae.

19  
20 Date: Dec. 25, 2019

Introduced by:   
Andy J. Andrew