## THIRTEENTH KOSRAE STATE LEGISLATURE

| THIRD REGULAR SESSION, FEBRUARY 2024 | L.R. No. |
|--------------------------------------|----------|
| 7960                                 |          |
|                                      |          |

## A RESOLUTION

Amending Section 5 of Article IV of the Kosrae State Constitution, by repealing, in part, the sixmonth provision regarding a State Senator's vacancy declaration due to incapacitation and absence from duty station, which was amended by the 2020 Constitutional Convention and later ratified in 2021.

WHEREAS, the primary constitutional function of the Legislature is to make laws efficiently for the State's benefit; and WHEREAS, the Kosrae State Constitution is the supreme law of the State and an Act in government in conflict with the Kosrae State Constitution is invalid to the extent of conflict; and 4 WHEREAS, pursuant to Section 1 of Article XV of the Kosrae State Constitution, the Legislature may propose an amendment to the Constitution, by resolution, with an adoption 6 requirement of three-fourths of the Senators, in order for the amendment to be proposed; and 8 WHEREAS, Section 5 of Article IV of the Kosrae State Constitution is referring to the vacancy of the Legislature by absence or incapacitation; and 9 WHEREAS, the 13<sup>th</sup> Kosrae State Legislature wishes to amend Title IV of the Kosrae 10 11 State Constitution, under Section 5, as allowed under Section 1 of Article XV, by repealing in 12 part the six-months equivalency regarding a State Senator's vacancy declaration due to 13 incapacitation and absence from duty station, which was recently amended by the 2020 Constitutional Convention and later ratified in 2021; NOW & THEREFORE 14 15 BE IT RESOLVED, that Section 5 of Title IV of the Kosrae State Constitution is hereby 16 amended to read as follows:

## THIRTEENTH KOSRAE STATE LEGISLATURE

## THIRD REGULAR SESSION, FEBRUARY 2024

L.R. No. 13-92

| "Section 5. Any vacancy in the Legislature is filled for the unexpired term by special         |
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| election, except that an unexpired term of less than one year is filled by appointment by      |
| the Governor of a resident of the electoral district in which the vacancy exists. The          |
| position of a State Senator shall be declared vacant if the Senator is deemed incapacitated    |
| and unable to fulfill his duties or is absent from his duty station for a period of six months |
| in any one year. The Speaker shall declare a position of a State Senator that is deemed        |
| incapacitated and unable to fulfill his duties or is absent from his duty station for a period |
| equivalent to six months in any one year vacant, and the procedure to fill the declared        |
| vacant position shall be established by law.   |
| (Amended by 2020 Con. Con.)"; and  |
| BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to             |
| The Honorable Tulensa W. Palik, Governor of the State of Kosrae.                               |
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Introduced by:

Lyndon H. Jackson