

April 26, 2023

Misc. Comm. No. 13-18

JYGO

Hon. Semeon J. Phillip
Speaker
13th Kosrae State Legislature
Tofol, Kosrae FM 96944

Re: Article IV Section 13 of Kosrae State Constitution

Dear Speaker Phillip:

Greetings! I find it necessary to write to you and members of the 13th Kosrae State Legislature for the process that I have involved myself in with regards to my nomination to be Kosrae's representative to the FSM Petroleum Corporation Board of Directors.

Although there is no formal notice provided to me as to the outcome of the process, I wish to thank all those voted in favor of my nomination and also I want to recognize those decided otherwise. To me it is a positive outcome and reasonable passage level. But in the Rules, it does not meet the passing threshold.

With that in mind, I have looked up the subject and now discover that outcome is truly a reasonable passage level. Rule 5.2.9 clearly contradicts Article IV Section 13 of the Kosrae State Constitution. It must have been a miscalculation in the conversion or misunderstanding of the full language of Section 13. I have taken the liberty to generate the correct conversion table of Section 13, something your able staff can confirm and recalculate.

Passage Thresholds		
	Two Third	Three Fourth
Quorum	66.7%	75%
14	9.3	11
13	8.7	10
12	8.0	9
11	7.3	8

Quorum is 11 and there is no conflict between the Rules and Section 13. The conflict occurs in the base (denominator). The Rules says 14 as the base but Section 13 says otherwise. I kindly ask each member to read carefully and you shall learn that the base should not be fixed as per language of Section 13. Instead the base should be subject to the # of votes entered into journal. You see the table above and you can understand that there is no fixed passage # either by 2/3 or 3/4.

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@12:15

The beauty of Section 13 is also on absence of members. Absent does not give any favor or penalty under condition that there is Quorum. However it provides clear penalty when condition for Quorum is not achieved.

I may not be aware of any other rules, laws or any relevant amendments to the Constitution pertaining to the subject. However based on legal review I have received, change is necessary for Rule 2.5.9 which is considered unconstitutional. As to the effect to my nomination and any others including any bills, I rest my trust with the members of 13th KSL to act accordingly and remove the insult to the supreme law of the land.

I am happy to provide further information should they be needed.

Sincerely,



Steven L. George

xc: Honorable Members of 13th Kosrae State Legislature
Hon. Tulensa Palik, Governor