

TWELFTH KOSRAE STATE LEGISLATURE

THIRTEENTH SPECIAL SESSION, OCTOBER, 2020

L.R. No. 12-200

J&GO

A RESOLUTION

Urging the Governor after he has set a date for the referendum on proposed amendments to the Kosrae State Constitution to include in the referendum ballot the following proposed amendment to the Constitution that Section 13 of Article V of the Constitution be amended so that the Governor can by decree temporarily suspend or amend any Kosraean State Law .

1 **WHEREAS**, members of the Twelfth Kosrae State Legislature perceive that it is
2 necessary to amend Section 13 of Article V of the Kosrae State Constitution to clarify and
3 amplify the extent of the operation of the Governor’s powers when declaring a state of
4 emergency and when issuing appropriate decrees so that the preservation of peace, health or
5 safety can be more practically undertaken overall;

6 **WHEREAS** , members of the Twelfth Kosrae State Legislature further perceive that it is
7 appropriate that to avoid doubt: Section 13 of Article V of the Kosrae State Constitution be
8 amended as follows: After the word “decrees” add the following phrase: ‘which may include the
9 temporary suspension or amendment of any Kosrae State Laws which the Governor reasonably
10 sees fit to do so.’ By inserting between the words “right” and “to” the following phrase: “or
11 may temporarily suspend or amend any Kosrae State Law” ; **NOW AND THEREFORE**

12 **BE IT RESOLVED**, by members of the Twelfth Kosrae State Legislature propose
13 pursuant to Article XV Section 1 of the Kosrae State Constitution that the existing Section 13 of
14 Article V of the Kosrae State Constitution which reads “If required to preserve the public peace,
15 health, or safety, at a time of extreme emergency caused by civil disturbance, natural disaster, or
16 immediate threat of war or insurrection, the Governor may declare a state of emergency and

1 issue appropriate decrees. A declaration of emergency may not impair the power of the
2 judiciary. A declaration of emergency may impair a civil right to the extent actually required for
3 the preservation of peace, health, or safety. Within thirty days after the declaration of emergency
4 the Legislature shall convene at the call of the Speaker or the Governor to consider revocation,
5 amendment or extension of the declaration. Unless it expires by its own terms, is revoked or
6 extended, a declaration of emergency is effective for thirty days.” be amended to now read as
7 follows with such amendments proposed in bold and underlined: “If required to preserve the
8 public peace, health, or safety, at a time of extreme emergency caused by civil disturbance,
9 natural disaster, or immediate threat of war or insurrection, the Governor may declare a state of
10 emergency and issue appropriate decrees **which may include the temporary suspension or**
11 **amendment of any Kosrae State Laws which the Governor reasonably sees fit to do so.** A
12 declaration of emergency may not impair the power of the judiciary. A declaration of emergency
13 may impair a civil right **or may temporarily suspend or amend any Kosrae State Law** to the
14 extent actually required for the preservation of peace, health, or safety. Within thirty days after
15 the declaration of emergency the Legislature shall convene at the call of the Speaker or the
16 Governor to consider revocation, amendment or extension of the declaration. Unless it expires by
17 its own terms, is revoked or extended, a declaration of emergency is effective for thirty days ”

18 **BE IT FURTHER RESOLVED,** that The Honorable Carson K. Sigrah Governor of the
19 State of Kosrae be urged after he has set a date for the referendum on proposed amendments to
20 the Kosrae State Constitution to direct the Election Commissioner pursuant to Section 14 (e) of

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1 State law No. 11-65 to include in the referendum ballot the following proposed amendments to
2 Section 13 of Article V of the Constitution which presently states: “that the existing Section 13
3 of Article V of the Kosrae State Constitution” which reads “If required to preserve the public
4 peace, health, or safety, at a time of extreme emergency caused by civil disturbance, natural
5 disaster, or immediate threat of war or insurrection, the Governor may declare a state of
6 emergency and issue appropriate decrees. A declaration of emergency may not impair the power
7 of the judiciary. A declaration of emergency may impair a civil right to the extent actually
8 required for the preservation of peace, health, or safety. Within thirty days after the declaration
9 of emergency the Legislature shall convene at the call of the Speaker or the Governor to
10 consider revocation, amendment or extension of the declaration. Unless it expires by its own
11 terms, is revoked or extended, a declaration of emergency is effective for thirty days.” be
12 amended to now read as follows with such amendments proposed in bold and underlined: “If
13 required to preserve the public peace, health, or safety, at a time of extreme emergency caused
14 by civil disturbance, natural disaster, or immediate threat of war or insurrection, the Governor
15 may declare a state of emergency and issue appropriate decrees **which may include the**
16 **temporary suspension or amendment of any Kosrae State Laws which the Governor**
17 **reasonably sees fit to do so.** A declaration of emergency may not impair the power of the
18 judiciary. A declaration of emergency may impair a civil right **or may temporarily suspend or**
19 **amend any Kosrae State Law** to the extent actually required for the preservation of peace,
20 health, or safety. Within thirty days after the declaration of emergency the Legislature shall

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1 convene at the call of the Speaker or the Governor to consider revocation, amendment or
2 extension of the declaration. Unless it expires by its own terms, is revoked or extended, a
3 declaration of emergency is effective for thirty days

4 **BE IT FURTHER RESOLVED**, that certified copies of this resolution be transmitted to
5 The Honorable Carson K. Sigrah, Governor of the State of Kosrae, The Honorable Chang B.
6 William, Chief Justice, Kosrae State Court, Mr Casey Freddy Chairman of the Pre-Convention
7 Committee of the Fourth Kosrae State Constitutional Convention and Aliska B. Aliska Attorney
8 General.

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11 Date: 11.05.20

Introduced by: 
Tulensa W. Palik