

SEVENTH KOROR STATE LEGISLATURE

Ninth Special Session, June, 2005

KSPL NO. K7-160-05
(Introduced as Bill No. 7-59 LD1,HD1)

AN ACT

To amend KSPL No. K7-158-2005 to set a date for a referendum on proposed amendments to the constitution, and to identify the sources of revenues and funding to be used to pay for activities of the Political Education Committee, and to establish new dates and duties for the activities of the Political Education Committee, and to ratify actions taken by the Legislature and the Political Education Committee, and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

1 **Section 1. Findings.** The Seventh Koror State Legislature hereby finds that Resolution
2 No. 7-37,LD1, proposed amendments to the Koror State constitution, and set a referendum on
3 the proposed amendments for June 23, 2005. The Seventh Koror State Legislature also passed
4 KSPL No. K7-158-2005, which established a political education committee and authorized
5 \$30,000.00 for the educational activities. On May 23, 2005, the Election Commission notified the
6 Koror State Legislature that the referendum would not be conducted on June 23, 2005. The
7 Seventh Koror State Legislature filed suit, Civil Action No. 05-120, seeking to clarify the
8 provisions of the Koror State constitution relating to referendums on proposed amendments. On
9 June 9, 2005, the court in Civil Action No. 05-120 ruled that the referendum on proposed
10 amendments may only be held at the same time as the statewide general elections for Koror.

11 The Legislature further finds that the State had projected revenues at the time that the
12 unified annual budget for 2005 was introduced. However, on February 22, 2005 the Koror State
13 Public Lands Authority received an unexpected payment in the amount of \$73,332.70, and in the
14 amount of \$49,305.29 on February 28, 2005. These revenues in the amount of approximately
15 \$122,637.00 were not anticipated local revenues and were unexpectedly received, and are
16 available for authorization and appropriation to fund the activities of the Political Education
17 Committee.

18 The Seventh Koror State Legislature further finds that the Political Education Committee
19 was lawfully and duly established pursuant to KSPL No. K7-158-2005, and that the members of
20 the Committee engaged in educational activities for which they should be compensated, and
21 incurred other expenses which should be paid.

22 **Section 2. Referendum date.** A referendum (hereafter "the referendum") shall be
23 conducted on November 8, 2005 in the State of Koror for the purpose of voting on proposed

1 “Section 4. Authorization and appropriation. There is hereby authorized and
2 appropriated the sum of thirty thousand dollars (\$30,000.00) which shall be used by the political
3 education committee established by this Act to fund political education on the proposed
4 amendments to the Koror State Constitution as described in this Act. The funds authorized and
5 appropriated hereby shall come from revenues paid to the Koror State Public Lands Authority in
6 the amount of \$73,332.70 on February 22, 2005, and in the amount of \$49,305.29 on February
7 28, 2005. The Koror State governor shall disburse the funds authorized and appropriated by this
8 Act within three (3) business days after submission in writing by the political education
9 committee of any request for payment; such request for payment shall include an invoice or other
10 evidence of the debt or expenditure of the committee. All request for payments-shall be
11 approved by a majority of committee members.”

12

13 **Section 6. Form of “ballot” for referendum; ratification of Political Education**
14 **Committee activities and expenditures; ratification of the adoption of KSPL No. K7-158-**
15 **2005.**

16 A. The Political Education Committee established by KSPL No. K7-158-2005 is hereby
17 authorized to promulgate the form of the “ballot” to be used in the referendum on proposed
18 constitutional amendments scheduled for November 8, 2005. The ballot for the referendum shall
19 be separate from the ballot for the election of the Governor and members of the Legislature.

20 B. The activities of the Political Education Committee undertaken on or after May 23,
21 2005, and up to June 9, 2005, are hereby ratified and affirmed as valid activities of the Political
22 Education Committee. The expenditures of the Political Education Committee, including
23 members' compensation, staff payments, and expenses for goods and services, are hereby ratified and
24 confirmed to the extent that they are bona fide expenses of the Political Education Committee.

25 **Section 7. Severability.** If any part of provision of this Act is determined to be unlawful
26 or invalid, such invalidity may be stricken and shall not affect the other provisions of this Act.

27 **Section 8. Effective Date.** This Act shall take effect upon its approval by the House of
28 Traditional Leaders or upon its becoming law without such approval.

SEVENTH KOROR STATE LEGISLATURE

Ninth Special Session, June, 2005

KSPL NO. K7-160-05
(Introduced as Bill No. 7-59 LD1,HD1)

PASSED: August 8, 2005

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Yositaka Adachi, Speaker
Seventh Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
Seventh Koror State Legislature

APPROVED THIS _____ DAY OF _____, 2005.

John C. Gibbons
Governor, Koror State

DIS APPROVED THIS 7th DAY OF September , 2005.

/s/ _____
Ibedul Y. M. Gibbons
House of Traditional Leaders

OVERRIDE ACTION BY THE SEVENTH KOROR STATE LEGISLATURE ON
SEPTEMBER 9, 2005, WAS DULY CARRIED BY A ROLL CALL VOTE OF 12 - 0.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Yositaka Adachi, Speaker
Seventh Koror State Legislature

/s/ _____
Marlena Sato, Assistant Clerk
Seventh Koror State Legislature