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## A RESOLUTION

Amending Constitutional Emergency Order No. 20-01 by extending the period in which the amended Order is valid in the realization that the risks are greater than ever of the COVID-19 pandemic reaching our shores with devastating effects on our people, our economy and our State.

1           **WHEREAS**, on March 11, 2020, the World Health Organization  
2 declared the Coronavirus (COVID-19) outbreak a pandemic and placed  
3 every country globally at risk due to the alarming rate of the spread of  
4 COVID-19; and

5           **WHEREAS**, confirmed cases of COVID-19 continue to rise globally  
6 and have now moved into our region of the world with the State of Hawaii,  
7 the Territory of Guam and the Commonwealth of the Northern Mariana  
8 Islands, all reporting increasing numbers of confirmed cases and deaths due  
9 to COVID-19; and

10           **WHEREAS**, on March 11, 2020, the Governor declared a  
11 Constitutional State of Emergency for the State of Pohnpei, labeled as  
12 Constitutional Emergency Order No. 20-01, which sets the level of  
13 response to the imminent threat of COVID-19 for all incoming passengers  
14 on flights and vessels to have a medical certificate and be placed in a  
15 mandatory 14-day quarantine at designated quarantined areas; and

16           **WHEREAS**, on March 21, 2020, the Governor issued an amendment  
17 to the Constitutional Emergency Order by ordering a lockdown of the State  
18 of Pohnpei, banning all incoming passengers into the State of Pohnpei,  
19 except for crews on commercial aircraft and vessels in performance of their  
20 duties, provided that they do not come in contact with any ground-based  
21 personnel; and

22           **WHEREAS**, Article 13, Section 9 of the Pohnpei Constitution  
23 specifies that:

24           “Section 9. Declaration of Emergencies.

25           (1) The Governor may declare a state of emergency



1 and issue appropriate decrees, to preserve the public peace,  
2 health, or safety, at a time of extreme emergency caused by  
3 civil disturbance, epidemic, natural disaster, or immediate  
4 threat of war.

5 (2) A declaration of emergency may impair a  
6 civil right only to the extent actually necessary to  
7 preserve peace, health, or safety. A declaration of  
8 emergency may be subject to judicial review.

9 (3) The Legislature may amend or revoke a  
10 declaration of emergency at any time by resolution.  
11 Unless the declaration expires earlier, the Legislature  
12 shall convene within thirty days to consider the  
13 declaration of emergency. Unless a declaration expires  
14 earlier, is revoked, amended, or repealed, a declaration  
15 of emergency shall be in effect for thirty days.”; and

16 **WHEREAS**, pursuant to this provision of the Constitution,  
17 Constitutional Emergency Order No. 20-01 will expire on April 11, 2020,  
18 unless amended by the Pohnpei Legislature; and

19 **WHEREAS**, it is the sense of the Pohnpei Legislature that the risks  
20 are greater than ever of this dangerous disease reaching our shores with  
21 devastating effects on our people, our economy and our State; now,  
22 therefore,

23 **BE IT RESOLVED** by the Tenth Pohnpei Legislature, First Special  
24 Session, 2020, that Paragraph 7) of the NOW, THEREFORE, clause of the  
25 amended Constitutional Emergency Order No. 20-01 is hereby further



1 amended to read as follows:

2 "7) Unless revoked or amended sooner, this Constitutional  
3 Emergency Order is valid for a period of sixty (60) days counting from  
4 March 11, 2020."; and

5 **BE IT FURTHER RESOLVED** that certified copies of this  
6 resolution be transmitted to the Governor of Pohnpei, to the Chief Justice of  
7 the Pohnpei Supreme Court, to the President of the Federated States of  
8 Micronesia, to the Speaker of the Congress of the Federated States of  
9 Micronesia, and to the Chief Justice of the FSM Supreme Court.

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11 ADOPTED BY THE POHNPEI LEGISLATURE ON THE 9<sup>th</sup> DAY OF  
12 APRIL, 2020.

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Speaker, Pohnpei Legislature

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17 Attest: \_\_\_\_\_  
18 Legislative Clerk

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