

On Introduction of Amendments and Supplements to the Decree of the President of the Republic of Kazakhstan Having the Force of Constitutional Law "On the President of the Republic of Kazakhstan"

Unofficial translation

Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 N 378-1

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To introduce the following amendments and supplements to the Decree of the President of the Republic of Kazakhstan Having the Force of Constitutional Law dated December 26, 1995 N 2733 "On the President of the Republic" (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1995, N 24, article 172):

1. The title and preamble should be worded as follows:

Constitutional Law of the Republic of Kazakhstan on the President of the Republic of Kazakhstan "

"This Constitutional Law in accordance with the Constitution of the Republic of Kazakhstan defines the legal status of the President of the Republic of Kazakhstan."

2. In item 4 of Article 20, sub-item 1 of Article 35, Article 38 the words "of this Decree", "this Decree" should be replaced by the words "of this Constitutional Law", "this Constitutional Law".

3. In item 2 of Article 3 the sentence "If the President is elected in the special election the oath is taken within one month from the date of publication of the election" should be replaced by the sentence "In the case provided for in Article 48 of the Constitution, the person who took over as President of the Republic of Kazakhstan takes the oath within one month from the date of acceptance of power of the President of the Republic."

4. In Article 4:

in item 1 the word "five" should be replaced by the word "seven";

item 3 should be excluded:

5. Sub-item 3 of item 1 of Article 7 should be excluded:

6. Sub-item 8 of article 8 should be worded as follows:

"8) with the consent of the Senate appoints the Chairperson of the National Security Committee and discharge him from office."

7. In Article 9:

in sub-item 2 the word "a term of power of Parliament" should be replaced by the word "a term of power of the Senate"; at the end of the sub-item the words "powers of Parliament" should be excluded;

sub-item 12) after the words "by Mazhilis" the words "and discharges the members of the

Government, if the relevant Chamber of Parliament by a majority, at least two-thirds vote of all members of the Chamber re-raise the question about the expiration of six months from the date of first call to the President of the Republic to discharge the member of the Government" s h o u l d b e a d d e d .

8. Sub-item 9 of Article 10 should be added by the words "as well as retired member of the Government stated, do not agree with government policies or conducting it".

9. In sub-item 1 of Article 16 after the words "of Chairperson" should be added by the words "and two members of the", the word "its" should be replaced by the word "their".

10. Article 17 should be added by the sub-items 4-1 to read as follows:

"4-1) determines the order of appointment or election of akims of regions, cities (other than capital city and the city of republican importance), urban districts, aul (rural) districts, auls, villages (settlements)";

11. Article 17-1 should be added and read as follows:

"President of the Republic in respect of public authorities, which are directly subordinate and accountable to the President."

1. The powers of State Bodies directly subordinated and accountable to the President of the Republic shall be terminated before the newly elected President. However, they perform their duties until the Head of State appoints new leaders of these bodies.

2. The President of the Republic on the proposal of Heads of State bodies, who directly subordinated and accountable to the President of the Republic:

1) approve the provision of those state bodies, their structure and the total number of staff;

2) appoint and discharge deputy heads of agencies directly subordinated and accountable to the President of the Republic, heads of departments of these agencies, unless otherwise established by the President of the Republic;

3) form, dissolve and reorganize the departments of government. These agencies have the status provided for the offices of central executive bodies, unless otherwise established by the President of the Republic.

3. President of the Republic in the manner and time determined by them shall hear the reports of Heads of state bodies directly subordinated and accountable to the President of the Republic, on the work of these bodies."

12. Sub-item 3 of item 2 of Article 18 should be added by the sentences as follows: "If the President of the Republic rejects the proposal of the Parliament to issue a national referendum on amendments and supplements to the Constitution, the Parliament has the right to a majority of, not less than four fifths of the total number of deputies of each Chamber of the Parliament, adopt a law on making these amendments and supplements to the Constitution. In this case, the President of the Republic shall sign this law or submit it to a national referendum . "

in sub-item 2 should be worded as follows:

"2) defines the procedure for developing strategic plans, national budgets and report on its implementation, approve state programs and strategic plans";
in sub-item 9) after the word "form" should be added the words "dissolve and reorganize";

sub-item 10) should be worded as follows:

"10) form the Administration of the President";

in sub-item 12) after the words "in accordance with" should be added the words "the
C o n s t i t u t i o n a n d " .

14. Article 27 should be worded as follows:

"Article 27. The transition of power of the President of the Republic of Kazakhstan.

1. In the case of early release or removal from the office of President of the Republic of Kazakhstan, or of his death, the power of President of the Republic for the remaining period transfers to the Chairperson of the Senate; when it is impossible to Chairperson of the Senate to assume the powers of the President, they go to the Chairperson of the Mazhilis of Parliament; if the Chairperson of the Mazhilis cannot accept the power of the President, the power move to the Prime Minister of the Republic. A person who has taken the powers of the President of the Republic shall correspondingly withdraw his powers the Chairperson of the Senate, the Mazhilis, and the Prime Minister.

2. A person who has taken the powers of the President of the Republic of Kazakhstan, on the grounds laid down by law and in the manner provided in item 1 of this Article shall not have a right to initiate amendments and supplements to the Constitution of the Republic of K a z a k h s t a n . " .

15. Article 30 should be added item 5-1 to read as follows:

"5-1. Personal library and personal archive shall be formed for the whole period of the
P r e s i d e n t o f t h e R e p u b l i c . "

1 6 . A r t i c l e 3 5 :

Sub-item 3) of item 2 should be excluded;

Sub-item 2-1 should be added and read as follows

"2-1. Proceedings of the personal archive and personal library of President of the Republic of Kazakhstan at the end of performance as President of the Republic is owned by ex-President of the Republic of Kazakhstan."

P r e s i d e n t o f

the Republic of Kazakhstan