

A BILL FOR AN ACT

To propose an amendment to Article XI, Section 6 of the Constitution of the Federated States of Micronesia to remove the jurisdiction of the National Courts where an interest in land or waters is at issue, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. It is hereby proposed that Section 6 of Article
2 XI of the Constitution of the Federated States of Micronesia be
3 amended to read as follows:

4 "Section 6. (a) The trial division of the Supreme Court
5 has original and exclusive jurisdiction in cases
6 affecting officials of foreign governments, disputes
7 between states, admiralty or maritime cases, and in
8 cases in which the national government is a party,
9 except where an interest in land or waters is at issue.

10 (b) The national courts, including the trial division
11 of the Supreme Court, have concurrent original
12 jurisdiction in cases arising under this Constitution;
13 national law or treaties; and in disputes between a
14 state and a citizen of another state, between citizens
15 of different states, [~~and~~] between a state or a citizen
16 thereof[~~]~~ and a foreign state, citizen, or subject, and
17 between non-citizens.

18 (c) When jurisdiction is concurrent, the proper court
19 may be prescribed by statute; except that the national

1 courts shall not have jurisdiction in any case in which
2 ownership of land or waters is at issue, unless such
3 case is a dispute between two (2) states of the
4 Federated States of Micronesia."

5 Section 2. The constitutional amendment proposed in section
6 1 of this act shall be submitted to the people for approval during
7 the general election scheduled to take place in March, 2003.

8 Section 3. This act shall become law upon approval by the
9 President of the Federated States of Micronesia or upon its
10 becoming law without such approval.

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12 Date: 10/23/02

Introduced by: /s/ Dohsis Halbert
Dohsis Halbert