
A BILL FOR AN ACT

To further amend title 6 of the Code of the Federated States of Micronesia, as amended, by amending section 702 thereof for the purpose of raising the liability cap of the Federated States of Micronesia for claims arising from injury or loss of property, or personal injury or death, caused by the negligent or wrongful act or omission of an employee of the National Government, and for other purposes.

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

1 Section 1. Section 702 of title 6 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 702. Limited waiver of sovereign immunity.
5 Actions upon the following claims may be brought
6 against the Federated States of Micronesia with
7 original and exclusive jurisdiction residing in the
8 Trial Division of the Supreme Court of the Federated
9 States of Micronesia, and prior to its organization, in
10 the Trial Division of the High Court of the Trust
11 Territory of the Pacific Islands:

12 (1) Claims for recovery of any tax alleged to
13 have been erroneously or illegally collected, or any
14 penalty claimed to have been collected without or
15 beyond legal authorization, or any sum alleged to have
16 been excessive or improperly collected under applicable
17 tax laws of the Federated States of Micronesia.

18 (2) Claims for damages, injunction, or mandamus

1 arising out of alleged improper administration of
2 statutory laws of the Federated States of Micronesia,
3 or any regulations issued pursuant to such statutory
4 laws.

5 (3) Claims, whether liquidated or unliquidated,
6 upon an express or implied contract with the Federated
7 States of Micronesia.

8 (4) Claims for injury or loss of property or
9 personal injury or death caused by the negligent or
10 wrongful act or omission of an employee of the National
11 Government while acting within the scope of his office
12 or employment, under circumstances where the National
13 Government, if a private person, would be liable to the
14 claimant in accordance with the law of the place where
15 the act or omission occurred. Recovery on an
16 individual claim as set out in this subsection shall
17 not exceed \$20,000; provided, however, that if such
18 employee or the National Government is covered by
19 liability insurance and the liability coverage limit is
20 higher, the recovery shall not exceed said coverage
21 limit.

22 (5) Claims for any injuries suffered consequent
23 upon conduct of a National Government employee or agent
24 acting under color of authority which violates those
25 individual rights secured under article IV of the
26 Constitution of the Federated States of Micronesia.

1 Compensatory relief granted for damages incurred from
2 such violation shall not exceed \$20,000; provided,
3 however, that if such employee or the National
4 Government is covered by liability insurance and the
5 liability coverage limit is higher, the recovery shall
6 not exceed said coverage limit.

7 Section 2. This act shall become law upon approval by the
8 President of the Federated States of Micronesia or upon its
9 becoming law without such approval.

10

11 Date: 10/02/08

Introduced by: /s/ Dohsis Halbert
Dohsis Halbert

12

13

14

15

16

17

18

19

20

21

22