A BILL FOR AN ACT

To further amend title 4 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 3-3, 3-40 and 5-12, by amending section 104 by repealing subsections (1), (2) and (3) and by adding new subsections (1) through (7) to provide for the nomination and congressional advice and consent of temporary Justices to the FSM Supreme Court, and for other purposes.

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

Section 1. Section 104 of title 4 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 104. Special assignments. The Chief Justice may give special assignments pursuant to article XI, section 9(b) of the Constitution. In the case of temporary Justices appointed pursuant to this authority:

(1) The Chief Justice may assign temporary Justices, selected from a panel established pursuant to this section, to fill vacancies and otherwise sit in the Appellate Division of the Supreme Court or to hold sessions of the Trial Division of the Supreme Court.

(2) The President of the Federated States of Micronesia shall submit to the Speaker of the Congress of the Federated States of Micronesia for congressional advice and consent the names of at least five and not more than seven persons qualified to serve as temporary Justices, together with such information relating to their qualifications as he deems advisable. All persons nominated by the President shall meet the qualifications of section 107 of this chapter.

(3) Approval of a nomination shall require a two-thirds vote of all Members of Congress.

(4) A nominee who has been approved shall be a member of the panel of temporary Justices for a period of 2 years from the date of his approval. Every effort shall be made..."
to maintain at least three Justices on the panel of
temporary Justices at all times. From time to time, the
President may submit additional nominations in the manner
provided for in this section whenever necessary to maintain
an adequate number of temporary Justices on the panel.

(5) The President shall not resubmit the nomination
of any person to the Congress for its action if the same
Congress shall have previously rejected such nomination,
unless the Congress shall by resolution authorize such
resubmission.

(6) The Chief Justice shall give notice to the
President and the Congress upon the appointment of any
temporary Justice.

(7) Upon the effective date of this act, no temporary
Justice may be assigned to sit in the Appellate Division of
the Supreme Court, or to hold sessions of the Trial
Division of the Supreme Court, unless said Justice has been
nominated, approved, and assigned pursuant to this
section. Except as provided by section 3 of this act, no
judgment or other order shall be valid if a temporary
Justice who has not been nominated, approved, and assigned
pursuant to this provision either issues or participates in
the issuance of any such judgment or other order.”

Section 2. Subsections (1), (2) and (3) of section 104 of title
4 of the Code of the Federated States of Micronesia are hereby
repealed in their entirety.

Section 3. This act shall not apply to any temporary Justice already assigned as of the effective date of this act to sit in the Appellate Division of the Supreme Court, or to hold sessions of the Trial Division of the Supreme Court, for the duration of that assignment only. All assignments of temporary Justices occurring after the effective date of this act shall conform to the provisions of this act.

Section 4. This act shall take effect 6 months after its approval by the President of the Federated States of Micronesia, or 6 months after its becoming law without such approval.

Date: 10/15/87

Introduced by: Claude H. Phillip
(by request)