

STANDING COMMITTEE REPORT NO. 14-40

RE: C.B. NO. 14-16/JGO

SUBJECT: FULL FAITH AND CREDIT

SEPTEMBER 19, 2005

The Honorable Peter M. Christian  
Speaker, Fourteenth Congress  
Federated States of Micronesia  
Second Regular Session, 2005

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations ("J&GO"), to which was referred C.B. No. 14-16 entitled:

"A BILL FOR AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE XIII OF THE CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA, BY ADDING A NEW SECTION 8 FOR THE PURPOSE OF PROVIDING FOR FULL FAITH AND CREDIT AMONG THE STATES, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title. As indicated by that title, C.B. No. 14-16 proposes to add to article XIII of the Constitution a new section that would require each state to afford full faith and credit to the public acts, records and judicial proceedings of every other state. If this bill is enacted, the proposed amendment to the Constitution will go to a plebiscite of the people.

Every citizen has a right to due process of law. That right is threatened if one state's acts and judicial decisions, intended to be final and binding on the parties, are subject to modification or reversal at the hands of another state government. It is not consistent with principles of fairness that a party who has been victorious in a judicial proceeding in one state be forced to litigate the same issue in the courts of a second state. Respect for law and government necessarily suffers when different states render inconsistent rulings on the same subject matter.

The constitutional amendment proposed by C.B. No. 14-16 is designed to protect the finality of state actions that are intended to be final and to protect citizens from the costs and uncertainties of having to litigate the same issue in multiple states. The amendment, if approved, would require each state to honor, just as it would its own acts, the acts of a sister state, within that sister state's jurisdiction. For example, it would enable a party who has obtained a

STANDING COMMITTEE REPORT NO. \_\_\_\_\_

RE: C.B. NO. 14-16/JGO

SUBJECT: FULL FAITH AND CREDIT

SEPTEMBER \_\_\_\_\_, 2005

court judgment in one state to enforce that judgment in the courts of another state without fear that he will be required to litigate the case again in the second state and face the risk of an inconsistent decision.

Your committee supports submitting this proposed constitutional amendment to the voters. We are mindful that this same proposal was before the voters at the March, 2005 election and failed to receive the requisite number of votes. However, it did receive a significant majority of the votes cast---63%---and your committee believes that, with further public review and discussion of this measure, there is a good chance that it will be approved.

Thus, your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 14-16 and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading.

STANDING COMMITTEE REPORT NO. \_\_\_\_\_

RE: C.B. NO. 14-16/JGO

SUBJECT: FULL FAITH AND CREDIT

SEPTEMBER \_\_\_\_\_, 2005

Respectfully submitted,

\_\_\_\_\_  
Dohsis Halbert, chairman

\_\_\_\_\_  
Roosevelt D. Kansou, vice  
chairman

\_\_\_\_\_  
Alik L. Alik, member

\_\_\_\_\_  
Moses A. Nelson, member

\_\_\_\_\_  
Peter M. Christian, member

\_\_\_\_\_  
Ramon Peyal, member

\_\_\_\_\_  
Tiwiter Aritos, member