

L & MA

A BILL FOR AN ACT

To amend Title 11 Kosrae State Code by adding a new Chapter 22 inserting thereunder a new Section 11.2201 thereof, and for other purposes.

BE IT ENACTED BY KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The sole purpose of the bill is to create a new Subsection 11.2201
2 under new Chapter 22 of Title 11 of the Kosrae State Code. A situation of unfairness has been
3 perceived in relations between heirs who hold interest as tenants in common in land where one of
4 the heirs lives on Kosrae but the other does not and where the heir living on Kosrae needs to get
5 the consent of the heir before he or she can undertake use of the land.

6 . The purpose of this Bill will overcome the unfairness of the above situation by allowing the
7 heir living on Kosrae to undertake subject to certain conditions use of the land without obtaining
8 the consent of the heir who does not live on Kosrae..

9 Section 2. Amendment. Title 11, is hereby amended to read as follows by adding new
10 **Chapter 22 Land Use** and new **Section 11.2201** thereunder :

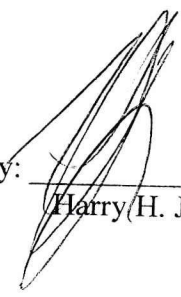
11 **“Section 11.2201 Land use by an heir as Tenant in Common.**

12 Where you have one or more heirs who each hold an interest in land as tenants in common, the
13 heir who resides in the State of Kosrae does not have to obtain the permission of the other heir
14 who resides outside the State of Kosrae before he or she intends to use the land. Land use
15 includes erecting a building or other structure on the land, undertaking improvements to the
16 land, farming the land, planting timber on the land or removing timber from the land, provided

1 that any such activities so undertaken by the heir residing in the State of Kosrae does not in any
2 way diminish or otherwise prejudice the value of land. The net profits that may accrue from
3 such use of the land are to be shared equitably between all the heirs provided that before such
4 profits are distributed to the heir residing outside the State of Kosrae he or she must share the
5 costs & expenses incurred by the heir residing in the State of Kosrae whose use of the land
6 resulted in profits being generated. That provided further on the sale of the land where the
7 increase in value thereof is any way attributable to the land use undertaken by the heir residing in
8 the State of Kosrae the heir residing outside of the State of Kosrae must share the costs incurred
9 by the heir residing in the State of Kosrae for land use resulting in the increase of the value of the
10 land.”

11 Section 3. **Effective Date.** This act shall become law upon the approval by the Governor
12 or upon becoming law without such approval.

13
14
15 Date: March 2, 2020

Introduced by: 
Harry H. Jackson