

CHAPTER 9

Admission of New States

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Editor's note: This chapter was created by section 1 of PL 13-45 that was signed into law by the President of the Federated States of Micronesia Joseph J. Urusemal on July 6, 2004.

§ 901. Authorization.

New states may be formed and admitted into the Federated States of Micronesia in accordance with the provisions of article I of the Constitution of the Federated States of Micronesia and this chapter.

Source: PL 13-45 § 2.

Cross-reference: Art. I, sections 2, 3, and 4 of the Constitution states as follows:

Section 2. Each state is comprised of the islands of each District as defined by laws in effect immediately prior to the effective date of this Constitution. A marine boundary between adjacent states is determined by law, applying the principle of equidistance. State boundaries may be changed by Congress with the consent of the state legislatures involved.

Section 3. Territory may be added to the Federated States of Micronesia upon approval of Congress, and by vote of the inhabitants of the area, if any, and by vote of the people of the Federated States of Micronesia. If the territory is to become part of an existing state, approval of the state legislature is required.

Section 4. New states may be formed and admitted by law, subject to the same rights, duties, and obligations as provided for in this Constitution.

The provisions of the FSM Constitution are found in Part I of this code.

For amendments to the FSM Constitution made pursuant to the Constitutional Convention held in July/August, 1990, see FSM

Constitution and constitutional amendments. These provisions and other information on the Constitution can be found on the FSM Supreme Court website at <http://www.fsmsupremecourt.org/>.

The constitutions of the states of Chuuk, Kosrae, Pohnpei, and Yap are found in Part III of this code.

§ 902. Vote Required.

No new state shall be formed and admitted except upon the affirmative vote of a majority of the registered voters of the area seeking statehood and the approval, by resolution, of the Legislature of each existing state of the Federated States of Micronesia.

Source: PL 13-45 § 3.

Cross-reference: The statutory provisions on National Elections are found in title 9 of this code.

The constitutions of the states of Chuuk, Kosrae, Pohnpei, and Yap are found in Part III of this code.

§ 903. Consent.

A new state shall not be formed from within the territory of an existing state, or by the juncture of two or more existing states or parts of states, except with the consent, by resolution, of the Legislature(s) of the State(s) concerned.

Source: PL 13-45 § 4.

Cross-reference: The constitutions of the states of Chuuk, Kosrae, Pohnpei, and Yap are found in Part III of this code.

§ 904. Admission.

New states may be formed and admitted into the Federated States of Micronesia upon the approval, by bill, of the Congress of the Federated States of Micronesia.

Source: PL 13-45 § 5.

Cross-reference: Art. I, sections 2, 3, and 4 of the Constitution states as follows:

Section 2. Each state is comprised of the islands of each District as defined by laws in effect immediately prior to the

effective date of this Constitution. A marine boundary between adjacent states is determined by law, applying the principle of equidistance. State boundaries may be changed by Congress with the consent of the state legislatures involved.

Section 3. Territory may be added to the Federated States of Micronesia upon approval of Congress, and by vote of the inhabitants of the area, if any, and by vote of the people of the Federated States of Micronesia. If the territory is to become part of an existing state, approval of the state legislature is required.

Section 4. New states may be formed and admitted by law, subject to the same rights, duties, and obligations as provided for in this Constitution.

The provisions of the FSM Constitution are found in Part I of this code.

The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

§ 905. Bill Approving Admission.

Each bill approving the admission of a new state into the Federated States of Micronesia shall set forth the effective date of the admission of such state and such other matters as may be necessary to facilitate a smooth and orderly transition to statehood, including, but not limited to, the following:

- (1) delineating the territory and boundaries of the new state including marine boundaries;
- (2) providing for the establishment of an interim government;
- (3) setting the date by which a constitutional convention must take place in the new state and a constitution for the new state must be adopted;
- (4) the date(s) by which national, state, and local government elections must take place;
- (5) the principles and criteria for the equitable division of assets and liabilities between the new state, the predecessor entity, and the Federated States of Micronesia;
- (6) determining applicable law to apply pending adoption of the new state's constitution and establishment of all levels of government;
- (7) funding for specified transitional activities; and
- (8) any other matters contributing to a smooth and orderly transition.

Source: PL 13-45 § 6.

Cross-reference: The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

§ 906. Equal Footing Doctrine.

Each new state admitted into the Federated States of Micronesia shall be admitted on an equal footing with every other state and shall be subject to the same duties and obligations, and accorded the same rights and privileges, as every other state of the Federated States of Micronesia, as provided for in the Constitution of the Federated States of Micronesia.

Source: PL 13-45 § 7.

Cross-reference: Art. I, sections 2, 3, and 4 of the Constitution states as follows:

Section 2. Each state is comprised of the islands of each District as defined by laws in effect immediately prior to the effective date of this Constitution. A marine boundary between adjacent states is determined by law, applying the principle of equidistance. State boundaries may be changed by Congress with the consent of the state legislatures involved.

Section 3. Territory may be added to the Federated States of Micronesia upon approval of Congress, and by vote of the inhabitants of the area, if any, and by vote of the people of the Federated States of Micronesia. If the territory is to become part of an existing state, approval of the state legislature is required.

Section 4. New states may be formed and admitted by law, subject to the same rights, duties, and obligations as provided for in this Constitution.

The provisions of the FSM Constitution are found in Part I of this code.

The constitutions of the states of Chuuk, Kosrae, Pohnpei, and Yap are found in Part III of this code.

§ 907. Interim Government.

The existing government(s) of the area approved for admission as a new state of the Federated States of Micronesia shall continue as the interim government(s) until such time as elections are held as set forth in the bill approving admission.

Source: PL 13-45 § 8.

Cross-reference: The statutory provisions on National Elections are found in title 9 of this code.

The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

§ 908. Election of Representatives.

A new state shall hold general elections to elect representatives to the Congress of the Federated States of Micronesia within one year of the date of approval for admission into the Federated States of Micronesia.

Source: PL 13-45 § 9.

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Cross-reference: The statutory provisions on National Elections are found in title 9 of this code.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.