

STANDING COMMITTEE REPORT NO. 13-105

RE: C.B. NO. 13-47/JGO

SUBJECT: STATEHOOD PROCEDURES

MAYq 11, 2004

The Honorable Peter M. Christian
Speaker, Thirteenth Congress
Federated States of Micronesia
Fourth Special Session, 2004

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations ("J&GO"), to which was referred C.B. No. 13-47 entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ADDING A NEW CHAPTER 9 CONCERNING THE PROCEDURE FOR THE ADMISSION OF A NEW STATE INTO THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

C.B. No. 13-47, introduced by Senator Tiwiter Aritos of Chuuk, would establish procedures for the admission of a new State into the Federated States of Micronesia pursuant to Article I of the *FSM Constitution*. As introduced, the bill is identical to C.B. No. 12-125, a bill which was introduced during the Third Special Session of the Twelfth Congress and subsequently sent to the Governor and Legislature of each State for comment and discussion. Written comments were received from the States and were carefully considered by your committee.

Article I of the *FSM Constitution* states in pertinent part:

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

FSM Const. art. I, sec. 4. Although the Constitution specifies certain procedures for the addition of new "territory" to the FSM, see *FSM Const.* at art. I, sec. 3, the Constitution does not specify procedures for the formation and admission of new states. C.B. No. 13-47 is an attempt to fill this void.

The formation and admission of new states into the Federated States of Micronesia is a matter of grave importance to the Federation and

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should not be taken lightly. Adding a state has, among other things, social, political, and economic consequences for each and every existing state and for the citizens of the FSM. As such, your committee has carefully considered the bill as introduced and the comments and suggestions received.

For the most part, the comments and suggestions received related to such matters as the votes required to form a new state; the date by which a new constitution must be adopted by the new state; if a new state is to be formed from part of an existing state, whether or not the existing state's constitution would need to be amended; the addition of procedures for the withdrawal of a state; the potential economic consequences of adding a state; and similar matters. With one clear exception -- that involving withdrawal of A state -- your committee has attempted to incorporate all of the suggestions made. In some cases, the suggestions made concerned issues already addressed in the bill, especially when the bill is viewed as a whole. In other cases, amendments are proposed, as noted below, to clarify existing provisions of the bill.

With respect to withdrawal of a state, your committee, like the Founding Fathers before us, chose not to include provisions concerning secession. See, e.g., SCREP No. 40 (concerning Comm. Pro. No. 27), II J. of Micro. Con. Con. at 868-869, and related debate. Because there is no constitutional authority for the withdrawal of a state from the Federation, it is doubtful that provisions concerning secession would ever be effective. However, even if such provisions could be deemed constitutional, it is your committee's opinion that enactment of such laws could lead to disastrous consequences during periods of economic depression. More important, it is the fervent belief of your committee that the union of the Federation and the unity of the Micronesian people should be, and must be, protected for all time, "so that all States might [concentrate on and] work together for the betterment of all."

With these thoughts in mind, your committee recommends the following amendments to C.B. No. 13-47:

1. Page 2, line 2 - after "statehood", insert "and the approval, by resolution, of the Legislature of each existing state of the Federated States of Micronesia".

