A BILL FOR AN ACT

To approve the admission of the State of Faichuk as the fifth state of the Federated States of Micronesia, and for other purposes.

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

Section 1. Admission. Subject to all procedural requirements set out in chapter 9 of title 1 of the Code of the Federated States of Micronesia being met by January 1, 2006, Congress hereby approves the admission of the State of Faichuk as the fifth state of the Federated States of Micronesia upon that date.

Section 2. Territory. The territory of the State of Faichuk shall consist of the islands or municipalities of Eot, Udot Fonuweisom, Romanum, Fanapanges, Tolenosom, Oneisom, Paata Tupunion and Pwene, including reefs, shoals, banks, sands, oceans and other natural landmarks bearing the names of identities known in any of the dialects of the State and any other territory of water belonging to the State by historic right, custom or legal title. Unless limited by law, this territory shall also include a marine space of 200 nautical miles measured outward from appropriate baselines, as well as the related seabed, subsoil, water column, insular and continental shelves and airspace over land and water. Each municipality shall be comprised of the island or islands with reefs, shoals, banks, sands, oceans and other natural landmarks
bearing the names or identities known in any of the local dialects of each municipality as established by traditional boundaries. The Faichuk State Government shall be authorized to settle the boundary line, in accordance with applicable laws, with the Chuuk State Government in the event of a dispute arising after the effective date of the Faichuk Constitution. Existing traditional landmarks, well known and agreed upon by the adjacent municipalities shall determine the boundaries between municipalities. In the event of a dispute over municipal boundaries, the traditional leaders of the relevant municipalities shall settle the dispute by peaceful and traditional means. The Faichuk State Supreme Court shall adjudicate disputes over municipal boundaries in the event that traditional means are unsuccessful. New municipalities of the State of Faichuk may be created by statute after the effective date of the Faichuk Constitution.

Section 3. Constitution. The Faichuk Constitution, ratified by plebiscite on November 28, 2000, shall come into force three years after the granting of statehood to Faichuk.

Section 4. Transition. If, on January 1, 2006, all procedural requirements set out in chapter 9 of title 1 of the Code of the Federated States of Micronesia have been met, the State of Faichuk shall become the fifth state of the Federated States of Micronesia. The Faichuk Commission for Statehood shall then appoint, by election, the officials of an interim government
in accordance with section 4 of article XVIII of the Faichuk Constitution.

Section 5. First General Election. The first general election for the State of Faichuk will be held on the first Tuesday following the first Monday in the month of March three years following the grant of statehood, or earlier if directed by the Faichuk Commission for Statehood. The Governor, Lieutenant Governor and members of the first Legislature pursuant to the Faichuk Constitution shall be elected in the first general election. Each shall serve a full term. The term of the members of the First Legislature shall begin on the first Monday in May following the general election and the Legislature shall convene at 10:00 am on that day. The first municipal elections shall be held on the same day as the first general election.

Section 6. Appointments. The elected office holders shall make such appointments or confirmations as are necessary, consistent with the Faichuk Constitution and any statutes adopted pursuant thereto.

Section 7. Adoption of the laws of the State of Chuuk. Any applicable statute in the State of Chuuk shall remain in effect in the State of Faichuk until it is superseded by a law made pursuant to the Faichuk Constitution.

Section 8. Survival of actions and other matters. Any current or pending writ, suit, proceeding, civil or criminal liability, prosecution, judgment, sentence, order, decree,
appeal, cause of action, defense, contract, claim, title of right shall remain live and shall remain the responsibility of the State of Chuuk until concurrent statutes are established by the Faichuk State Government.

Section 9. **Capital.** There shall be a temporary location of the Faichuk State Capital pending the completion of the State Capital on Tolensom Island. The Faichuk Commission for Statehood shall select the appropriate site for the temporary State Capital, which shall be based on accessibility of public land and existing government buildings to be used as temporary offices of the State of Faichuk.

Section 10. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 1/25/05

Introduced by: /s/ Tiwiter Aritos

Tiwiter Aritos