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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:

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

7           Section 2. Territory. The territory of the State of Faichuk  
8 shall consist of the islands or municipalities of Eot, Udot  
9 Fonuweisom, Romanum, Fanapanges, Tolensom, Oneisom, Paata Tupunion  
10 and Pwene, including reefs, shoals, banks, sands, oceans and other  
11 natural landmarks bearing the names of identities known in any of  
12 the dialects of the State and any other territory of water  
13 belonging to the State by historic right, custom or legal title.  
14 Unless limited by law, this territory shall also include a marine  
15 space of 200 nautical miles measured outward from appropriate  
16 baselines, as well as the related seabed, subsoil, water column,  
17 insular and continental shelves and airspace over land and water.  
18 Each municipality shall be comprised of the island or islands with  
19 reefs, shoals, banks, sands, oceans and other natural landmarks

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1 bearing the names or identities known in any of the local dialects  
2 of each municipality as established by traditional boundaries. The  
3 Faichuk State Government shall be authorized to settle the  
4 boundary line, in accordance with applicable laws, with the Chuuk  
5 State Government in the event of a dispute arising after the  
6 effective date of the Faichuk Constitution. Existing traditional  
7 landmarks, well known and agreed upon by the adjacent  
8 municipalities shall determine the boundaries between  
9 municipalities. In the event of a dispute over municipal  
10 boundaries, the traditional leaders of the relevant municipalities  
11 shall settle the dispute by peaceful and traditional means. The  
12 Faichuk State Supreme Court shall adjudicate disputes over  
13 municipal boundaries in the event that traditional means are  
14 unsuccessful. New municipalities of the State of Faichuk may be  
15 created by statute after the effective date of the Faichuk  
16 Constitution.

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

20 Section 4. Transition. If, on January 1, 2006, all  
21 procedural requirements set out in chapter 9 of title 1 of the  
22 Code of the Federated States of Micronesia have been met, the  
23 State of Faichuk shall become the fifth state of the Federated  
24 States of Micronesia. The Faichuk Commission for Statehood shall  
25 then appoint, by election, the officials of an interim government

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1 in accordance with section 4 of article XVIII of the Faichuk  
2 Constitution.

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

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

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

23 Section 8. Survival of actions and other matters. Any  
24 current or pending writ, suit, proceeding, civil or criminal  
25 liability, prosecution, judgment, sentence, order, decree,

1 appeal, cause of action, defense, contract, claim, title of right  
2 shall remain live and shall remain the responsibility of the  
3 State of Chuuk until concurrent statutes are established by the  
4 Faichuk State Government.

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

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

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16 Date: 1/25/05

Introduced by: /s/ Tiwiter Aritos  
Tiwiter Aritos

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