

TENTH LEGISLATURE OF THE STATE OF CHUUK

SECOND REGULAR SESSION,
SECOND SOCIAL SESSION, APRIL, 2010

ACT NO: 10-38

AN ACT

Amending sections 3,8,10,11,16 and 17 of CSL No. 10-10-18, and for other purposes.

Be it enacted by the Chuuk State Legislature:

1 Section 1. Amendment. Section 3 of CSL No. 10-10-18 is hereby amended to
2 read as follows:

3 "Section 3. Vesting of title, and of right to compensation. After the filing of the
4 complaint for taking and after determination and the deposit of the full payment of just
5 compensation, the title to the lands in fee simple absolute or such lessor estate or interest
6 therein as specified in the complaint, vests in the Government of the State of Chuuk, and
7 the lands shall be deemed to be condemned and taken for the specified public purpose.
8 The right to just compensation for the lands taken shall vest in the persons entitled
9 thereto."

10 Section 2. Amendment. Section 8 of CSL No. 10-10-18 is hereby amended to
11 read as follows:

12 "Section 8. Determining of Compensation. If the parties disagree, just
13 compensation shall be finally determine by the Court which shall not be more or less than
14 10% of the prevailing land valuation, appraisal or assessment system approved y law. To
15 arrive at its final determination, the court shall consider the following factors:

- 16 (a) Whether the landowner's refusal to sell is because the land has historical or
17 cultural significance;
18 (b) Whether the landowner has no other land; or
19 (c) Any other reasonable factors determined by the court."

20 Section 3. Amendment. Section 10 of CSL No. 10-10-18 is hereby amended to
21 read as follows:

22 "Section 10. Summary Proceedings. The Chuuk State Supreme Court shall in the
23 condemnation proceedings in accordance with this Act resolve and dispose the case
24 within a period of not more than 120 days from the filing of the case. If the Chuuk State
25 Supreme Court failed to dispose the case within 120 days, the case shall be deemed

1 automatically disposed in favor of the plaintiff.”

2 Section 4. Amendment. Section 11 of CSL No. 10-10-18 is hereby amended to
3 read as follows:

4 “Section 11. Applicability of Chuuk State Supreme Court rules. Unless
5 otherwise provided herein, the applicable Rules of Civil Procedures for the Chuuk State
6 Supreme Court shall govern the procedure for the condemnation of private lands under
7 the power of eminent domain, except as otherwise provided in this Act:

8 a) Land owner shall file his answer within for a non extendible period of not
9 more than 15 days; and

10 b) Responses to motions shall be for a period of not more than 7 days.

11 Section 5. Amendment. Section 16 of CSL No. 10-10-18 is hereby amended to
12 read as follows:

13 “Section 16. Notice to Defendant; Delivery to Court; For; Notice.

14 (1) Upon filing of the complaint, the government shall forthwith deliver to the
15 clerk of the court joint or several notices along with copies of the complaint directed to
16 the defendants named and designated in the complaint. Additional notices directed to the
17 defendant subsequently added shall also be delivered.

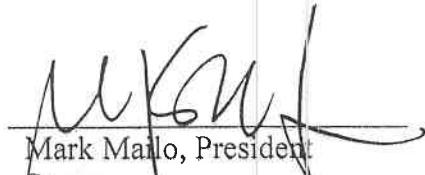
18 (2) The delivery of the notices and its service shall be the same effect as the
19 delivery and service of a summons under the Chuuk State Supreme Court Rules.

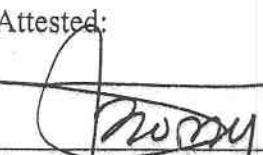
20 (3) Each notice shall state the court, the title of the action, the name of the
21 defendant to whom it is directed, that the action is to condemn land, a description of the
22 land sufficient for its identification, the interest to be taken, the authority for the taking,
23 the specific purpose for which the land is to be taken, that the defendant may serve upon
24 the Attorney General an answer within 15 days after the service of the notice, and that
25 the failure to so serve an answer constitute a consent to the taking and the authority of the
26 court to hear the action and to award the just compensation. The notice shall conclude
27 with the address of the Attorney General where he may be served. The notice shall
28 contain a description of no other land than that to be taken from the defendants to whom
29 it is directed.”

30 Section 6. Amendment. Section 17 of CSL No. 10-10-18 is hereby amended to
31 read as follows:

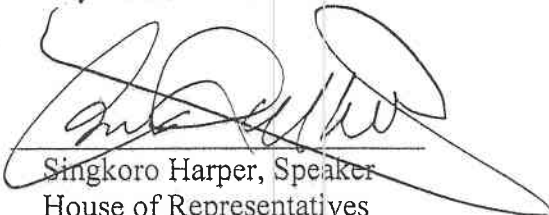
1 “Section 17. Duties of Land Commission. Notwithstanding any appeal, upon
2 receipt of notice by the court that taking of land has occurred and just compensation has
3 been awarded to the landowner pursuant to the provisions of this Act or upon filing of the
4 complaint with declaration of taking and depositing of the just compensation in the court,
5 the Land Commission shall within five (5) days upon receipt thereof, issue the certificate
6 of title in favor of the Chuuk State Government with all the easements provided therein.
7 Provided that upon the termination of the specific public purpose for which and interest
8 in land is taken the Chuuk State Government shall within 90 days quitclaim and return
9 the land to the owner or the owner’s successor in accordance with Section 2, Article XI
10 of the Chuuk State Constitution. Provided further, that a certification by the Governor
11 declaring that the specific public purpose of the said Government land ceases and will no
12 longer be needed for any other public purposes provided furthermore, that the disposition
13 by the Governor of any public lands not acquired by eminent domain shall require
14 consent of the Legislature.”


15 Section 7. Effective Date. This Act shall take effect upon approval by the
16 Governor, or upon its becoming law without such approval.

Signed by: 
Mark Mailo, President
Senate
Chuuk State Legislature

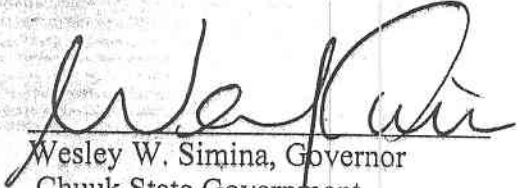
Attested:

Songkinita Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date: 12-13-10

Signed by: 
Singkoro Harper, Speaker
House of Representatives
Chuuk State Legislature

Attested:

Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

Date: 12/13/10

Approved by: 
Wesley W. Simina, Governor
Chuuk State Government

Date: Dec. 22, 2010

History : S.B.NO: 10-68;SD1;HD1
: S.S.C.R.NO: 10-2R-2S-02
: H.S.C.R.NO: NONE