

AN ACT

Relating to tree compensation, public projects, amendment of Title 19, and for other purposes.

Be It Enacted by the Legislature of Truk State.

Section 1. Title 19 of the Truk State Code is hereby amended by adding a Chapter entitled "Tree Compensation", to read as follows:

"Chapter 415

TREE COMPENSATION

Sections:

- 415-1. Short Title
- 415-2. Findings
- 415-3. Definitions
- 415-4. Compensation
- 415-5. Certification
- 415-6. Rate of Compensation
- 415-7. Statute of Limitation
- 415-8. Pending Claims
- 415-9. Public Projects Fund
- 415-10. Penalties
- 415-11. Annual Appropriation Authorized

Section 415-1. Short Title. This Chapter shall be known and may be cited as "The Public Projects Act".

Section 415-2. Findings. The current administration of compensation for trees destroyed or damaged due to work on public projects is cumbersome and outdated. The system is in serious need of modification to most effectively utilize existing personnel within the State Government. The procedures set forth in the Act unless otherwise specified, repeal all laws, rules and regulations on this matter.

Section 415-3. Definitions.

(a) "Claimant", means any person entitled to compensation for the destruction of a tree owned by him or her;

(b) "Destroyed", shall include partial or total damage to a tree as defined in this Chapter;

(c) "Division", means the Division of Land Management in the Department of Resources and Development;

(d) "Public Project", shall include all Trust Territory, United State Government, National, State or Municipal projects which necessitate the destruction of trees including projects funded by any of the foregoing entities, but contracted to a private business;

(e) "Trees", means a fruit bearing plant or other plants compensable under this Chapter.

Section 415-4. Compensation. The owner of a tree destroyed by a public project shall be entitled to compensation under the terms and conditions of this Chapter.

Section 415-5. Certification. No claim for compensation shall be paid unless the destroyed tree is certified in the manner prescribed below:

(a) plans for any public project shall be submitted to the Division within 30 days of commencing the project. The plan shall specify:

(i) a description of the proposed public projects, including plans and purposes; and

(ii) the anticipated number of trees to be destroyed, described by name, owner, approximate age of tree, and location of trees.

(b) upon receipt of the plans, the Division shall cause an examination officer from the Division to contact the magistrate of

the municipality in which the public project is located to accompany the officer on an examination of the site of the planned project;

(c) the officer and the magistrate shall examine the site and jointly issue a document which shall substantially verify the information contained in the plan submitted to the Division. Copies of this document shall be provided to the magistrate, owner of the trees, the public project director, and the State Treasurer;

(d) as soon as the public project director has completed work on the tree in question he shall issue copies of a report of the action taken to be provided to the Division and claimant;

(e) if the project director fails to notify either the Division or the claimant, the claimant may so notify the Division and the Division shall investigate the claimant's complaint if found to be true, and submit a report to the Governor;

(f) the Governor shall have the ultimate authority to certify claims presented by the Division. No claim may be paid unless the document verifying the claim, and the action report or the report by the Division verifying the actions taken, are submitted to the Governor for his signature; and

(g) upon presentation of the certification of claim signed by the Governor, the State Treasurer shall cause the pre-determined amount of compensation to be paid to the claimant.

Section 415-6. Rate of Compensation.

(a) The Governor shall promulgate a schedule of compensation to be paid for trees destroyed;

(b) If the rate of compensation should be altered in any way after the certificate certifying the public project described in Section 415-5(c) is issued the owner shall be eligible to receive the higher rate of compensation allowed.

Section 415-7. Statute of Limitation. No claim for compensation

under this Chapter shall be filed two years from the date the tree in issue was damaged. All claims for compensation which accrued prior to 1981 must be recertified under the rules and regulations promulgated by the Division, but in no event later than one year from the effective date of this Act. All claims for compensation which accrued prior to 1981 will be forever barred if not presented for certification within one year from the effective date of this Act.

Section 415-8. Pending Claims. The Division shall have the authority to promulgate rules and regulations for all claims which accrued prior to 1981, which have not yet been settled.

Section 415-9. Public Project Funds. Every public project funded by the State Legislature which involves the destruction of trees compensable under this Chapter shall reserve three percent (3%) of the total appropriation to be applied towards tree compensation. Any excess of the amount in reserve may be applied towards the public project. Any reserve which fails to fully compensate the trees destroyed shall be augmented by the State.

Section 415-10. Penalties. Any person convicted of violating any section of this Act or falsifying any information or document required herein shall be subject to a fine of not more than \$1,000, and imprisoned for not more than six months or both.

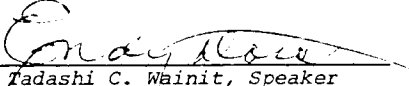
Section 415-11. Annual Appropriation. There is hereby authorized an annual appropriation from the General Fund of the Truk State Legislature to fund the provision of this Act."

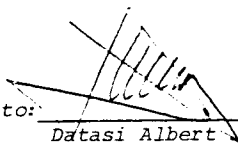
Section 2. Appropriation. The amount of \$50,000 is appropriated from the General Fund of the Truk Legislature for the purpose of this Act.

Section 3. The sum appropriated by Section 2 shall be administered by and is allotted to the State Treasurer who shall be responsible to the Legislature for ensuring that these funds are used only for the purposes specified in Section 2, and that no obligations are incurred in excess of the sum appropriated.

Section 4. The Treasurer shall submit an annual report at least 20 days after the closing of the Fiscal Year indicating the use of the funds and present the fiscal support requirements for the program for the coming Fiscal Year.

Section 5. Effective Date. This Act shall be effective October 1, 1981, upon approval by the Governor, or upon its becoming law without such approval.

Signed by: 
for Tadashi C. Wainit, Speaker
Truk Legislature

Attested to: 
Datasi Albert
Legislative Clerk/Secretary
Truk Legislature

Date: 10/15/81

Approved by: 
Erhart Aten, Governor
Truk State Government

Date: November 3, 1981