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current administration of compensation for trees destroyed or damaged due to work on public projects is cumbersome and outdated.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 in-
formation 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 475-6. 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 475-7. 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 compensa-
tion. 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 Legisla-
ture 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:

Attested to:

Date: 10/15/81

Approved by:

Date: November 3, 1981