



GOVERNMENT OF KOSRAE

Office of the Governor

Post Office Box 158

Kosrae, Federated States of Micronesia 96944

Telephone: 691-370-3002/3003..Facsimile: 691-370-3162

October 6, 2011

The Honorable Lyndon P. Abraham
Speaker
Tenth Kosrae State Legislature
Tofol, Kosrae FM 96944

Handwritten signature and date: 10-10-11

Dear Mr. Speaker:

Pain kom a kulo nu sin God ke moul lasr.

Nga sim in tukakin la L.B. No. 10-03, L.D.1, el inge masap se lun State su oral a Kosrae State Law No. 10-15, su sifwa u fwak ouinge:

"To amend Title 11 of the Kosrae State Code by enacting a new Chapter 18 entitled Overhanging Trees Act" to provide a procedure for the protection of the public from the danger of overhanging trees and of coconuts fallings from trees growing on land that overhangs the public roads of Kosrae; to amend Title 13 by enacting a new Section 13.559; and for other purposes."

Oana ke nga sulkakin ke veto message luk ah, ke lelem se inge masap la u, enenu in oasr akola mwowo lasr in akfasrye enenu lun masap se inge. Elya luk ke equipments a capacity lun mwet orekma lasr ke executive inge enenu in oasr karinginya ke sie budget, su tia orekla oana ke nga tafu ke message luk ah.

Nga srumun ma inge in oan in nunak lomwos, pal fototo kut a communicate enenu lasr inge komwos in kasre kut ka.

Sincerely,

Handwritten signature of Lyndon H. Jackson

Lyndon H. Jackson
Governor

/mia





TENTH KOSRAE STATE LEGISLATURE

P. O. Box 187

Tofol, Kosrae State

Federated States of Micronesia 96944

Telephone: (691) 370-3019/3177 * Fax: 370-2177

Web Page: www.kosraelegislature.org

Lyndon P. Abraham
SPEAKER

Palikun M. Shrew
VICE SPEAKER

Robert I. Taulung
FLOOR LEADER

LELU:

Bob H. Skilling
Chang B. William
Gibson T. Siba
Lyndon P. Abraham
Tulensa W. Palik

TAFUNSAK:

Aiokoa Joab Sigrah
Espi! Tulensru
Maker L. Palsis
Robert I. Taulung

MALEM:

Jarinson M. Charley
Jefferson M. Timothy
Palikur. M. Shrew

UTWE:

Josaiah F. Waguk
Rinson H. Edmond

August 30, 2011

The Honorable Lyndon H. Jackson
Governor, State of Kosrae
Kosrae, FM 96944

Dear Governor Jackson:

I have the honor to transmit herewith for your consideration and action **L.B. NO. 10-03, L.D. 1, TO AMEND TITLE 11 OF THE KOSRAE STATE CODE BY ENACTING A NEW CHAPTER 18 ENTITLED "OVERHANGING TREES ACT" TO PROVIDE A PROCEDURE FOR THE PROTECTION OF THE PUBLIC FROM THE DANGER OF OVERHANGING TREES AND OF COCONUTS FALLING FROM TREES GROWING ON LAND THAT OVERHANGS THE PUBLIC ROADS OF KOSRAE; TO AMEND TITLE 13 BY ENACTING A NEW SECTION 13.559; AND FOR OTHER PURPOSES.**, which passed the Legislature, Second Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

Respectfully yours,

Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

Enclosures

**TENTH KOSRAE STATE LEGISLATURE
SECOND REGULAR SESSION
AUGUST 8, 2011 – SEPTEMBER 10, 2011**

A BILL FOR AN ACT

TO AMEND TITLE 11 OF THE KOSRAE STATE CODE BY ENACTING A NEW CHAPTER 18 ENTITLED "OVERHANGING TREES ACT" TO PROVIDE A PROCEDURE FOR THE PROTECTION OF THE PUBLIC FROM THE DANGER OF OVERHANGING TREES AND OF COCONUTS FALLING FROM TREES GROWING ON LAND THAT OVERHANGS THE PUBLIC ROADS OF KOSRAE; TO AMEND TITLE 13 BY ENACTING A NEW SECTION 13.559; AND FOR OTHER PURPOSES.

INTRODUCED Senator

Chang B. William +1


DATE: February 14, 2011

ACTION BY THE LEGISLATURE

PASSED FIRST READING: August 11, 2011

REFERRING TO: Joint Committees on J&GO & R&D

PASSED SECOND READING: August 26, 2011



Tosie K. Elley
Chief Clerk

KOSRAE STATE LEGISLATURE



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LEGISLATIVE BILL NO. 10-03, L.D. 1

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Second Regular Session, 2011, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.


Lyndon P. Abraham
Speaker
Tenth Kosrae State Legislature


Yosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

1 an imaginary line drawn perpendicular to the boundary of the right way or easement for any
2 public road in Kosrae State.

3 Section 11.1803. Strict liability of the owner of land for personal injury. The owner of
4 land where an overhanging tree is growing shall be strictly liable in a civil lawsuit to any person
5 who suffers personal injury resulting from the fall of a coconut from an overhanging tree on to
6 any part of the road or right of way or easement for the road.

7 Section 11.1804. Removal of Overhanging Trees. If the owner of land where an
8 overhanging tree, or trees is/are growing receives notice from an officer of the Office of the
9 Attorney General that the tree or trees is/are overhanging the road and that it presents a danger to
10 the public, then the owner of the land shall have twenty (20) days from the date that the notice is
11 received to remove the tree or trees.

12 (1) Notice to an owner shall be delivered personally by leaving it at his usual
13 place of abode or business with a person of sound mind not less than eighteen years of age. If
14 the person who receives the notice is unable to read the notice, the deliverer orally explains it to
15 him, if practicable, in a language understood by the receiver.

16 (2) If personal service does not occur despite a good faith effort, then mailing a
17 copy of the notice to the address of the owner or his successor in interest, or, if such address is
18 not known, to the address of the property; and providing that removal by completed at twenty
19 days after the date of receipt shall be deemed to be delivery of the notice.

20 Section 11.1805. Failure to Comply with Notice of Remove. If the owner of land where
21 an overhanging tree, or trees is/are growing fails to remove the tree within twenty (20) days of
22 personally receiving the notice, or within forty (40) days after the date of receipt the notice then

1 employees or authorized agents of the Kosrae State Government may enter on to the owner's
2 land and cut down or trim the tree or trees.

3 Section 11.1806. Liability for damages caused by government employees or agent.
4 Except in the case of gross negligence on the part of a government employee or agent, the State
5 of Kosrae shall not be liable for any damages to property or person caused while engaged in
6 cutting or trimming overhanging trees.

7 Section 11.1807. Compensation. The owner of land where an overhanging tree, or trees
8 is/are growing shall not be entitled to any compensation from the government for the removal of
9 the tree or trees.

10 Section 3. Amendment. Title 13, Chapter 5 of the Kosrae State Code is hereby amended
11 by the enactment of a new Section 13.559 to read as follows:

12 Section 13.559. Failure to Remove Overhanging Trees. A land owner who fails to either
13 cut down or trim an overhanging tree or trees as defined in Section 11.1802(1) within the time
14 specified by Section 11.1804(2) shall be guilty of an offense.

15 Failure to remove overhanging trees is a Category 3 misdemeanor.”

16 Section 4. Effective Date. This act takes effect upon the approval of the Governor or
17 upon its becoming law without such approval.


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PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 26TH DAY OF
AUGUST, 2011.


Lyndon P. Abraham
Speaker, 10th Kosrae State Legislature

Attested by: 
Chief Clerk

Lyndon H. Jackson
Governor, State of Kosrae

Date: _____