

DRAFT CSC, Title 24. Land Management

CHAPTER 9 Tree Compensation

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§ 1401. Short title.

This Chapter shall be known and may be cited as . The Public Projects Act..

Source: TSL 4-90, §1 (415-1).

Editor's note: TSL 4-90 that created this Chapter was signed into law by the Governor on November 3, 1981.

§ 1402. 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current administration of compensation for trees destroyed or damaged due to work on public projects is cumbersome and outdated.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~~ Chapter, unless otherwise specified, repeal all laws, rules and regulations on this matter.

Source: TSL 4-90, § 1 (415-2), modified.

Editor's note: This section effectively repeals TSL 3-37.

§ 1403. Definitions.

(a) (1) "Claimant" means any person entitled to compensation for the destruction of a tree owned by him or her.

(b) (2) "Destroyed" shall include partial or total damage to a tree as defined in this Chapter.

(c) (3) "Division" means the Division of Land Management in the Department of Resources and Development.

(d) (4) "Public project" shall include all ~~Trust Territory~~, United States 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) (5) "Trees" means a fruit bearing plant or other plants compensable under this Chapter.

Source: TSL 4-90, § 1 (415-3), modified.

§ 1404. Compensation.

The owner of a tree destroyed by a public project shall be entitled to compensation under the terms

and conditions of this Chapter.

Source: TSL 4-90, § 1 (415-4).

§ 1405. Certification.

No claim for compensation shall be paid unless the destroyed tree is certified in the manner prescribed below:

(a) (1) plans for any public project shall be submitted to the Division within 30 days of commencing the project. The plan shall specify:

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

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

(b) (2) 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) (3) 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) (4) 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) (5) 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) (6) 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) (7) 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.

Source: TSL 4-90, § 1 (415-5), modified.

§ 1406. Rate of compensation.

(a) (1) The Governor shall promulgate a schedule of compensation to be paid for trees destroyed.

(b) (2) If the rate of compensation should be altered in any way after the certificate certifying the public project described in the Section 415-5(e) 1405(3) is issued the owner shall be eligible to receive the higher rate of compensation allowed.

Source: TSL 4-90, § 1 (415-6), modified.

§ 1407. Statute of limitation.

No claim for compensation under this Chapter shall be filed more than 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.~~

Source: TSL 4-90, § 1 (415-7), modified by deletion of outdated provisions.

§ 1408. 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.

Source: TSL 4-90, § 1 (415-8).

§ 1409. 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.

Source: TSL 4-90, § 1 (415-9).

§ 1410. Penalties.

Any person convicted of violating any section of this ~~Act~~ Chapter 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.

Source: TSL 4-90, § 1 (415-10).

§ 1411. Annual appropriation.

There is hereby authorized an annual appropriation from the General Fund of the ~~Truk State Legislature~~ Chuuk State to fund the provisions of this ~~Act~~ Chapter.

Source: TSL 4-90, § 1 (415-11), modified.

§ 1412. Report of Treasurer.

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.

Source: TSL 4-90, § 4.