

TWELFTH KOSRAE STATE LEGISLATURE

FOURTH REGULAR SESSION, AUGUST 2020

L.B. No. 12-184

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A BILL FOR AN ACT

To amend the Kosrae State Code by amending Chapters 1 and 2 of Title 19, Section 19.315 under Chapter 3 of Title 19, Sections 19.812 and 19.816 under Chapter 8 of Title 19 of the Kosrae State Code, to enable the Governor to approve projects and developments during a State of Emergency; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to amend the Kosrae State Code by
2 amending Chapter 1 of Title 19 of the Kosrae State Code by inserting a new Section
3 19.104 there under to exempt any projects or developments undertaken by the State
4 Government on either private or public land given with the approval of the Governor
5 which are in response to a State of Emergency from any of the provisions contained in
6 Section 19.102; and for other purposes.

7 Section 2. Amendment. Title 19, Chapter 1, of the Kosrae State Code is hereby
8 amended by adding new Section 19.104 thereunder to read as follows:

9 “Section 19.104 Exemption of projects and developments approved by the
10 Governor from the application and operation of the provisions contained in
11 Section 19.102:

12 (1) The Governor may override and not be subject to any of the provisions
13 contained in Section 19.102 when subject to (2) below approving any State
14 Government project or development on either private or public land where any
15 such project or development is undertaken in response to a State of Emergency
16 and during a State of Emergency.

1 (2) The Legislature may by resolution passed by two thirds of its members revoke
2 or extend any approval of any project or development given by the Governor
3 pursuant to the provision contained in (1) above within 30 days after the
4 Governor has given any such approval.”

5 Section 3. Purpose The purpose of this Act is to amend Chapter 2 of Title 19 of
6 the Kosrae State Code by inserting a new Section 19.203 there under to exempt any
7 projects or developments approved by the Governor or where approval of any such project
8 or development has been extended by the Legislature from the requirements contained in
9 Sections 19.201 and 19.202.

10 Section 4. Amendment Title 19, Chapter 2 , of the Kosrae State Code is hereby
11 amended by adding thereunder a new Section 19.203 to read as follows:

12 “Section 19.203. Exemption of projects and developments approved by the
13 Governor of the requirements contained in Sections 19.201 and 19.202.
14 Any project or development approved by the Governor pursuant to Section 19.104
15 (1) or extended by the Legislature pursuant to Section 19.104(2) are exempt from
16 any of the requirements contained in Sections 19.201 and 19.202.”

17 Section 5. Purpose. The purpose of this Act is to amend Section 19.315 under
18 Chapter 3 of Title 19 of the Kosrae State Code so that the provisions of this Section do not
19 apply where the Governor has granted approval of a project or development pursuant to

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1 Section 19.104 (1) or where such project or development has been extended by the
2 Legislature pursuant to Section 19.104(2).

3 Section 6. Amendment. Section 19.315 of Chapter 3 of Title 19 of the Kosrae State
4 Code is hereby amended to read as follows:

5 “Section 19.315. Compliance with Title.

6 No person shall violate this Title, regulations adopted pursuant to this Title, written
7 fishing agreements, or any requirements or conditions of a permit issued issued
8 pursuant to this Title except where such violation is excused in circumstances
9 where the Governor has granted approval of a State Government project or
10 development pursuant to Section 19.104 (1) or where approval of such project or
11 development has been extended by the Legislature pursuant to Section 19.104(2)
12 or where the Governor has given approval of a State Government project pursuant
13 to Section 19.812 (3) or where approval of such project or development has been
14 extended by the Legislature pursuant to Section 19.812 (4).”

15 Section 7. Purpose. The purpose of this Act is to amend the Kosrae State Code by
16 amending Section 19.812 under Chapter 8 of Title 19 of the Kosrae State Code to permit
17 any projects or developments to be undertaken by the State Government with the approval
18 of the Governor which are in response to a State of Emergency despite such project or
19 development involving activities which are otherwise prohibited by Section 19.812; and
20 for other purposes.

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1 Section 8. Amendment. Title 19, Chapter 8, Section 19.812 of the Kosrae State
2 Code is hereby amended by adding new subsections (3) and (4) thereunder to read as
3 follows:

4 “Section 19.812 Prohibited Activities Within the Kosrae State Protected Area
5 System.

6 ...

7 ...

8 (3) Despite the provisions contained in (1) and (2) above, The Governor may
9 subject to (4) below approve of any State Government project or development to
10 be undertaken within the boundaries of an area designated as part of the State
11 Protected Area System in circumstances where any such project or development is
12 undertaken in response to a State of Emergency and during a State of Emergency.

13 (4) The Legislature may by resolution passed by two thirds of its members revoke
14 or extend any approval of any project or development given by the Governor in the
15 provision contained in (3) above within thirty days after the Governor has given
16 any such approval.

17 Section 9. Purpose. The purpose of this Act is to amend Section 19.816 so as to
18 make clear that the enforcement provisions contained therein do not apply to the approval
19 or extension of any project or development given pursuant to subsections (3) and (4) of
20 Section 19.812.

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1 Section 10. Amendment. Title 19, Chapter 8, Section 19.816 of the Kosrae State
2 Code is hereby amended by adding thereunder a new subsection (3) to read as follows:

3 “Section 19.816. Enforcement.

4 ...

5 ...

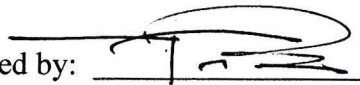
6 (3) To avoid doubt any approval or extension of approval of any project or
7 development given pursuant to respectively subsection (3) and (4) of Section
8 19.812 shall not be subject to any of the enforcement provisions contained in
9 either (1) or (2) above.”

10 Section 11. Effective Date. This Act takes effect upon the approval of the
11 Governor or upon its becoming law without such approval.

12

13

14 Date: 9.10.20

Introduced by: 
Tulensa W. Palik