



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2004

PUBLIC LAW NO. 14-12
H. B. No. 14-112, HS1, SS1

AN ACT

To restrict the planting of trees and other such vegetation below and around power lines and facilities; and for other purposes.

**BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

Section 1. Findings and Purpose. The Legislature finds that the safety of the general public is threatened when trees and other vegetation grow uncontrollably near live power lines. Several incidents have occurred where citizens have been injured by such hazardous situations and it is imperative that these occurrences be prevented. It is further found that there have been numerous power outages when trees or other vegetation come in contact with live power lines. Not only do these power outages create inconveniences for the general public, they also unnecessarily result in additional costs to the operation of the Commonwealth Utilities Corporation.

The Legislature finds that a restrictive measure needs to be in place to prevent these situations. Therefore, it is the purpose of this legislation to place a restriction on the planting and maintenance of trees and vegetation near power poles and lines and to establish appropriate penalties.

The Legislature further finds that the initial costs of bringing existing noncompliant trees and vegetation into compliance could be unduly burdensome to many in the Commonwealth, especially our man amko, and that the Commonwealth Utilities Corporation is better suited to absorb these initial costs.

Section 2. Amendments.

(a) Title 4, Division 8, Chapter 2, Section 8211 of the Commonwealth Code is hereby repealed in its entirety and reenacted as follows:

“§ 8211. Tree and Vegetation Planting Restriction.

(a) No tree or vegetation that has the potential to grow to more than one-half of the height of a power line shall be planted within twelve (12) feet of any power line, measured laterally from a point on the ground directly under the aerial power line.

(b) No part of a tree or vegetation shall extend within fifteen (15) feet of an aerial power line.

(c) Private land owners, or where appropriate, lessees or renters shall ensure compliance with the provisions of subsections (a) and (b) of this section with respect to trees and vegetation on their lands, except as provided in this subsection and subsection (d). CUC shall ensure compliance with subsections (a) and (b) of this section with respect to trees and vegetation on public lands, and on ancestral lands. Ancestral lands, as used in this subsection, are lands which are either owned by the person who owned them prior to June 01, 1944, or have been in the continuous possession of succeeding generations of the same family since June 01, 1944.

(d) CUC shall be responsible for the first removal of noncompliant trees, vegetation or portions thereof and the costs associated therewith, surrounding all primary and secondary lines in the Commonwealth within one year from the day this Act takes effect if such trees, vegetation or portions thereof are in existence at the time this Act takes effect; provided CUC shall not be liable to any person or entity who removes any affected tree, vegetation or portion thereof which is the responsibility of CUC to remove, unless CUC agrees in advance to pay the fee charged for such removal.

(e) CUC is hereby authorized to promulgate such rules and regulations as are necessary to fully implement the provisions of this section.

(b) Title 4, Division 8, Chapter 2, of the Commonwealth Code is hereby amended by adding a new § 8212 which reads as follows:

“§ 8212. Civil Penalties.

(a) Any person who violates any provision of this chapter shall be subject to a civil penalty not less than \$5,000 and not to exceed \$10,000 for each such violation, except as provided in subsection (b).

(b) Any person found in violation of Section 8211 shall be given a written notice by CUC of the specific violation and the proposed remedy, and shall be given 30 days to cure the violation. A proposed remedy may include, but not be limited to, requiring the property owner, or where appropriate, lessees or renters, to remove the affected tree or vegetation or parts thereof.

(1) Where the notice requires removal of affected trees, or vegetation or parts thereof, from surrounding secondary electrical lines, and the property owner, or where appropriate, lessees or renters, do not have the ability to safely remove the noncompliant tree or vegetation or parts thereof as required by such notice, the property owner, or where appropriate, lessees or renters, shall pay CUC for the cost of such removal by CUC.

(2) Where the notice requires removal of noncompliant trees, or vegetation or parts thereof, from surrounding primary electrical lines, the CUC shall, upon notice to the property owner, or where appropriate, lessees or renters, remove the noncompliant tree or vegetation, or parts thereof and shall be paid the reasonable costs of removal from the person or persons found in violation of the provisions of Section 8211.

(c) Any person found in violation of the provisions of Section 8211, in addition to any other charges, fees, and costs assessed

in accordance with this provision, may be assessed a fine by CUC of not more than three hundred dollars (\$300.00).

(d) Actions to recover any penalty provided for in this section shall, where appropriate, be brought by the Attorney General at the request of CUC or any affected person in the Commonwealth of the Northern Mariana Islands.

(e) All funds recovered for penalties from violations of this Chapter shall be paid into a special account within the General Fund and is hereby continuously appropriated without fiscal year limitation to CUC who shall have expenditure authority over such funds for the sole purpose of ensuring compliance and enforcement of this Chapter.

(f) This Chapter does not affect any civil remedies for personal injury or property (including underground utilities) damage except as otherwise specifically provided for in this Chapter.”

(c) Title 4, Division 8, Chapter 2, Section 8202 of the Commonwealth Code is hereby amended by adding the following two (2) definitions:

“(1) “Primary lines” means lines that deliver electricity at voltages over 600 volts.

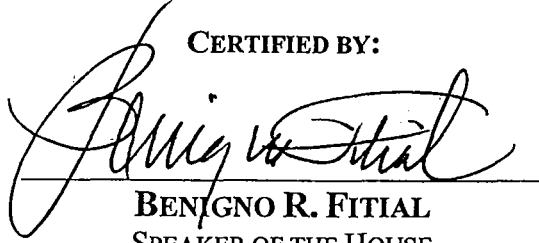
(2) “Secondary lines” means lines that deliver electricity at voltages ranging from 120 to 600 volts.”

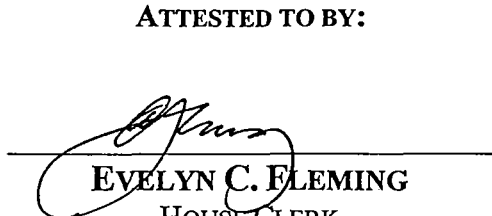
Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying,

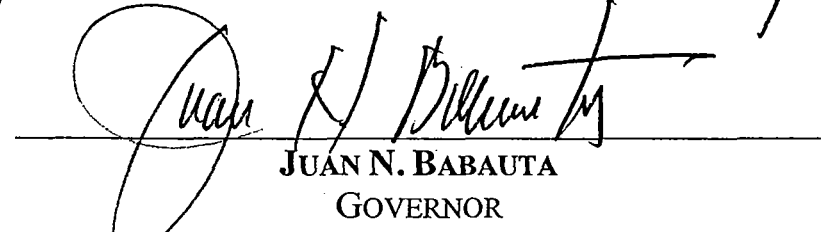
any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon becoming law without such approval.

CERTIFIED BY:

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:

EVELYN C. FLEMING
HOUSE CLERK

Approved on this 28th day of May, 2004


JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS