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AN ACT

To prohibit construction in the rock islands of Koror, to provide penalties for violations of this Act, and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

1 **Section 1. Findings.** The Ninth Koror State Legislature hereby finds that any construction
2 or development in the publicly owned rock islands of Koror may pose a threat to the fragile marine
3 environment, particularly if there are overnight accommodations. The presence of buildings and
4 lights, along with human activities, may have a detrimental effect on the environment, and upon
5 wildlife.

6 The Legislature further finds that under 35 PNC 210(e), the Palau Public Lands Authority
7 (PPLA) shall have the power to lease or make other disposition of public lands “with the approval
8 of the government of the State within whose geographical boundaries the subject lands are situated
9 and pursuant to the laws of the Republic and that state”. 35 PNC 215© also provides that each State
10 public lands Authority shall have such rights, interests, powers, responsibilities, duties, and
11 obligations as may be granted by the PPLA, “provided that said grant and delegation by the
12 Authority is limited only to those rights, interests, powers, responsibilities, duties, and obligations
13 inherent in the Authority”. Because the PPLA must receive the approval of the State government
14 for leases of public lands, and because the Koror State Public Lands Authority (KSPLA) can have
15 no rights greater than the PPLA, then the KSPLA must also receive the approval of the State of Koror
16 for any leases of public lands. The Legislature therefore has the authority to prohibit the leasing of
17 the rock islands which are public lands. Regardless of whether the lands are “public lands” or
18 otherwise, the Legislature has been delegated the authority to “zone” all lands in Koror under 31
19 PNC 501-505 and related laws.

20 It is in the best interests of the people of the State of Koror to declare a moratorium on the
21 erection of buildings and overnight accommodations at all beaches in the rock islands of Koror other
22 than Koror State “summer houses” and similar tourist facilities.

1 **Section 2. Definition of construction; exceptions.** As used in this Act:

2 (1) “construction” means any form of building, erection, or development, including the
3 building of houses, hotels, hostels, apartments, sheds, shelters, lodging, or accommodations, and
4 related facilities such as kitchens, cooking facilities, showers, baths, toilets, and other structures.
5 This definition shall not apply to construction or improvements made or erected by Koror State
6 Government or its contractors for the benefit of visitors to the rock islands, such as bio-toilets,
7 summer houses, picnic tables and benches, cooking facilities, water catchment or storage, and similar
8 improvements.

9 (2) The prohibitions of this Act shall not apply to written exemptions granted by the
10 Governor for temporary structures not to exceed one (1) year in duration, after which time all such
11 temporary structures shall be removed unless they remain for the benefit of tourists and/or local
12 residents. No permission may be given for any private construction intended for the benefit of
13 tourists.

14 **Section 3. Prohibition against construction.** It is unlawful to engage in or to perform any
15 construction in the State of Koror except on the following islands:

16 (1) the island of Koror.

17 (2) the island of Ngerkebesang.

18 (3) Malakal Island.

19 (4) the portion of Uchulangas known as Lot 40851 and Lot 40879, and Long Island.

20 (5) the entire island consisting of Lots 40997, 40999, and 40587 (formerly known as “Cave
21 Inn”).

22 (6) any other small islets or islands joined by causeway or bridge to the foregoing;

23 (7) this Act shall not affect or prohibit construction at “Dolphins Pacific”, or at any other site
24 that has been leased for development prior to the effective date of this Act.

25 (8) this Act shall not prohibit the grant of authority by Koror State Government to “fill”
26 marine areas below the ordinary high water mark on the islands of Koror, Ngerkebesang, Malakal,
27 Long Island, or any written permission to fill any such areas granted before the effective date of this

First Special Session, May 2010

1 Act.

2 **Section 4. Penalties.**

3 (1) Any person who violates any provision of this Act shall, upon conviction, be sentenced
4 to pay fine in the amount of \$500.00 (five-hundred dollars). Each building, erection, or separately
5 constructed facility shall be deemed a separate offense which may be separately punished.

6 (2) Any person who aids, abets, counsels, commands, induces, or procures or causes the
7 commission of an offense under this Act, which if directly performed by him would be a violation
8 of this Act, shall be punished as a principal. No distinction is made between principals in degrees,
9 and no distinction is made between a principal and what may be referred to as an accessory before
10 the fact.


11 (3) Each separate day that this Act is violated shall be deemed a separate offense, which may
12 be punished separately. No offense shall be deemed continuing.

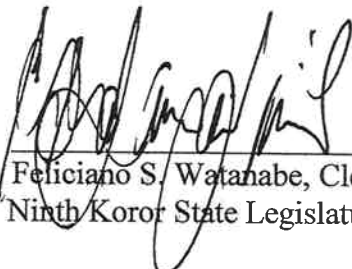
13 **Section 5. Severability.** In the event that a court of competent jurisdiction determines that
14 any part or portion of this Act are invalid or otherwise unenforceable, then the offending part or
15 portions may be stricken, and the remaining portions shall continue in full force and effect.

16 **Section 6. Effective Date.** This Act shall become effective upon its becoming law by
17 operation of the Koror State Constitution.

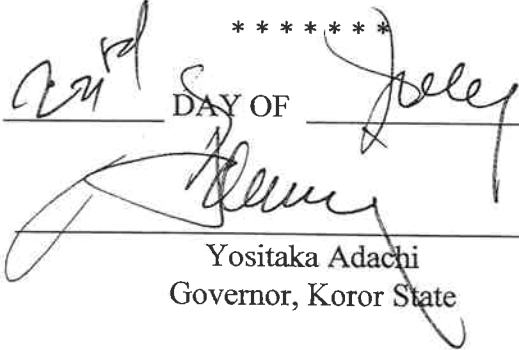
PASSED: July 13, 2010

AS CERTIFIED AND ATTESTED TO BY:


Legislator Eyo Rudimch, Speaker
Ninth Koror State Legislature


Feliciano S. Watanabe, Clerk
Ninth Koror State Legislature

APPROVED ON THIS 13th DAY OF July, 2010.


Yositaka Adachi
Governor, Koror State