

A BILL

To establish a Port Commission for the State of Koror and for other purposes.

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

PART I. LEGISLATIVE FINDINGS AND PURPOSE.

The Legislature finds that (A) the Port of Koror is an essential component of the economic life and well being of the citizens of Koror, (B) the Port Facilities located on lands owned by the people of Koror should be operated in the most efficient and technologically advanced manner and (C) continuing supervision and review by the public will enhance the quality and efficiency of operations of the Port.

PART II. PORT COMMISSION OF KOROR.

Title - is added to the Koror State Code as follows:

SECTION 101. DEFINITIONS.

As used in this Title, the following definitions shall apply.

- (a) Commission shall mean the body created in accordance with Section 102 hereof.
- (b) Fees shall mean charges imposed by Koror State and collected by an Operator for the purposes of financing facilities, studies and services provided or conducted by the State of Koror which are directly related to the operation of the Port and Port Facilities.
- (c) Malakal Sea Terminal shall mean that portion of the Port which is located on Malakal Island, owned by or controlled by the Koror State Public Lands Authority or the State of Koror, which serves the shipping community for the maritime transportation of goods to and from locations outside the Republic of Palau.
- (d) Operator shall mean the tenant of any lease entered into by the Koror State Public Lands Authority giving to such tenant the right to operate the Malakal Sea Terminal.

Port Commission
Page 2.

- (e) Port shall mean all publicly owned lands within the State of Koror which are adjacent to the sea and from which access by a maritime vessel to the open ocean can be obtained.
- (f) Port Facility shall mean any dock, wharf, buoy warehouse, storage area or other facility located on land within the Port, or in an adjacent marine area, provided that such land or marine area is owned or controlled by Koror State or the Koror State Public Lands Authority.
- (g) Tariff shall mean a schedule of rates and charges imposed and collected by an Operator of a Port Facility, for operator's own retention and use, from maritime shipping customers for mooring or docking.

SECTION 102. ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION:

- (a) There is hereby created a Port Commission of the State of Koror.
- (b) The Commission shall consist of 5 members who shall be as follows:
 - (i) One member to be designated by the House of Traditional Leaders from the State of Koror who will serve a three year term.
 - (ii) One member to be designated by the Koror State Legislature who will serve a three year term.
 - (iii) One member to be designated by the State Executive Administrator as a representative of the Koror Business and Commercial Community who shall be selected with the advice and consent of two thirds (2/3) of the members of the Legislature and two thirds (2/3) of the members of the House of Traditional Leaders and who will serve a three year term.

Port Commission
Page 3.

- (iv) One member to be designated by the State Executive Administrator as a representative of the NgarMetal who shall be selected with the advice and consent of two thirds (2/3) of the members of the Legislature who will serve a three year term, except as set forth in Section 102(d).
- (v) One member to be designated by the State Executive Administrator as a representative of the NgarMaiberel who shall be selected with the advice and consent of two thirds (2/3) of the members of the House of Traditional Leaders and who will serve a three year term, except as set forth in Section 102(d).
- (c) In addition, the Director of Resources and Development of Koror State shall be an ex officio, non-voting member of the Commission.
- (d) The initial term of the members designated in Section 102(b)(iv) and 102(b)(v) shall be for two years and all subsequent terms shall be for a period of three years.
- (e) Vacancies in the Commission shall be filled in the same manner as the original appointment.

SECTION 103. COMPENSATION OF COMMISSION MEMBERS.

- (a) Limitation on Compensation.

Subject to an appropriation by the State Legislature, Members of the Commission may be compensated at a rate not to exceed \$25.00 per meeting. Aggregate annual compensation per member shall not exceed \$500.00.

Port Commission
Page 4.

SECTION 104. POWERS AND DUTIES OF THE COMMISSION.

- (a) Annual Study and Review.
- (i) The Commission shall conduct an annual study and review of the facilities and operation of the Port of Koror, to the extent that such facilities are located and operations occur on lands owned or controlled by the Koror State Public Lands Authority or the State of Koror.
 - (ii) The annual study and review shall be completed no later than August 31 of each year.
 - (iii) The annual study and review shall include an evaluation of proposals for improvements to, or expansion of, the facilities and operations.
 - (iv) The annual study and review shall include an evaluation of whether or not Koror State Legislature should establish a Tariff of maximum rates and charges to be imposed by the Operator of the Malakal Sea Terminal.
- (b) Lease of Port Facilities.

The Commission shall submit its comments and recommendations upon any lease or renewal thereof, for any Port Facility owned by or held in trust for the people of Koror State to KSPLA sixty days prior to grant or renewal of such a lease.

SECTION 201. SEVERABILITY.

If any portion of this Act determined to be invalid by a court of competent jurisdiction, then such offending portion or portions may be stricken, and the remainder of this Act shall continue in full force and effect.

FOURTH KOROR STATE LEGISLATURE
SECOND REGULAR SESSION, MARCH 1994

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(Intro. as Bill No. 4-22)

Port Commission
Page 5.

SECTION 202. EFFECTIVE DATE.

This Act shall become effective upon approval by the House of Traditional Leaders, or by operation of the Koror State Constitution, which ever occurs first.

DATE PASSED: September 01, 1994

CERTIFIED BY: /s/ _____ ATTESTED TO BY: /s/
Salvador Tellames, Speaker Lydia W. Ngirmeriil, Clerk

APPROVED ON THIS 12th DAY OF October 1994.

/s/
Ibedul Yutaka M. Gibbons, High Chief