

A BILL FOR AN ACT

To preserve the Rock Island environment and to provide facilities for tourists engaging in scuba diving in the waters of the State of Koror.

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

SECTION 1. FINDINGS.

The People of Koror, represented in the Fourth Koror State Legislature, find that a principal attraction for tourists in the Republic of Palau is the opportunity to engage in scuba diving in the waters of Koror, to originate their scuba diving expeditions in Koror, and to travel through Koror waters to various diving locations. Rest and recreational locations ashore within the Rock Island area are being used indiscriminately and without adequate attention to preservation and conservation.

The Legislature further finds that the number of dive boats travelling and mooring in Koror waters, and the number of divers in the water who touch or remove coral, or other forms of marine life, create a direct and sometimes detrimental impact on the delicate marine environment of the Rock Island region of Koror.

The Legislature further finds that activities and operations within the Rock Island region should be managed and supervised to minimize the adverse impact upon the marine resources and environment. In particular, rest and recreational locations, including picnic areas, and especially, mooring areas should be confined to and supported at specific designated locations.

The Legislature further finds that the National Constitution provides that each state shall be entitled to revenues derived from the exploration and exploitation of marine resources from the land to twelve (12) nautical miles seaward, and for fines collected for the violation of any law from the land to twelve (12) nautical miles seaward.

SECTION 2. DEFINITIONS.

As used in this Act, the following words shall have the meaning set forth below:

- A. "Diver" shall mean any tourist or other visitor to Palau who uses or intends to

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use a self contained underwater breathing apparatus, or any other device intended to deliver air to a person underwater, while in the waters of the State of Koror.

- B. "Dive Boat Operator" shall mean every individual, partnership, corporation, business association, joint-venture, trust, trustee, or any other organization, which transports a Diver or Divers to scuba-diving locations in the State of Koror for the purpose of scuba-diving, regardless of whether or not the Diver pays consideration in exchange for such transport; such meaning when used in the singular shall also mean the plural, and shall also include the masculine and the feminine.

### SECTION 3. ISSUANCE QF PERMIT AND IDENTIFICATION CARD AND COLLECTION OF FEES.

A. Every Dive Boat Operator who takes a Diver to a dive location within the waters of the State of Koror for the purpose of scuba diving, shall be responsible for issuing a Diving Permit (hereafter Permit) for each and every Diver so transported. Concurrently with the issuance of the Permit, the Dive Boat Operator shall pay or collect the fees described in Section 3.B hereof, and shall hold such collected permit fees in trust until such time as the fees are transmitted to the Koror State Treasury as set forth in Section 4. A Dive Boat Operator may, but need not, require the individual Diver to reimburse the Dive Boat Operator for payment of the fees required incident to the issuance of each Permit.

B. There is hereby imposed on each Diver an impact fee in the amount of Fifteen Dollars (\$15.00) for a 30 day period, or One Hundred (\$100.00) for each period of twelve calendar months during which such Diver dives in, the waters of the State of Koror. The waters of the State of Koror include all of the territory defined in Article I, Section 2 of the Koror State Constitution. Concurrently with the issuance of the Permit described in Section 3.A and 3.C, each Dive Boat Operator or other person issuing such Permit shall collect the fee prescribed in this Section 3.B.

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C. The Permit shall set forth the name of the Diver, the issuance date, the amount paid, and the name of the Dive Boat Operator. The Permit shall be delivered to the Diver. Such Permit shall be valid for a period of up to one year from the date of issue.

D. Every Diver scuba-diving in the waters of the State of Koror must have in his or her possession a currently valid Permit. Such current Permit must be carried in the boat which transports the Diver. In the event that a Diver has previously been issued a permit, the Diver must present the Permit to a Dive Boat Operator providing services to the Diver.

E. No person or Dive Boat Operator may take a Diver to any location within the waters of the State of Koror, unless and until such person has inspected the Permit, and confirmed that it is valid and current. The Dive Boat Operator may hold the Permit for any Diver and must present such Permit upon demand of any person authorized to enforce this Act.

F. Every Diver, or the Dive Boat Operator providing service to such Diver, must present the Permit issued pursuant to this Act upon demand of any Koror State Law Enforcement Officer, or upon demand of any other person authorized by this Act to inspect the Permit.

G. Koror State shall make available serially numbered blank form Permits to Dive Boat Operators and other persons who issue or intend to issue Permits on a routine and regular basis. Such Dive boat Operators or persons shall keep records of each such permit issued in accordance with Section 2.H, hereof.

H. The person who issues the Permit and who collects the fee imposed by this Act shall keep a record of issuance of each Permit and shall surrender or give up possession of such record only upon the demand of an authorized representative of Koror State.

I. The Koror State Marine Rangers, or any other law enforcement personnel of the State of Koror, or the National Police, or any other person authorized by the State Executive Administrator, may demand to inspect the Permit issued pursuant to this Act, from

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any Diver present in the waters of the State of Koror. Upon such demand, any Diver, or any Diving Boat Operator, shall present the Permit, or a copy thereof, for inspection.

SECTION 4. PURPOSES AND USES QF FEES AND, REVENUES.

A. All fees collected pursuant to this Act shall be used for the following purposes and only such purposes:

- (1) to develop a marine program plan for the State of Koror;
- (2) to maintain and protect diving sites;
- (3) preparation of an annual Rock Island Marine Preserve and Archaeological Report;
- (4) to recruit and compensate a qualified marine biologist, or other person or organization knowledgeable in marine ecosystems to advise Koror State on the maintenance and preservation of the Rock Island marine environment;
- (5) to erect, construct, and maintain picnic facilities and shelter structures at locations in the Rock Islands frequented by scuba divers as picnic or rest areas;
- (6) to construct and maintain a "benzo" at each picnic or rest area frequented by scuba divers;
- (7) to purchase or construct trash receptacles at designated locations in the Rock Islands, and to transport trash and other solid waste from the Rock Islands to the land fill in Koror proper;
- (8) to pay for installation and maintenance of mooring buoys at appropriate dive locations and at designated picnic or rest areas;
- (9) to prepare and distribute circulars at hotels and other places of accommodation for tourists engaged in diving activities regarding the appropriate treatment and observation techniques for sensitive coral and other forms of marine life.
- (10) to provide revenues for the Koror State Marine Rangers for training, equipment, fuel and oil, boats and facilities.

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SECTION 5. TRANSMITTAL OF FEES.

A. Each Dive Boat Operator responsible for the issuance of a Permit required by this Act shall transmit to the Koror State Treasury all fees collected pursuant to this Act, on a quarterly basis. All such fees shall be transmitted by April 15th, July 15th, October 15th, and January 15th of each year. The first quarterly payment called for hereinabove shall be due and payable on April 15, 1995, and shall cover the period from January 1, 1995 through March 31, 1995. The next quarterly period shall commence on April 1, 1995 and shall continue through June 30, 1995.

B. Interest shall accrue on all unpaid amounts at the rate of ten percent (10%), per annum for each 30 day period (following the quarterly due date), or fraction thereof, that such fees remain unpaid.

C. All fees, fines and interest are due and payable to the Koror State Treasury.

SECTION 6. FINES AND PENALTIES.

A. Any diver, Dive Boat Operator or person who violates any provision of Section 3 of this Act shall upon conviction pay a fine in the amount of \$100.00, or be imprisoned for up to six (6) months in jail, or both. Upon conviction of a second offense under Section 3 of this Act, the minimum sentence shall be \$100.00 fine and at least three (3) days in jail.

B. Any person authorized by the State Executive Administrator may request an inspection of copies or records of Permits issued pursuant to this Act. Upon such a request for inspection, a Dive Boat Operator shall allow inspection of copies of all Permits issued by such Dive Boat Operator or the records of such issuance during the preceding 12 months. If any person fails to allow inspection of the copies of the Permit, or the records thereof, after a written request by a person authorized by the State Executive Administrator to make such request, then such person may be found guilty of a misdemeanor and maybe made subject to a fine in an amount not to exceed One Hundred Dollars (\$100:00) for each day that such copies, or the records of issuance of the Permits are not produced for inspection.

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C. In addition to the above mentioned fines and interest Koror State Government may revoke any business license issued to any person who fails to pay the fee called for by this Act, and such license shall be suspended until such time as all fees and interest are paid to Koror State Treasury. In addition to any other legal remedy, and in view of the fact that Koror State Government will be irreparably harmed by the failure comply with the terms of this Act, the Koror State Government may seek a Temporary Restraining Order to prevent any such person from continuing to operate as a Dive Boat Operator until all such fees and interest are brought current.

SECTION 7. EFFECTIVE DATE AND TERMINATION.

A. This Act shall become effective upon approval pursuant to 40 PNC 2103 and shall take effect on January 01, 1995.

B. The fees collected by this Act shall be collected indefinitely, or until such time as all of the recreational and mooring facilities in the Rock Islands region of the Koror State have been closed and the Annual Report regarding marine resources and archaeology has been discontinued.

SECTION 8. SEVERABILITY.

If a court of competent jurisdiction determines that any portion or portions of this Act are invalid, then such offending portion or portions shall be stricken, but the remainder of this Act shall continue in full force and effect.

DATE PASSED: OCTOBER 4, 1994

CERTIFIED BY:

ATTESTED TO BY:

/s/ \_\_\_\_\_  
Salvador Tellames, Speaker

/s/ \_\_\_\_\_  
Lydia W. Ngirmeriil, Clerk

APPROVED ON THIS 12<sup>th</sup> DAY OF October 1994.

/s/ \_\_\_\_\_  
Ibedul Yutaka M. Gibbons, High Chief