

AN ACT

To repeal Koror Municipal Ordinance No. 20-61, also designated as Koror Municipal Ordinance No. 121-61, to allow inspection and monitoring of national government standards applicable to the manufacture of alcohol, to provide for penalties for violations of this Act, and for related purposes.

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

Section 1. Repeal of prior law. Koror Municipal Ordinance No. 20-61, also labeled as Koror Municipal Ordinance 121-61, "An ordinance prohibiting the manufacture and consumption of locally manufactured alcoholic beverages" is hereby repealed in its entirety.

Section 2. Inspection and monitoring by Koror State Government.

I
A. Koror State Government may during normal business hours inspect any facility or location where locally manufactured alcoholic beverages are made, produced, or manufactured in the State of Koror, and may insure compliance with applicable national laws and regulations by causing Koror State Government to revoke the Koror State business license issued for the production of locally manufactured alcoholic beverages. Koror State Government shall notify any person in writing of the revocation of a Koror State business license, stating the reasons for the revocation, and such license shall be considered revoked as of the time such written notice is delivered to the person who holds the license, or to the premises where locally manufactured alcoholic beverages are manufactured or produced. Such business license shall remain revoked until the manufacturer cures the defects that caused the business license revocation as stated in the notice of revocation.

B. Any person who has a business license revoked under this section may

appeal such revocation to the State Executive Administrator within ten (10) days, and the State Executive Administrator shall allow the manufacturer with the revoked license to appear and present testimony and evidence as to why the business license should not be revoked. Within ten (10) days of hearing by the State Executive Administrator, the State Executive Administrator shall reinstate the business license, or shall state in writing that the business license shall remain revoked until a certain time, or until certain conditions are met or complied with by the manufacturer. A person who has had the business license revocation affirmed by the State Executive Administrator shall have one (1) year from the date of the written decision by the State Executive Administrator to file an action for relief in the Supreme Court of the Republic of Palau. No action may be filed in the Supreme Court of the Republic of Palau to challenge the revocation of a business license unless and until the person with the revoked license appeals to the State Executive Administrator and receives an unfavorable ruling from the State Executive Administrator.

C. Any person who produces, makes, manufactures, or otherwise creates any locally manufactured alcoholic beverage without a valid Koror State business license shall be punished, in addition to any other applicable penalty provided by law, by a fine in the amount of \$100.00 for each offense. Each day that locally manufactured alcoholic beverages are produced, made, manufactured, or otherwise created in violation of this section, shall constitute a separate violation that may be separately punished.

Section 3. Severability. In the event that a court of competent jurisdiction determines that any part or portion of this law is invalid, then the offending portion or portions may be stricken, and the remaining portions shall continue in full force

and effect.

Section 4. Effective date. This Act shall become effective upon its approval by the House of Traditional Leaders or upon its becoming law without such action.

PASSED: May 13, 1997

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker
5th Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
5th Koror State Legislature

APPROVED ON THIS 30TH DAY OF May, 1997.

/s/
Ibedul Y. M. Gibbons
House of Traditional Leaders