

AN ACT

To manage the islands of Ngemelis by diverting motorized boats from the area in an effort to decrease erosion of the islands, protect fragile coral reefs from damage, and maintain water clarity and quality.

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

Section 1. LEGISLATIVE FINDINGS AND PURPOSE. The Legislature finds that the Ngemelis islands have sustained negative environmental impacts from over-use of the area by motorized boats, resulting in beach erosion, water pollution and other threats. The Legislature finds that special protection must be given to the preservation of the marine resources surrounding the Ngemelis islands in order to protect the marine ecosystems while allowing for the sustainable use of land and marine resources by local people and tourists.

Section 2. DEFINITION OF TERMS. The following definitions apply in this Act:
(A) "Ngemelis islands" is defined for purposes of this Act, as the four known as Dmasech, lilblau, Cheleu and Bailechesengel and the islets of Desomel and Ngis.

(B) "Motor vessel" is defined as every type or description of craft that is propelled by machinery, including combustion engines, electric engines, jet engines, and engines propelled by propane or hydrogen, or any combination of the foregoing, regardless of whether such machinery is the principal source of power. This definition includes, but is not limited to, motor boat, houseboat, power boat, jet boat, jet ski, ski boat, fishing boat, towboat, flatboat, cruiser, motor vessel, ship, barge, scow, tug, floating cabana, charter boat or ferryboat.

(C) "Operator" is defined as any person who operates and/or has charge of the navigation or use of a motor vessel.

(D) "Emergency Purposes" is defined as situations where a person's physical safety is in danger, either due to a person's physical health or due to natural causes such as inclement weather.

Section 3. UNLAWFUL ACTIVITIES.

(A) It shall be unlawful for any person to operate any motor vessel between or through the islands of Bailechesengel and Cheleu, Cheleu and lilblau, lilblau and Dmasech, Dmasech and Ngis, and Ngis and Desomel, subject to the exceptions listed in Section 3 (B).

SIXTH KOROR STATE LEGISLATURE
Third Regular Session, January-March 1999

KSPL No. K6-97-99
(Bill No. 6-28, LD2, HD1)

(B) The following persons are exempt from Section 3(A):

1. Those persons who must operate a motor vessel between the islands and islets for emergency purposes.
2. Those persons who operate a motor vessel between the islands and islets for purposes of research and monitoring by written permit.
3. Those persons who operate a motor vessel between the islands and islets for purposes of law enforcement purposes.
4. Those persons who operate a motor vessel between the islands and islets as otherwise permitted by law or by written permit.

Section 4. PENALTIES. Any person who violates any provision of this Act, or who attempts to violate any provision of this Act, or who conspires to violate any provision of this Act shall, upon conviction of a first offense, pay a fine in the amount of \$100.00 or be sentenced to three (3) days

in jail, or both. Upon a conviction of a second offense, the penalty shall be \$100.00 or five (5) days in jail, or both. Upon conviction of a third and subsequent offenses, the penalty shall be \$100.00 or up to ninety (90) days in jail, or both.

Section 5. SEVERABILITY. In the event that a Court of competent jurisdiction determines that any portion or portions 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 6. EFFECTIVE DATE. This Act shall become effective upon its approval by the House of Traditional Leaders of the State of Koror, or upon its becoming law by operation of the Koror State Constitution.

PASSED: APRIL 8, 1999

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker
6th Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
6th Koror State Legislature

APPROVED ON THIS 19th DAY OF April, 1999.

/s/
John Gibbons, Governor
Koror State

APPROVED ON THIS 28 DAY OF April, 1999.

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