

SEVENTH KOROR STATE LEGISLATURE

Fifth Special Session, January-February, 2004

KSPL NO. K7-145-2004
(Introduced as Bill No. 7-34, LD1, HD1)

AN ACT

To repeal and amend sections 2 and 3 of Koror State Public Law No. K6-90-98 relating to the membership of the Board of Trustees of the Koror State Public Lands Authority, 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 Seventh Koror State Legislature hereby finds that the
2 Koror State Public Lands Authority is created and empowered by statute codified at 35 PNC 201
3 et seq., and that the Palau Public Lands Authority has the authority to regulate the operations of
4 the State Public Lands Authorities by law. The Palau Public Lands Authority has promulgated
5 Regulations to govern the State Public Lands Authorities, and in particular, Part IV, section 4 of
6 the regulations apply to State Public Lands Authority members who have been convicted of a
7 felony. Part VI, section 4(D) of the PPLA Regulations provide that a State Public Lands
8 Authority Board member who is convicted of a felony “shall be removed as trustee by operation
9 of these
10 regulations”.

11 The Seventh Koror State Legislature further finds that Yutaka M. Gibbons has been
12 serving as the Chairman of the Koror State Public Lands Authority, but that he has been
13 convicted of a felony in Republic of Palau Criminal Case No. 03-31, and that pursuant to his
14 “Order of Pardon”,
15 he will continue serving his sentence for that felony until August 17, 2006.

16 The Seventh Koror State Legislature finds that it is in the best interests of the people of
17 the State of Koror to amend the existing law that establishes the composition of the Koror State
18 Public Lands Authority Board of Trustees, and to provide for the appointment of new Board
19 members pursuant to the amended law. It is also in the interests of the people to allow for the
20 removal of a
21 Board member for cause.

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22 **SECTION 2. REPEAL OF SECTIONS “2” AND “3” OF KOROR STATE**

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1 **PUBLIC LAW NO. K6-90-98 RELATING TO THE COMPOSITION OF THE BOARD**
2 **OF TRUSTEES OF THE KOROR STATE PUBLIC LANDS AUTHORITY;**
3 **TRANSITION.**

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1 A. Sections “2.” and “3.” of Koror State Public Law No. K6-90-98 are hereby repealed
2 in their entirety, and the following language shall be added as a new section “2.” and a new
3 section
4 “3.” to KSPL No. K6-90-98, to read as follows:

5 “SECTION 2. COMPOSITION OF BOARD OF TRUSTEES OF THE KOROR
6 STATE PUBLIC LANDS AUTHORITY; STAFFING. The Koror State Public Lands
7 Authority Board of Trustees shall be comprised of seven (7) members, all of whom shall
8 be appointed by the Governor with the advice and consent of the Koror State Legislature.
9 Three members as designated by the Governor shall be appointed for an initial term of
10 two years, and four members as designated by the Governor shall be appointed for an
11 initial term of three years, and after such initial terms, all subsequent appointees shall
12 serve for a term of three years. When the Board has been fully constituted, the Board
13 shall select a
14 Chairman and other appropriate officers. The Board may also hire and supervise their
15 own staff subject to availability of funding in the Koror State budget. A Board member
16 may be removed for cause by a vote of five (5) Board members or two-third (2/3) of the
17 membership of the Legislature.”

18 SECTION 3. TRANSITION. The current members of the Koror State Public
19 Lands Authority Board of Trustees shall continue to serve until at least five (5) new
20 Board members have been approved by the Legislature in accordance with this Act. The
21 Governor shall make his designations for new appointees within thirty (30) days after the
22 effective date of this Act, and if any designee is not approved by the Legislature, then a
23 new appointee
24 shall be designated by the Governor within thirty (30) days after the Legislature declines
25 the appointment of any designee. The first five Board members may appoint a temporary
26 Chairman to preside over meetings until all seven members have been appointed. In the

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1 event of any vacancy, then the Governor shall submit the name of a new appointee within
2 thirty (30) days of such vacancy. “

3 **SECTION 3. SEVERABILITY.** In the event that a court of competent jurisdiction
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1 determines that any part or portion of this Act are invalid or otherwise unenforceable, then the
2 offending part or portions may be stricken, and the remaining portions shall continue in full force
3 and effect.

4 **SECTION 4. EFFECTIVE DATE.** This Act shall become effective upon its becoming
5 law by operation of the Koror State constitution.

PASSED: April 1, 2004

CERTIFIED BY:

ATTESTED TO BY:

_____/s/_____
Yositaka Adachi, Speaker
Seventh Koror State Legislature

_____/s/_____
Charlyne Uong, Clerk
Seventh Koror State Legislature

* * * * *

APPROVED THIS _____ DAY OF _____, 2004.

John C. Gibbons
Governor, Koror State

* * * * *

disAPPROVED THIS 30th DAY OF THE April , 2004.

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

OVERRIDE ACTION BY THE SEVENTH KOROR STATE LEGISLATURE ON MAY 6, 2004, WAS DULY CARRIED BY ROLL CALL VOTE OF 13 to 4.

CERTIFIED BY:

ATTESTED TO BY:

_____/s/_____
Yositaka Adachi, Speaker
7th Koror State Legislature

_____/s/_____
Charlyne Uong, Clerk
7th Koror State Legislature

*Koror State Legislature Voting Sheet is attached to the hard copy of K7-145-04.