

SEVENTH
KOROR STATE LEGISLATURE
THIRD REGULAR SESSION
JANUARY-APRIL, 2003

AN ACT

To amend section "3.D.3(a)" of Koror State Public Law No. K4-68-95 relating to fees charged for non-commercial fishing licenses, to prohibit fishing on Koror island by non-Palauan citizens, to repeal sections "6.B." and "6.C." of Koror State Public Law No. K4-68-95 relating to forfeiture and other penalties, and for related purposes.

INTRODUCED BY: Speaker Yositaka Adachi

DATE INTRODUCED: April 23, 2003

LEGISLATIVE ACTION

FIRST READING	:	April 23, 2003
COMMITTEE REFERRED TO	:	Ways and Means
STANDING COMMITTEE REPORT	:	No. 38
ADOPTED	:	April 28, 2003
SECOND AND FINAL READING	:	April 28, 2003

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

Section 1. Findings. The Seventh Koror State Legislature hereby finds that non-Palauan

citizens are taking advantage of low fishing license fees and are actually engaged in commercial fishing activities in the State of Koror, including selling of fish caught on a non-commercial fishing license.

The Legislature further finds that commercial and development activities in the State of Koror have

had a significant impact on the fragile marine ecosystem, and upon the reef flats and fisheries habitats immediately surrounding Koror. Toxic and harmful substances leaching from the dump at M-Dock, construction and earthmoving activities, destruction of mangroves, and the pollution caused by the discharge from the sewage treatment plant in Malakal are all examples of matters that have had a significant impact on the waters and marine environment surrounding Koror, leading to impacts upon fisheries at all levels of the food chain. The reduction of fisheries habitat has lead to a reduction

in food sources, and a consequential reduction in fish populations around Koror. By allowing Palauan citizens a "preference" for fishing from land in Koror, local fishing practices will have less of an impact

on strained fishery populations, and will help to promote sustainable fishing in the local waters of

Koror.

Article X, section 3 of the Koror State constitution provides that the State shall take all reasonable and necessary steps to promote the well being of the people of Koror, and Article VIII,

section 6(4) similarly empowers the Legislature to promote the well being and welfare of the people of the State of Koror. Article IV, section 5 of the constitution of the Republic of Palau provides that,

"The government shall take no action to discriminate against any person . . . except for the preferential treatment of citizens." These constitutional provisions justify the need to restrict local fishing activities in favor of Palauan citizens, in order to insure the sustainability of local fish populations for future generations of Palauans.

The Seventh Koror State Legislature further finds that due to court decisions, portions of the "Penalty" sections of Koror State Public Law No. K4-68-95 are unenforceable, and should be repealed. Specifically, the Appellate Court has ruled that Koror State is not entitled to forfeiture of boats and fishing equipment, and that the State governments are limited to a maximum penalty of \$100.00, and a maximum jail sentence of up to ninety (90) days.

Section 2. Amendment of section "3.D.3.(a)" of Koror State Public Law No. K4-68-95.

Section "3.D.3.(a)" of Koror State Public Law No. K4-68-95 is hereby amended to read as follows:

"3. Non-commercial fishing.

(a) For any non-Palauan citizen engaged in non-commercial fishing (excluding net fishing, for which the fee is \$50.00 per month), the annual fee is \$200.00 or \$20.00 per month. It shall be unlawful for any non-Palauan citizen to engage in fishing activities of any kind on any land or improvements to land on the island of Koror, and non-Palauan citizens may only engage in fishing activities from a boat or other duly registered watercraft. The term "island of Koror" means the islands of Koror, Malakal, and Ngerkebesang, and all islets or land areas connected by road or causeway to Koror, Malakal, or to Ngerkebesang island and all fringing reefs joined to such islands and land areas."

Section 3. Repeal of sections "6.B." and "6.C." of Koror State Public Law No. K4-68-95.

Sections "6.B." and "6.C." of Koror State Public Law No. K4-68-95 are hereby repealed in their entirety.

Section 4. Severability. In the event that a court of competent jurisdiction determines that

any part or portion of this Act are invalid or otherwise unenforceable, then the offending part or portions may be stricken, and the remaining portions shall continue in full force and effect.

Section 5. Effective date. This Act shall become effective upon its becoming law by operation of the Koror State Constitution.

PASSED: April 28, 2003

CERTIFIED BY:

ATTESTED TO BY:

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

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

APPROVED THIS 28th DAY OF THE May, 2003.

John C. Gibbons
Governor, Koror State

APPROVED THIS 28th DATE OF THE May, 2003.

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