

A BILL FOR AN ACT

To manage Koror’s Rock Islands and water resources and to repeal KSPL No. K6-113-2000 ("Year 2000 Rock Islands Management and Conservation Act"), and the amendments thereto, KSPL No. K6-126-2001 and KSPL No. K8-180-2007, and for related purposes.

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

Section 1. Short title.

This Act shall be known as the Rock Islands Management and Conservation Act.

Section 2. Findings.

The people of Koror represented by the Eighth Koror State Legislature find that because of recent court decisions, enforcement problems, and changes in national immigration policy and practices, it is necessary to revise The Year 2000 Rock Islands Management and Conservation Act, KSPL No. K6-113-2000, and the amendments thereto, KSPL No. K6-126-2001 and KSPL No. K8-180-2007, in order to clarify certain terms, provisions, and requirements of the Act and to facilitate the fair and equitable enforcement of the Act for the benefit of the Rock Islands and the people of Koror.

Section 3. Definitions.

(a) Rock Islands. This term shall refer to all islands, including the land and beaches within the territorial jurisdiction of the State of Koror unless otherwise excepted. For purpose of this Act, "Rock Islands" does not include the island of Malakal, Arkebesang, Ngerur Island, Koror Mainland and any other small islets or islands joined to Malakal, Arkebesang or Koror Mainland by causeway or bridge.

(b) Koror Mainland. Koror Mainland includes the entire island of Koror, but does not include the area known as Ngermeuangel.

(c) Palauan Citizen. Any person who is citizen of Palau under national law.

(d) Resident Alien. Any person who is not a citizen of Palau but who resides in Palau. For purposes of this Act, a person resides in Palau when they are physically present in Palau with the intent to remain for a period in excess of ninety consecutive days as

1 visa authorizing entry into Palau for a period in excess of ninety days or United States
2 Military Orders authorizing entry in to Palau for a period in excess of ninety days.

3 (e) Visitor. Any person who is not a Palauan Citizen or a Resident Alien as defined
4 in this Act.

5 (f) Tourist Activity Areas. Tourist Activity Areas are designated areas where Visitors
6 are permitted to enter upon, stay or visit, provided they are in possession of a valid use permit.
7 The following areas, shown on the attached map, are hereby designated as Tourist Activity
8 Areas:

- 9 1. The jellyfish lake on the island of Macharchar, including the designated
10 pathway leading to the lake;
- 11 2. The island of Babelomekang;
- 12 3. The island of Youlomekang;
- 13 4. The beach area of Ngchelobel;
- 14 5. The island of Ngeanges;
- 15 6. The island of Ngermeaus;
- 16 7. The beach area of Ngchus;
- 17 8. Ngeremdiu and the Ngeremdiu Todai Trail (German Lighthouse);
- 18 9. The island of Ulong;
- 19 10. The beach area of Ngeroblobang;
- 20 11. Bkulotuut; and
- 21 12. The Ngemelis Island Group, but only the islands of Dmasech, Uchul A Rois
22 (also known as Arimasuku), Iilblau, Cheleu, and Bailechesngel.

23 (g) Diver. Any Visitor, as defined by this Act, who dives in the waters of Koror using
24 a self-contained breathing apparatus.

25 (h) Tour Operator. Any entity, whether individual, partnership, corporation, non-
26 profit group, joint venture, or other organization, that is engaged in the business of

27 providing recreational activities to Visitors in Palau.

28 (I) Boat Operator. Any person who physically transports any Visitor to go scuba

1 diving,

1 to enter into a Tourist Activity Area, or to engage in any other recreational activity in the
2 waters of Koror.

3 (j) Tour Guide. The person primarily responsible for a Visitor or group of Visitors
4 who go scuba diving, enter into a Tourist Activity Area, or engage in any other recreational
5 activity in the waters of Koror.

6 (k) Valid Rock Island Use Permit. A Rock Island Use Permit, issued by Koror State
7 or its agents, that has been originally issued to one person in their name, has not been
8 transferred, and has been fully paid in advance.

9 (l) Jellyfish Lake. The jellyfish lake on the island of Macharchar, also known as
10 Ongeim L'tketau, including the designated pathway to the lake.

11 (m) Valid Jellyfish Lake Permit. A Jellyfish Lake permit issued by Koror State that
12 has originally been issued to one person in their name, which is paid in advance, and which
13 is not transferable.

14 (n) Waters of Koror. All waters within the territorial jurisdiction of Koror State
15 including waters from the land of Koror State to twelve nautical miles seaward from the
16 traditional baseline.

17 (o) Official guests. Ambassadors and diplomatic corps or staff, foreign dignitaries
18 who are in Palau on official business, foreign government officials and representatives,
19 representatives of religious, scientific, educational, or charitable non-profit organizations, and
20 any other official representatives in Palau to meet with national or state government officials,
21 to participate in an official seminar or conference, or to participate in athletic or educational
22 competitions.

23 **Section 4. Areas reserved for Palauan Citizens and Resident Aliens.**

24 A. All rock islands within the territorial boundaries of Koror not designated as Tourist
25 Activity Areas are reserved for the exclusive use of Palauan Citizens and Resident Aliens.
26 Visitors may not enter, visit, stay or remain on any rock island or portion thereof that has

27 not been designated as a Tourist Activity Area.

28 B. It shall be unlawful for any person to aid, abet, assist, guide or transport any

1 Visitor

1 into or on any rock island or portion thereof that has not been designated as a Tourist
2 Activity Area.

3 C. It shall be unlawful for any Tour Operator to aid, abet, assist, guide or transport
4 any Visitor into or on any rock island or portion thereof that has not been designated as a
5 Tourist Activity Area.

6 **Section 5. Areas Open to Visitors.**

7 A. Visitors may enter, visit, stay or remain on any area specifically designated as a
8 Tourist Activity Area provided they have in their possession or control a valid Jellyfish
9 Lake Permit. Visitors may enter, visit, stay or remain on any area specifically designated as
10 a Tourist Activity Area, with the exception of Jellyfish Lake, provided they have in their
11 possession or control a valid Rock Island Use Permit.

12 B. No portion of this Act shall be construed to prohibit Visitors from utilizing the
13 waters of Koror for the uses set forth in Section 6, provided they have purchased and hold in
14 their possession or control a valid Rock Island Use Permit or Jellyfish Lake Permit.

15 **Section 6. Rock Island Use Permits; Jellyfish Lake Permits; Activities Requiring**
16 **Permits; Exception for Direct, Non-Stop Transit; Prohibitions.**

17 A. A Rock Island Use Permit must be purchased by a Visitor to engage in any of the
18 following activities in or on the waters of Koror:

- 19 1. scuba diving;
- 20 2. any other recreational activity, including but not limited to, snorkeling,
21 swimming, fishing, boating of any kind, boat touring, water skiing, use of personal
22 watercraft, and kayaking; and
- 23 3. entry into and use of any designated Tourist Activity Area, with the
24 exception of Jellyfish Lake.

25 B. A Visitor who wishes to visit Jellyfish Lake must purchase a Jellyfish Lake
26 Permit. Possession of a valid Jellyfish permit grants the Visitor all of the privileges of a

1 C. This Act does not exempt a Visitor from any law requiring a person to obtain a
2 fishing permit. Visitors who engage in fishing activities must also obtain a Fishing Permit
3 as required under separate law.

4 D. Visitors, while in direct, non-stop transit through the waters of Koror, whose
5 destination is outside the boundaries of Koror, and who do not engage in any of the above
6 activities, are not required to obtain a Rock Island Use Permit or Jellyfish Lake Permit.

7 E. It shall be unlawful for any Visitor to engage in any of the activities listed in
8 section 6.A. or to enter a Tourist Activity Area without a valid permit as required by this
9 Act.

10 F. It shall be unlawful for any person to aid, abet, assist, guide or transport any
11 Visitor, without a valid permit as required by this Act, to engage in any of the activities
12 listed in section 6.A or to enter a Tourist Activity Area.

13 G. It shall be unlawful for any Tour Operator to aid, abet, assist, guide or transport
14 any Visitor, without a valid permit as required by this Act, to engage in any of the activities
15 listed in section 6.A or to enter a Tourist Activity Area.

16 **Section 7. Permits; Purchase, Expiration Date and Conditions of Use.**

17 A. A Rock Island Use Permit must be purchased for a fee of \$25.00 for all Visitors
18 who are six (6) years old and older. A Jellyfish Lake permit must be purchased for a fee of
19 \$35.00 for all Visitors who are six (6) years old and older. Permits are valid for ten (10) days
20 and are not transferable. Permits shall be available for purchase from the Koror State Finance
21 Office or designated agents.

22 B. Each permit issued to a Visitor shall be sequentially numbered and shall set forth
23 the name of the Visitor, the signature of the Visitor, the expiration date of the permit, the
24 name of the Tour Operator, if any, responsible for the Visitor, and the amount of the fee
25 paid. At the time permit is issued, the Visitor must print their name and sign the permit. A
26 permit that does not contain the name and signature of the Visitor is not valid. It shall be

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28 unlawful to transfer, counterfeit, duplicate, forge, alter, or create a permit, and only a valid
permit issued by the State of Koror shall be lawful.

1 C. Permits must be kept in the Visitor's possession or control at all times, except that
2 a Tour Guide or Boat Operator may hold or control the permit for the Visitor while the
3 Visitor is engaged in recreational activities. Permits must be made available for inspection
4 by Koror State law enforcement personnel upon demand. Koror State Government shall
5 post a person at or near the Jellyfish Lake docking facility to inspect Jellyfish Lake permits
6 and to insure compliance with this Act.

7 D. There is hereby created an exemption from the permit requirement for all persons
8 who attend the Dolphin Pacific training, educational, and research facility in Malakal
9 Harbor. No such persons shall be required to obtain a permit to attend the permanent
10 facility in Malakal Harbor; provided however, that any such person shall be required to
11 obtain a permit for all other areas as required by this Act.

12 **Section 8. Tour Operators Selling Permits.**

13 Tour Operators may be authorized by the Koror State Governor to sell permits to
14 their customers under the conditions set forth below:

15 1. Tour Operators must apply to the Governor for the privilege to sell permits to
16 their customers. The determination of whether to allow Tour Operators to sell permits to
17 Visitors is within the discretion of the Governor, or his designated representative.
18 Applications shall be available from the Koror State Finance Office and shall include the
19 following: (1) the Tour Operator's name, mailing address, phone number and location of
20 business; (2) the name and address of the persons employed by the Tour Operator who will
21 be permitted to sell permits on behalf of the Tour Operator; (3) a signed, sworn statement by
22 an authorized agent for the Tour Operator that, in issuing the permits, the Tour Operator
23 will collect the required fee for each person who requires a permit.

24 2. The Governor has the right to revoke a Tour Operator's privilege to sell permits if
25 the Governor determines, in his sole discretion, that the Tour Operator is not issuing permits
26 in strict accordance with this Act, or that the Tour Operator has failed to follow any of the

1 3. Tour Operators who have been authorized to sell permits must purchase, in
2 advance, serially numbered blank permits from the Koror State Finance Office during
3 regularly scheduled office hours.

4 4. Tour Operators are required to maintain a detailed accounting with regard to the
5 permits sold. The accounting must contain the following information: (1) name and address
6 of the Visitor; (2) serial number of permit issued to that Visitor; (3) date of issuance; (4)
7 Koror State receipt number.

8 5. Tour Operators shall submit the accounting to the Koror State Finance Office for
9 the quarterly periods as follows: January 1, through March 31; April 1 through June 30; July
10 1 through September 30; October 1 through December 31. Such an accounting must be
11 received at the Koror State Finance Office on the 15th day of the month following the end of
12 a quarter. Failure to submit a timely accounting will result in the revocation of the privilege
13 to sell permits to customers.

14 6. Tour Operators are required to make Visitors aware of the prohibitions and
15 restrictions of the Rock Island Management and Conservation Act.

16 7. Tour Operators are required to post a notice at their operating site that contains
17 the following: "NOTICE: ALL VISITORS ARE REQUIRED TO PURCHASE A PERMIT
18 AND PAY A USER FEE OF \$25.00 BEFORE THEY WILL BE PERMITTED TO ENJOY
19 THE WATERS AND ISLANDS OF KOROR. A SEPARATE PERMIT AND THE
20 PAYMENT OF A \$35.00 FEE IS REQUIRED TO ENTER JELLYFISH LAKE. IT IS
21 YOUR RESPONSIBILITY TO MAKE SURE YOU HAVE BEEN ISSUED A VALID
22 PERMIT FROM THE TOUR OPERATOR. THE PERMIT MUST BE IN YOUR
23 POSSESSION OR CONTROL AT ALL TIMES."

24 8. The notice shall be located in a conspicuous place, shall be of a size greater than
25 8 and ½ by 11 inches and shall be in bold print. If the Tour Operator conducts business on a
26 regular basis with Visitors speaking languages other than English, the Tour Operator is also

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28 required to post the notice in that language. Failure to post the notice is a violation of this
Act.

1 9. The Koror State Finance Office may conduct an audit of permits sold by Tour
2 Operators at any time upon reasonable notice to the Tour Operator. Upon written request by
3 the Koror State Finance Office or its authorized agent for an audit, a Tour Operator shall
4 allow inspection of records pertaining to the sale of permits at the Tour Operator's regular
5 place of business during regular working hours. It shall be a violation of this Act for a Tour
6 Operator to prohibit, refuse or cause delay in allowing the Koror State Finance Office or its
7 authorized agent to conduct an audit and to inspect and copy pertinent records. A violation
8 under this section exists each day that an audit cannot be conducted and every day of such
9 conduct constitutes a separate offense. Koror State may revoke the right or privilege of a
10 Tour Operator to sell permits if the Tour Operator has violated the provisions of this Act, if
11 the Tour Operator delays or fails to allow an audit as called for by this Act, or if the Tour
12 Operator does not maintain adequate or proper records to allow for a proper audit by Koror
13 State, or if the Tour Operator cannot account for all permits purchased.

14 **Section 9. Special Grants of Exemption.**

15 A. The Governor, or his designee, may, in his discretion, provide a special grant of
16 exemption from the requirements of this Act for Official Guests. Palauans and Resident
17 Aliens may also be exempted by the Governor, or his designee, for the specific purpose of
18 transporting or accompanying such Official Guests to such areas. Such grant of exemption
19 shall be in writing identifying the persons and dates of exemption, and shall be carried with
20 the Official Guests at all times while in the Rock Islands.

21 B. The Governor, or his designee, may, in his discretion, provide a special grant of
22 exemption from the requirements of this Act for persons involved in any scientific,
23 educational, or environmental activity. Palauans and Resident Aliens may also be exempted
24 by the Governor, or his designee, for the specific purpose of transporting or accompanying
25 such persons to such areas. Such grant of exemption shall be in writing identifying the
26 persons and dates of exemption, and shall be carried with the persons at all times while in

27 **Section 10. Prohibition to Entry to Other Jellyfish Lakes.**

1 A. It shall be unlawful to enter or to come within two-hundred feet (200') of any
2 other marine lake with jellyfish in Koror. "Marine Lake" means any body of water that
3 contains salt water, and which appears to be landlocked, but which is connected to the sea
4 by fissures, cracks, caves, or tunnels.

5 B. It shall be unlawful to aid, abet, encourage, assist, guide, escort, or otherwise take
6 any person to any jellyfish lake in violation of the prohibitions of this section.

7 C. The Governor may provide a written exemption from the prohibitions of this
8 section for any scientific, educational, or environmental activity, or to any other person in
9 the discretion of the Governor. The exemption shall state the name of the persons exempted
10 and the dates of exemption.

11 **Section 11. Prohibitions While in Jellyfish Lake.**

12 A. It shall be unlawful to take, remove, capture, or otherwise possess any marine
13 life, including but not limited to jellyfish, from any jellyfish lake.

14 B. It shall be unlawful to wear gloves while in any jellyfish lake.

15 C. It shall be unlawful to bring any living or non-living organism into any jellyfish
16 lake, and no living or non-living organisms may be introduced or otherwise released into
17 any jellyfish lake. This prohibition includes, shells, corals, rocks, fish, crabs, vertebrates,
18 invertebrates, and pieces of any organism, living or dead.

19 D. The prohibitions of this section apply to the jellyfish lake on Mecherchar Island,
20 the jellyfish lake on Ngermeuangel Island, and to any other marine lake with jellyfish.

21 E. It shall be unlawful to aid, abet, encourage, assist, guide, escort, or otherwise take
22 any person to any jellyfish lake in violation of the prohibitions of this section.

23 F. The Governor may provide a written exemption from the prohibitions of this
24 section for any scientific, educational, or environmental activity, or to any other person in
25 the discretion of the Governor. The exemption shall state the name of the persons exempted
26 and the dates of exemption.

27 **Section 12. Proof of Identification; Passenger Lists.**

1 A. All persons present in the Rock Islands and/or the waters of Koror are under an
2 affirmative duty to identify themselves if requested to do so by Koror State law enforcement
3 personnel. Such identification shall include the person's full name, their status as either a
4 Palauan Citizen, a Resident Alien, or a Visitor to Palau, their address in Palau, and their
5 country of origin and date of arrival and departure if a Visitor to Palau. Failure to provide this
6 information is a violation of this Act.

7 B. Resident Aliens must have in their possession written proof of identification to
8 engage in any of the activities listed in section 6.A. or to visit any of the Rock Islands, and
9 must provide this proof of identification for inspection by Koror State law enforcement
10 personnel upon request. Failure to provide proof of identification establishes the presumption
11 that the person is a Visitor and will subject the person to the same requirements and penalties
12 that apply to Visitors under this Act. Written proof of identification may be satisfied by a
13 current visa authorizing entry into Palau for a period in excess of ninety days or a current
14 "Resident Identification Card" as described in Section 13.

15 C. All Boat Operators must maintain in their possession a passenger list of all
16 Visitors that they are transporting to engage in any of the activities listed in section 6.A or
17 to enter a Tourist Activity Area, and must provide this list for inspection upon the request of
18 Koror State law enforcement personnel. This list shall include the name of each Visitor, the
19 Visitor's country of origin, and the Visitor's date of arrival and departure. Failure to provide
20 said list for inspection is a violation of this Act.

21 **Section 13. Resident Identification Card.**

22 A. In order to satisfy the requirement of possession of written proof of identification,
23 a Resident Alien may purchase a "Resident Identification Card" from Koror State. To
24 purchase this card the Resident Alien must bring to the Koror State Finance Office a current
25 passport and visa authorizing entry into Palau for a period in excess of ninety days or
26 United States military orders authorizing entry into Palau for a period in excess of ninety

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28 days. In addition, the Resident Alien must bring a current one square inch color photograph.
The price of the card shall be \$5.00.

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B. The Resident Identification Card shall contain the following: the resident's name, the resident's signature, a current color photograph of the resident, and the date of expiration of the card. The date of expiration of the card shall be the date of expiration of the resident's visa. Future revisions of the card, including price, may be determined by the Governor of Koror State, or his designated representative.

C. The Koror State Finance Office shall maintain a list of all Resident Identification Cards issued. The list shall include the name of the Resident Alien, the expiration date of the card, and the date the card was issued.

D. It shall be unlawful to transfer, counterfeit, duplicate, forge, or alter a Resident Identification Card.

Section 14. Penalties.

A. Each violation of this Act is punishable by a fine of \$100.00 and up ninety days in jail. Each violation of this Act is a separate offense which may be punished separately. For example, if a tour guide were to transport ten Visitors to Jellyfish Lake without valid permits, the tour guide would have committed ten separate violations, each punishable by a fine of \$100.00 and up to ninety days in jail.

B. The permits required by this Act allow Visitors to enjoy the privilege of visiting the Rock Islands and Jellyfish Lake. The Governor, or his designated representative, may refuse to sell permits to any Tour Operator or to any persons who have violated the provisions of this Act.

Section 15. Use of Revenues; Date of Termination of Permit Fees.

A. Fees generated from this Act shall be used:

(1) To enforce compliance with this Act, including purchase of fuel and oil, boats and boating equipment, and to pay salaries, wages and compensation, along with other enforcement expenses;

(2) To maintain and protect the rock islands, including maintenance and grounds keeping, construction of improvements and facilities for tourists and conservation activities;

- 1 (3) To maintain and protect diving sites;

1 (4) To acquire and install mooring buoys at appropriate locations;

2 (5) For monitoring purposes and for other expenses associated with the protection and
3 preservation of Koror's rock islands;

4 (6) To pay for personnel to monitor entry into the Jellyfish Lake;

5 (7) To pay for scientific studies, technical assistance, and equipment to monitor or study
6 Jellyfish Lake and other marine lakes, and to take action to conserve, preserve and protect
7 the Jellyfish Lake and other marine lakes, including expenses for the removal of invasive or
8 on-native species in Jellyfish Lake and other marine lakes;

9 (8) To make improvements to docks, trails, access, and other facilities;

10 (9) To pay for education, interpretive materials, permits, and other materials needed to allow
11 the Governor to implement this Act.

12 B. Other fees generated by this Act may be used to compensate the people of Koror
13 for the impacts associated with this Act pursuant to the directives of the Governor.

14 C. The fees generated by this Act shall be collected for ten years from the date of this
15 Act.

16 **Section 16. Authority to Promulgate Regulations.**

17 The Governor of Koror State, or his designated representative, is hereby authorized to
18 promulgate regulations to implement and enforce this Act. Said regulations shall have the
19 force and effect of law.

20 **Section 17. Authority for Enforcement.**

21 Koror State law enforcement personnel, also known as the Koror State Rangers, shall
22 have the authority to enforce the provisions of this Act, including the authority to issue
23 citations for violations thereof.

24 **Section 18. Repealer.**

25 The following Koror State Public Laws are repealed in their entirety: KSPL No. K6-
26 1132000 (Year 2000 Rock Islands Management and Conservation Act), and the amendments

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thereto, KSPL No. K6-126-2001 and KSPL No. K8-180-2007.

28 **Section 19. Severability.**

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

4 **Section 20. Effective date.**

5 This Act shall take effect upon its becoming law as provided in the Koror State
 6 Constitution. It shall become enforceable on the day it becomes law, with the exception of
 7 the requirements of Section 12 which shall become enforceable sixty days thereafter.

PASSED ON: MARCH 12, 2009

CERTIFIED BY:

ATTESTED TO BY:

_____/s/_____
 Timothy "Tero" Uehara
 Speaker
 Eighth Koror State Legislature

_____/s/_____
 Rena Iluches
 Clerk
 Eighth Koror State Legislature

APPROVED ON THIS DAY 23rd DAY OF March, 2009

Yositaka Adachi
 Governor
 State of Koror