

EXECUTIVE ORDER NO. 151

*To Declare a Continuing, Limited state of
Emergency in the State of Koror
Caused by the Collapse of the K-B Bridge*

WHEREAS, on Thursday September 26, 1996 at approximately 5:45 p.m. a large portion of the K-B Bridge collapsed cutting off essential services to the State of Koror, such as electrical power distribution and water supply, and completely severing road transportation between the State of Koror and the island of Babeldaob; and

WHEREAS, on the evening of September 26, 1996, the Council of Chiefs, the leadership of the Olbiil Era Kelulau, and governors of the States of Koror and Airai were consulted regarding the nature of the emergency, the National Government's efforts to restore services, assess damage and provide assistance to injured persons, and the necessity of declaring a state of emergency; and

WHEREAS, Article VIII, Section 14 of the Constitution empowers the President to declare a state of emergency whenever a natural catastrophe threatens the lives or property of a significant number of people of Palau and to assume legislative powers as may be necessary to afford immediate and specific relief to those lives or property threatened; and

WHEREAS, pursuant to the provisions of Article VIII, Section 14 of the Constitution, Executive Order Number 150 declared a state of emergency in Palau on September 26, 1996; and

WHEREAS, in conformity with the provisions of Article VIII, Section 14 of the Constitution, the Olbiil Era Kelulau adopted Senate Joint Resolution No. 4-121 on September 27, 1996, confirming the state of emergency declared by Executive Order Number 150 on September 26, 1996; and

WHEREAS, pursuant to Senate Joint Resolution No. 4-121, the Olbiil Era Kelulau resolved that the state of emergency shall continue for ten days, unless terminated earlier by either house of the Olbiil Era Kelulau, or extended by both houses of the Olbiil Era Kelulau; and

WHEREAS, the leadership of the Executive Branch has held meetings every morning since the collapse of the K-B Bridge for the purposes of consulting with Chief Ibedul, Chief Reklai, the leadership of the Olbiil Era Kelulau, and State governors concerning the continuing nature of the emergency and the National Government's continuing efforts to restore essential services, assess damage and provide assistance to injured persons; and

WHEREAS, the National Government has been extremely successful in restoring a sufficient level of power services, providing sufficient water to meet the immediate needs of the citizens of Koror, and establishing a safe and efficient temporary transportation system for passengers between Koror and Airai, however, much work remains to be done to restore these services to their pre-collapse levels; and

WHEREAS, the National Government operated on an uninterrupted basis during the state of emergency declared by Executive Order Number 150; and

WHEREAS, the restriction on the sale of alcohol, imposed by Executive Order Number 150, was suspended by Presidential Declaration on September 29, 1996; and

WHEREAS, public and private school classes in the State of Koror, which had been suspended under the provisions of Executive Order Number 150, successfully resumed effective October 2, 1996; and

WHEREAS, since the collapse of the K-B Bridge, the Director of the Bureau of Public Safety has not ordered any additional curfew hours in the State of Koror, despite specific authorization in Executive Order Number 150 to do so if necessary; and

WHEREAS, the K-B Bridge Collapse Emergency Funding Act, RPPL No. 4-56, which authorized and appropriated a total of \$3.5 million to fund the National Government's immediate response to the collapse of the K-B Bridge, was signed into law on October 4, 1996, effective retroactive to September 26, 1996; and

WHEREAS, despite the significant and commendable progress we have made in the past ten days, the effects of the collapse of the K-B Bridge continue to threaten the lives or property of the residents of the State of Koror, which constitutes a significant number of people of Palau; and

WHEREAS, Article VIII, Section 14 of the Constitution empowers the President to declare a state of emergency whenever a natural catastrophe threatens the lives or property of a significant number of people of Palau and to assume legislative powers as may be necessary to afford immediate and specific relief to those lives or property threatened;

NOW, THEREFORE, I, Kuniwo Nakamura, President of the Republic of Palau, hereby declare a continuing, limited state of emergency in the State of Koror, Republic of Palau, in accordance with Article VIII, Section 14 of the Constitution, and other applicable provisions of law; during such emergency:

1. The Vice President, as the Chairman of the Disaster Plan Task Force, shall continue to coordinate efforts among the ministries, public utilities, public communications, private persons and private entities to respond to this emergency as set forth in Executive Order Number 150;

2. The public continues to be strongly encouraged to stay away from the site of the disaster. The National Government is undertaking an investigation of the site, and any disturbance of the site could impede the investigation. Under no circumstances is any person to remove any part of the bridge from the site of the disaster (except as may be authorized by the Chairman of the Disaster Plan Task Force or his duly appointed representative) or in any way hinder the emergency efforts or the investigation;

3. The public continues to be strongly encouraged not to travel by boat near the site except for essential travel purposes. Any person traveling by boat near the site should exercise extreme caution as there may be dangerous debris in a wide area near the site of the bridge;

4. Officials of the Republic of Palau may commandeer or utilize private property necessary to cope with emergency conditions consistent with the provisions of RPPL No. 4-56 and the delegations made pursuant to that law; provided, however, that each such order shall require the specific prior authorization of the vice President or the Minister of Resources and Development, and further provided that any such utilization of private property shall be subject to compensation in accordance with constitutional and applicable statutory provisions;

5. Despite the restoration of electricity to Koror and the partial restoration of water service which began on October 6, 1996, the public's cooperation is requested to conserve water and electricity until notice that the water delivery lines from Airai have been fully reestablished and power levels have been fully restored to all of Koror state;

6. This continuing, limited state of emergency in the state of Koror shall continue until the Disaster Plan Task Force concludes that:

- a. power service is restored to its pre-collapse state by the installation of a submarine cable or comparable solution which allows the same amount of electrical power to be provided to Koror as the electrical cable on the K-B Bridge provided; and
- b. water service is restored to its pre-collapse state by the installation of piping or hoses which provide the same amount of water to Koror as the aqueduct on the K-B Bridge provided; and
- c. regular, scheduled transportation service between the State of Koror and the island of Babeldaob is established using a ferry system capable of transporting people, automobiles and cargo,

provided, however, that this continuing, limited state of emergency in the state of Koror may be terminated earlier by a resolution passed by either house of the Olbiil Era Kelulau; and

7. No additional funds shall be authorized and appropriated by the President pursuant to this Executive Order without the prior consent of the Olbiil Era Kelulau.

NOTICE OF THIS EXECUTIVE ORDER shall be disseminated as rapidly as possible to the public, with public postings and radio announcements.

This Executive Order takes effect immediately and shall continue in effect as set forth herein unless disapproved at a meeting of the Olbiil Era Kelulau which is hereby called at a date and time to be announced. This Executive Order is signed in accordance with the Constitution, 2 PNC Section 113 and other applicable statutory law.

October 6, 1996

Kuniwo Nakamura
President of the Republic of Palau