

Palau Legal

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RPPL No. 1-40

FIRST OLBIIL ERA KELULAU

Seventh Regular Session, July, 1982 RPPL. NO. 1-40
(Introduced as H. B. No.
1-0099-3, HD4, SD5)

AN ACT

To establish a Palau National Communication Corporation, and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS
FOLLOWS:

Section 1. Short Title.

This Act shall be known and may be cited as the "Palau National Communication Corporation Act."

Section 2. Definitions.

As used in this Act:

- (a) "Communication services" means all telephone, telegraph, telex, radio, television and all other telecommunication services or modes together with all associated equipment and facilities for reception, tracking, guidance, control, command, and transmission.
- (b) "Communication common carrier" means a person who transmits or transports telecommunications.
- (c) "Congress" means the Olbiil Era Kelulau of the Republic of Palau.
- (d) "Person" means any natural person, individual, clan, association, business, partnership, company, joint venture, corporation or any other entity legally cognizable.
- (e) "Public corporation" means an entity wholly-owned by the national government doing business in a corporate form under the laws of the Republic of Palau.
- (f) "President" means the President of the Republic of Palau.
- (g) "Telecommunication" means any transmission, emission or reception of signs, signals, writings, images, sounds or intelligence of any nature by wire, radio, optical, or other

electro-magnetic system.

- (h) "P.N.C.C." means the Palau National Corporation for Communications.

Section 3. Creation of the Corporation, general provisions.

- (a) There is created a public corporation, known as the the Palau National Corporation for Communications which shall operate in the form and manner prescribed by this Act.
- (b) The P.N.C.C. shall be subject to the corporate laws of the Republic of Palau to the extent such laws

do not conflict with this Act or in any way distort the public character of the corporation.

(c) The P.N.C.C. is exempt from all national and state taxes or fees and from all state government regulation or control.

(d) The national government of the Republic of Palau, shall provide property for the lawful needs of the P.N.C.C. in carrying out its obligations and duties pursuant to this Act.

Section 4. Board of Directors, terms, vacancy, quorums, compensation; conflict of interest; officers and employees of the P.N.C.C.

(a) The affairs of the P.N.C.C. shall be managed and directed, and its corporate powers exercised, by a Board of Directors.

(b) The Board shall be composed of five (5) members all citizens of the Republic of Palau who shall be appointed by the President with the advice and consent of the Senate. The President shall designate one of the Board Members as Chairman. The President shall have the power to remove a Board Member with cause.

(c) The initial terms of office of the members shall be two (2) members for two years, two (2) members for three years, and the chairman for four (4) years. Subsequent appointments shall be for full four (4) year terms.

(d) Any member appointed to fill a vacancy on the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed by the President, with the advice and consent of the Senate, for the remainder of such term.

(e) Vacancies on the Board, so long as there shall be three (3) members in office, shall not impair the powers of the Board to execute the functions of the P.N.C.C., and three (3) of the members in office shall constitute a quorum for the transaction of the business of the Board. All decisions of the Board shall be by majority vote.

(f) Members of the Board shall be entitled to compensation and per diem at established national government rates when traveling on the business of the P.N.C.C.

Section 5. Powers, legal capacity, authorities and responsibilities of the P.N.C.C.

(a) In order to achieve the objectives and to carry out the purposes and provisions of this Act, the P.N.C.C. shall have the following authority:

(1) To establish and operate communications services as a communications common carrier;

(2) To establish and operate in conjunction with foreign government(s) or any person, communication services upon approval of the President of the Republic of Palau;

(3) To establish and implement a structure of rates and tariffs for its communication services calculated to ensure that adequate and equitable charges are imposed for its services and that the use of its communication facilities is increased to the maximum extent practicable;

(4) To take over complete control and operation of existing government owned communication services subject to Section 7 of this Act;

(5) To participate in meetings, conferences and seminars regarding communications matters in such international organizations and forums in which the Republic is represented, subject to the policy guidance of the government of the Republic of Palau.

(6) To plan, develop and execute a national program for the establishment of a national communications system;

(7) To coordinate activities with all other governmental agencies to insure the efficient and comprehensive development of a communication system which meets the needs of the Republic of Palau;

(8) To furnish for hire, or for distribution on a commercially reasonable basis channels of communication and any communication service to any person or to the national or any state government;

(9) To have succession and to sue and be sued in its corporate name;

(10) To purchase, operate, use and dispose of in any lawful manner, any type of property, real,