

## Executive Order No. 209

### *Establishing the Publication And Law Access Unit*

**WHEREAS**, ready access to law is a fundamental principle of democratic government; and

**WHEREAS**, the Republic of Palau recently received a grant from the United States government to fund the initial startup costs for a legal publication office to provide digital and hard copy publications of our national and state laws, court decisions, and other law including rules, regulations, treaties, and executive orders and directives; and

**WHEREAS**, under the terms of the grant, the Republic is to establish a publication office and fund the initial salaries of the Editor and Managing Editor; and

**WHEREAS**, a bill to establish the Publication And Law Access Unit (PALAU) was recently submitted to the Olbiil Era Kelulau which will establish a revolving fund for the PALAU Office so that it can eventually be self-funded,

**NOW, THEREFORE**, until such time as the PALAU Office is established by legislation, and by virtue of the authority vested in me as President of the Republic of Palau, pursuant to the Constitution and 2 PNC § 110 and other applicable laws of the Republic, I hereby establish the Publication And Law Access Unit (PALAU). The PALAU Office shall have the authority to publish in hard copy and computer-accessible form all laws including national and state statutes and ordinances, rules, regulations, executive orders, administrative directives, treaties, court rules, and reported court cases of the former Trust Territory and the Republic of Palau. This authority shall not preclude the Supreme Court from publishing its own reporter and court rules. The PALAU Office shall be an entity of the Ministry of Justice for organizational and budgetary purposes only.

Section 1. Managing editor; authority. The PALAU Office shall be run by a Managing Editor who shall be hired by the President. The Managing Editor shall be an attorney or shall have sufficient legal and publication experience to perform the management and editorial tasks required. The Managing Editor shall have full management authority of the office including the authority to set publication policies for the office and the authority as an Appropriate Management Official to establish positions, hire, evaluate, discipline, promote, and otherwise manage all personnel.

Section 2. Advisory Committee established; budgetary responsibilities. The PALAU Advisory Committee is hereby established to advise the Managing Editor. The PALAU Advisory Committee shall consist of three members: the Counsel to the President; the Attorney General, and the Minister of Justice or their designees. At least annually the Managing Editor shall submit to the Advisory Committee a proposed budget for the PALAU Office. The budget shall be balanced showing anticipated costs, salaries, and capital reserve allocations against projected revenues from the sale of publication products as well as funding from grants and

proposed subsidies (if any). The Advisory Committee shall:

- (a) meet and evaluate in a timely manner all proposals submitted by the Managing Editor;
- (b) provide advice to the Managing Editor on publication priorities and policies; and
- (c) assist the Managing Editor in obtaining grants and subsidies as needed.

The Managing Editor shall consider all comments, advice, and concerns of the Advisory Committee in establishing the editorial policies, publication priorities, the budget, and pricing schedules.

Section 3. Purchase of digital legal document files; cancellation of publication contract. In accordance with the terms of the US grant, the PALAU Office shall purchase a digitized version of the current Palau National Code, in digitized format, in accordance with applicable procurement laws. The digitized copy of the code must be developed independently from the current code.

Section 4. Submission of legal documents for publication; public notice. The submission of documents for publication to the PALAU Office shall constitute public notice for purposes of enforcement as of the date posted by the PALAU Office. The PALAU Office shall post for public inspection at its office all such government documents submitted as soon as possible after submission. Posting shall be maintained until such documents are published or otherwise made available for public purchase. Posting digital versions on a local website shall also constitute posting for purposes of this section.

Section 5. National legislation. The Managing Editor shall submit proposed codification of laws to the Palau National Code Commission who shall have final editorial authority in accordance with RPPL 2-3. The PALAU Office shall act as a printer and publisher of the Palau National Code.

Section 6. Judicial opinions. The digital files purchased in accordance with paragraph 3 include all Trust Territory cases [sic] [add: “and all published Republic of Palau Supreme Court”] cases through page 361 of the 8th ROP Interim Reporter which shall be published in computer-accessible form. The Managing Editor shall work with the Judiciary to share information and establish a process by which subsequent cases may be included for publication by the PALAU Office.

Section 7. Editorial authority for Executive Orders and Directives. The digital files purchased in accordance with paragraph 3 include Executive Orders 1 through 163 which shall be published in computer-accessible form. The Office of the President shall provide the PALAU Office with copies of all subsequent Executive Orders and all Executive Directives as soon as practicable after enactment. Copies shall include digital copies whenever feasible. The PALAU Office shall proofread all copies provided and shall identify for the President any suggested editorial changes. The President shall have final editorial authority for all Executive Orders and Executive Directives to be published by the PALAU Office. If no comments are received from the President within 30 days of submission, the suggested editorial changes shall be considered

approved for the purpose of proceeding with publication.

Section 8. Submission of rules and regulations. Within one year of the effective date of this Executive Order, all agencies, boards, commissions, and authorities of the Executive Branch shall submit to the PALAU Office hard copies (and digital copies when feasible) of all rules and regulations in effect as of the date of submission. The PALAU Office shall post all regulations enacted after the effective date of this Act until publication in accordance with paragraph 4.

Section 9. Editorial authority for rules and regulations. The Managing Editor shall establish a numbering system and format for all rules and regulations promulgated by entities of the Executive Branch. The proposed publication format and proposed editorial changes shall be submitted to the Advisory Committee for comment. The Advisory Committee shall provide comments on format and editing as requested by the Managing Editor. If no comments are received within 30 days, the proposed format and editorial revisions shall be considered approved for the purpose of proceeding with publication.

Section 10. Editorial authority for Attorney General Opinions. The Attorney General shall provide the PALAU Office copies of opinions determined by the Attorney General to be appropriate for publication. Copies shall include digital copies whenever feasible. The PALAU Office shall proofread all copies provided and shall identify for the Attorney General any suggested editorial changes. The Attorney General shall have final editorial authority for all Attorney General Opinions published by the PALAU Office. If no comments are received from the Attorney General within 30 days of submission, the suggested editorial changes shall be considered approved for the purpose of publication.

Section 11. Submission of treaties and other international agreements. The digital files purchased in accordance with paragraph 3 include the Compact of Free Association and the Vienna Convention. The Ministry of State shall submit copies of all other treaties and international agreements to which Palau is a signatory or to which Palau becomes a signatory as soon as possible after execution. Copies shall include digital copies whenever feasible.

Section 12. Revenue from publication sales. There is hereby established within the National Treasury the PALAU Office Fund into which all grants and subsidies for the PALAU Office and all revenues from the sale of publication products or office assets shall be deposited.

Section 13. Intellectual property ownership; right to charge for sale or use. The PALAU Office shall be the owner of all intellectual property rights recognized by law in the legal documents submitted to its office for publication. The PALAU Office shall have the authority to charge reasonable fees for the sale of its publications and reasonable fees for licensing the use of its publications whether in hard copy or computer-accessible form.

***IN WITNESS WHEREOF***, I have hereunto set my hand and affixed my official seal this 23<sup>rd</sup> day of May, 2002, at the State of Koror, Republic of Palau.

Tommy E. Remengesau, Jr.

President of the Republic of Palau