

**TITLE 3
THE OLBIIIL ERA KELULAU**

**Chapter 1
Organization**

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§ 101. Oath of office.

All members of the Olbiil Era Kelulau, before assuming the duties of their office, shall take and subscribe to such oath of office as may be prescribed by law.

Source

PL 7-8-2 § 2.

Cross-reference

For statutory provision establishing and setting forth the text of the oath of office for national officers, see Tit. 1, § 801.

§ 102. Rules of procedure.

(a) At the beginning of the first regular session of each Olbiil Era Kelulau, each house shall adopt its own rules of procedure for its operation, including, but not limited to, rules regarding enactment of bills and adoption of resolutions.

(b) The rules of procedure in effect at the last regular session of the Olbiil Era Kelulau immediately preceding shall be used as the temporary rules of each succeeding Olbiil Era Kelulau until permanent rules are adopted.

Source

PL 7-8-2 § 7, modified.

Cross-reference

ROP Const., Art. IX, § 12.

§ 103. Officers.

Each house of the Olbiil Era Kelulau shall elect a presiding officer by a majority of the members of that house and shall provide for the selection of other officers and the duties and responsibilities of its officers pursuant to its rules of procedure.

Source

PL 7-8-2 § 11.

Cross-reference

ROP Const., Art. IX, § 13.

§ 104. Committees.

Each house of the Olbiil Era Kelulau may establish standing, joint or special committees pursuant to its rules of procedure.

Source

PL 7-8-2 § 13.

§ 105. Quorum.

A majority of the members of each house of the Olbiil Era Kelulau shall constitute a quorum to do business.

Source

PL 7-8-2 § 9.

Cross-reference

ROP Const., Art. IX, § 12.

§ 106. Adjournment and recess.

(a) Neither house of the Olbiil Era Kelulau may adjourn sine die without the consent of the other.

(b) Neither house of the Olbiil Era Kelulau may recess for longer than two days without the consent of the other.

Source

PL 7-8-2 § 10.

§ 107. Numbering of Olbiil Era Kelulau.

The Olbiil Era Kelulau installed on January 1, 1981, shall be designated the “First Olbiil Era Kelulau.” The Olbiil Era Kelulau convening following each succeeding regular general election at which newly-elected members are installed shall be known and designated by the next ordinal number following that of the preceding Olbiil Era Kelulau, followed by “Olbiil Era Kelulau.”

Source

PL 7-8-2 § 6, subsections (1)(a) and (1)(b) combined to make new section, modified.

§ 108. Regular sessions.

There shall be four regular sessions of the Olbiil Era Kelulau each year, commencing on the second Tuesday of the months of January, April, July, and October. Each such session shall continue for not to exceed 25 consecutive calendar days.

Source

PL 7-8-2 § 4.

Cross-reference

ROP Const., Art. IX, § 11.

§ 109. Numbering of regular sessions.

The session of each Olbiil Era Kelulau which commences on the second Tuesday in January following a regular general election shall be known and designated the “First Regular Session.” Each regular session thereafter shall be known and designated by the next ordinal number following that of the preceding regular session, followed by “Regular Session.”

Source

PL 7-8-2 § 6(2), modified.

§ 110. Joint sessions.

The two houses of the Olbiil Era Kelulau shall convene in joint session upon adoption of a joint resolution calling therefor.

Source

PL 7-8-2 § 5(1), modified.

§ 111. Numbering of joint sessions.

The first joint session of each Olbiil Era Kelulau shall be designated the “First Joint Session.” Each joint session thereafter shall be designated by the next ordinal number following that of the preceding joint session, followed by “Joint Session.”

Source

PL 7-8-2 § 6(4), modified.

§ 112. Presiding officer for joint session.

The President of the Senate and the Speaker of the House of Delegates shall alternate as the presiding officer of joint sessions of each Olbiil Era Kelulau, with the President of the Senate presiding at the first joint session of each Olbiil Era Kelulau.

Source

PL 7-8-2 § 5(2), rewritten and modified.

Commission Comment

Section 112 replaces PL 7-8-2 § 5(2), which states: “The Presiding Officer of the Senate shall preside at the First Joint Session of each Olbiil Era Kelulau, and the Presiding Officer of each House shall alternate in presiding at subsequent joint sessions of that Olbiil Era Kelulau.”

§ 113. Numbering of special sessions.

The first session of each Olbiil Era Kelulau convened by a presiding officer, or at the written request of the majority of the members, or by the President, shall be known and designated as the “First Special Session.” Each such session thereafter shall be known and designated by the next ordinal number following that of the preceding special session, followed by “Special Session.”

Source

PL 7-8-2 § 6(3), modified.

§ 114. Journal.

Each house of the Olbiil Era Kelulau shall keep and publish a daily journal in English of its proceedings. The journal shall reflect the essential elements of the business transacted at that day’s session and the messages or communications received from the President or his designee and the other house.

Source

PL 7-8-2 § 8, modified.

§ 115. Immunities of members.

The members of the Olbiil Era Kelulau shall be privileged, in all cases except treason, felony, or breach of peace, from arrest during their attendance at the sessions of the Olbiil Era Kelulau and in going to and from the sessions.

Source

PL 7-8-2 § 3.

Cross-reference

ROP Const., Art. IX, § 9.

§ 116. Holding of multiple public offices.

(a) While serving his term a member of the Olbiil Era Kelulau may not hold any other public office or public employment in the Republic.

(b) Nothing in this chapter shall operate to prohibit a member of the Olbiil Era Kelulau

from serving on any commission, authority, board, or other such institution or body, whether of a state, national, or under the auspices of the United States Government; provided, however, that such service shall be without compensation or honorarium.

Source

PL 7-8-2 § 1, as amended by RPPL 4-4, § 1(4), modified.

Cross-reference

ROP Const., Art. IX, § 10.

§ 117. Staff offices of the Olbiil Era Kelulau.

(a) The offices listed below are hereby established in the Olbiil Era Kelulau and shall report directly to the presiding officer of each house. The duties and responsibilities of these offices may be prescribed in an administrative manual pursuant to the rules of each house.

- (1) Administrative Office;
- (2) Budget Office;
- (3) Office of the Legislative Counsel; and
- (4) the Government Accountability Office.

(b) The Administrative Officer, Budget Officer, and Legislative Counsel shall be designated by joint resolution.

(c) Each house of the Olbiil Era Kelulau shall designate by resolution a clerk and a sergeant-at-arms whose duties and compensation shall be determined in accordance with the rules of procedure of the respective houses.

(d) The Government Accountability Office shall be established to support the Olbiil Era Kelulau in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the national government, public corporations, the state governments, and any other person or entity that disburses public funds, all for the benefit of the people of Palau. The Government Accountability Office shall be established as soon as practicable on or after October 1, 2004. It shall be an independent nonpartisan, professional services agency in the legislative branch that will be regarded as the audit,

evaluation, and investigative arm of the Olbiil Era Kelulau.

(e) Both houses of the Olbiil Era Kelulau, by joint resolution, shall designate the Comptroller General and Chief Operating Officer. The Comptroller General shall oversee the affairs of the ROP Government Accountability Office. The Chief Mission Support Officer (“CMSO”) and the General Counsel (“GS”) shall be professional, nonpartisan, and shall perform their duties independent of any political influence or bias. The CMSO and the GS shall be hired by the Comptroller General based upon their degree and qualifications and independent of any political influence by both houses of the Olbiil Era Kelulau. Removal of the Comptroller General, the Chief Operating Officer, the CMSO, and the GS shall be “for cause” and removal must be approved by joint resolution of both houses of the Olbiil Era Kelulau.

(f) Except as provided in subsection (e) of this section, the terms of office of the Comptroller General is five years.

(g) The Comptroller General shall be paid in accordance with a contractual rate to be negotiated and agreed to with the presiding officers of the Senate and the House of Delegates.

(h) As used in this section:

(1) “agency” includes the ministries, bureaus, and divisions of the executive branch, the boards, commissions, and authorities of the Republic of Palau, and the public corporations of the Republic of Palau, the state governments and their agencies including State Public Lands Authorities, and shall also include the legislative branch and judicial branches, and any other person, agency, or entity that receives and disburses public funds.

(2) “appropriations” means sums authorized and appropriated by law.

(i) The Comptroller General shall have the following powers, functions and duties:

(1) to receive complaints of and investigate all matters related to the receipt, disbursement, and use of public money;

(2) to act as the prosecutor, through a designated attorney, for the national government in any case in which the Ministry of Justice and the Special Prosecutor are unable to prosecute because of an actual or potential conflict of

interest or other ethical considerations;

(3) on the basis of probable cause or after a complaint has been filed, to subpoena witnesses, administer oaths, and obtain testimony;

(4) to inspect personally, or by his duly authorized assistants, all books, records, accounts and property owned or in the possession of any agency;

(5) to require the aid and assistance of all agencies and any custodian of public funds at all times in the inspection of all books, records, accounts and property of any agency;

(6) to estimate the cost of the government of the Republic of Palau of complying with each restriction on expenditures of a specific appropriation in a general appropriation law and report each estimate to the Olbiil Era Kelulau with recommendations that the Comptroller General considers desirable;

(7) to analyze expenditures of each agency as the Comptroller General believes will help the Olbiil Era Kelulau decide whether public money has been used and expended economically and efficiently;

(8) to make an investigation and report as ordered by either house of the Olbiil Era Kelulau or a committee of the Olbiil Era Kelulau having jurisdiction over revenue, appropriations, or expenditures;

(9) to give committees of the Olbiil Era Kelulau having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests; and

(10) to perform such related duties as directed by the presiding officers of the Olbiil Era Kelulau.

(j) Each agency shall, consistent with Article IV, Section 12 of the Constitution, give the Comptroller General information and documentation that the Comptroller General requests about the duties, powers, activities, organization, and financial transactions of the agency. The Comptroller General may inspect an agency record to get such information and documentation.

(k) Through an attorney the Comptroller General designates in writing, the Comptroller

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General may bring a civil action in the Supreme Court to require the head or personnel of any agency to produce a document that is examinable under Article IV, Section 12 of the Constitution, or to observe the official deliberations of any agency.

(l) The Comptroller General shall evaluate the results of a program or activity the national government carries out under existing law:

- (1) on the initiative of the Comptroller General;
- (2) when either house of the Olbiil Era Kelulau Congress orders an evaluation; or
- (3) when a committee of the Olbiil Era Kelulau with jurisdiction over the program or activity requests the evaluation.

(m) The Comptroller General shall develop and recommend to the Olbiil Era Kelulau ways to evaluate programs or activities the national government carries out under existing law.

(n) On request of a committee of the Olbiil Era Kelulau, the Comptroller General shall help the committee to:

- (1) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and
- (2) assess program evaluations prepared by and for an agency.

(o) The Comptroller General may appoint, pay, assign, and remove employees as the Comptroller General decides are necessary to carry out the duties and powers of the Government Accountability Office.

(p) Officers and employees of the Government Accountability Office are not within the National Public Service System and shall be governed by the employee policies and procedures of the Olbiil Era Kelulau. Officers and employees of the Government Accountability Office are “employees” as defined by the Code of Ethics Act, RPPL No. 5-32(3)(g).

(q) The Comptroller General may procure the services of experts and consultants

pursuant to 40 PNC Chapter 6.

(r) The Comptroller General may assign or detail an officer or employee of the Government Accountability office to full-time continuous duty with a committee of the Olbiil Era Kelulau for not more than one year.

Source

PL 7-8-2 § 12, modified. Amended in its entirety by RPPL 6-51 §§ 3 through 9.

Notes

Sections 1 and 2 of RPPL 6-51 read:

“Section 1. Legislative findings. The Olbiil Era Kelulau finds that information currently available to it regarding the collection of tax revenues, the management of the funds in the national treasury, and the accounting for an expenditure of public funds by the government is inadequate to form the basis for sound fiscal policy making and appropriations. Accordingly, there is a clear need for a Government Accountability Office under the Olbiil Era Kelulau that will have the tasks of: monitoring the receipt, disbursement, and use of public funds; estimating government costs in administering public funds; analyzing the expenditures of each government department; reporting directly to the committees of the Olbiil Era Kelulau having responsibility for fiscal matters; and advising the Olbiil Era Kelulau on fiscal policy.

To that effect, the Government Accountability Office shall be established to support the Olbiil Era Kelulau in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the national government as well as the state governments, for the benefit of the people of Palau. It shall be an independent, nonpartisan, professional services agency in the legislative branch that will be regarded as the audit, evaluation, and investigative arm of the Olbiil Era Kelulau. In addition, it shall also have prosecution duties in cases where the special Prosecutor and the Ministry of Justice have actual or potential conflicts.

Section 2. Short title. This Act shall be known as the ‘Government Accountability Office Act of 2004.’”

Cross-reference

ROP Const., Art. IX, § 13.

§ 118. English translation of “Olbiil Era Kelulau”.

The English translation of “Olbiil Era Kelulau” shall be “National Congress.”

Source

PL 7-8-2 § 15(1), modified.

§ 119. Restrictions on use of “Olbiil Era Kelulau.”

(a) No state government may adopt either “Olbiil Era Kelulau” or “National Congress”

as its name.

(b) No state government shall use, designate, label or refer to any of its branches or divisions as “Olbiil Era Kelulau” or “National Congress” or use any combination of the two terms as a part of its corporate or chartered name or that of any of its branches or divisions in any way whatsoever.

Source

PL 7-8-2 § 15(2) and (3); § 15(4) (repealer of 4 TTC § 3) omitted.

§ 120. Designation of Olbiil Era Kelulau Building.

The building formerly known as the “Palau Legislature Building” shall be known and designated for all purposes the “Olbiil Era Kelulau Building.”

Source

PL 7-8-2 § 16, modified.

§ 121. Regulation.

Regulations creating and protecting the rights and the welfare of the Olbiil Era Kelulau employees shall be promulgated by the Presiding Officers of both houses of the Olbiil Era Kelulau within thirty (30) days from the effective date of this section.

Source

RPPL 4-3 § 3, modified.

**Chapter 2
Compensation**

§ 201. Annual salary established.

§ 202. Official expenses.

§ 201. Annual salary established.

(a) Definitions.

(1) “Attend” means actual, physical presence at a day of an Official Session as certified by a presiding officer of the appropriate house of the Olbiil Era Kelulau.

(2) “Official Session” shall mean the Regular Session authorized by 3 PNC § 108, a Joint Session authorized by 3 PNC § 110, a Special Session authorized by 3 PNC § 113, or an installation session.

(b) Salary authorized.

(1) Each member of the Olbiil Era Kelulau shall receive a salary of fifty thousand dollars (\$50,000) per year. This compensation shall be paid according to rules and procedures to be promulgated by the Olbiil Era Kelulau. Payments shall be made bi-weekly on regular government paydays.

(2) The compensation of members of the Olbiil Era Kelulau is “salary” within the meaning of that term as used in 40 PNC § 1101 and is subject to wage and salary taxation. The national government shall automatically withhold from the members’ compensation wage and salary tax and contributions to the Civil Service Pension Plan Trust Fund and to the Social Security Retirement Fund.

Source

PL 7-7-2 § 1, modified. PL 7-7-2 § 1 superseded (though it did not expressly repeal or amend) PDC § 104(a), as amended by PL 5-3-1 § 1, PL 6-6-18 § 1, and PL 6-7-10 § 1. Amended by RPPL 4-36 § 8. Amended in its entirety by RPPL 7-2. Subsection (b)(1) is amended by RPPL 7-52 § 4. Subsection (b)(1) is amended by RPPL 8-1 § 2.

Notes

RPPL 7-2 §§ 1 and 2 read:

Section 1. Short title. This Act shall be known and may be cited as the “Olbiil Era Kelulau Uniform Compensation Act.”

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Section 2. Legislative findings. The passage of Charter Initiative No. 5 by the people of Palau amended the Constitution to establish a uniform fee as compensation for the members of the Olbiil Era Kelulau. This Act is intended to authorize payment to the members of the Olbiil Era Kelulau in conformance with the new constitutional provision.

Cross-reference
ROP Const. art. IX, § 8.

§ 202. Official expenses.

There shall be made available, commencing as of January 1, 1994, to each member of the Olbiil Era Kelulau an official expense allowance of two thousand dollars (\$2,000) per month each to assist in defraying the expenses related to or resulting from the discharge of the member's official duties. Members shall report expenditures to the Presiding Officers of the Olbiil Era Kelulau. Each house of the Olbiil Era Kelulau shall promulgate its own rules and procedures governing the use, disbursement, and expenditure of the official expense allowance for its members and shall be the sole judge of the propriety and legal justification therefore.

Source

PDC § 104(b); amended by PL 5-3-1 § 1, PL 6-6-18 §§ 1 and 2, PL 6-7-10 § 1, PL 6-8-38 § 1, and PL 7-8-3 § 4, modified; amended by RPPL 4-10 § 4(7), modified. The last sentence was added by RPPL 6-37 § 27(b).

Notes

RPPL 6-37 § 27(a) reads: "Purpose. The purpose of this amendment is to authorize each house of the Olbiil Era Kelulau to promulgate its own rules and procedures regarding the official expense allowance granted to each of its members pursuant to 3 PNC 202. The Constitution, Article IX, Section 11, authorizes each house of the Olbiil Era Kelulau to promulgate its own rules and procedures, not inconsistent with the Constitution and laws of Palau."

ROP v. Akiwo, 6 ROP Intrm. 105 (1997).
ROP v. Akiwo, 6 ROP Intrm. 283, 284 (Tr. Div. 1996).

Palau Chamber of Commerce v. Uherbelau, 5 ROP Intrm. 300, 300, 304 (Tr. Div. 1995). In this case the court stated that RPPL 4-10 § 4(7) "is unconstitutional on its face, and hereby enjoins the national treasury from issuing any checks for official expenses to OEK members in excess of \$1,000.00 per month." The case was not appealed.

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Chapter 3
Investigating Committees

Subchapter I
General Provisions

- § 301. Purpose.
- § 302. Definitions.
- § 303. Establishment of investigating committees.
- § 304. Adoption of rules.
- § 305. Finances and staff.
- § 306. Membership.
- § 307. Quorum.
- § 308. Voting.
- § 309. Government officers and employees to cooperate.
- § 310. Limitations.

§ 301. Purpose.

The purposes of this chapter are to establish procedures governing legislative investigating committees, and to provide for the creation and operation of such committees in a manner which will enable them to perform properly the powers and duties vested in them, including the conduct of hearings, in a fair and impartial manner, consistent with the protection of the rights of persons called to testify at such hearings.

Source

PL 7-5-3 § 1, modified.

§ 302. Definitions.

Unless the context otherwise requires in this chapter:

(a) “Hearing” means any meeting in the course of an investigatory proceeding, other than a preliminary conference or interview at which no testimony is taken under oath, conducted by an investigating committee for the purpose of taking testimony or receiving other evidence.

(b) “Investigating committee” means any of the following bodies which are authorized to

compel the attendance and testimony of witnesses or the production of books, records, papers, and documents for the purpose of securing information on a specific subject for the use of the Olbiil Era Kelulau:

- (1) a standing or special committee or committee of the whole of either house of the Olbiil Era Kelulau;
- (2) a joint committee of both houses;
- (3) an authorized subcommittee of a legislative committee; and
- (4) any body created by law, the members of which may include non-legislators.

(c) “Public hearing” means any hearing open to the public, or the proceedings of which are made available to the public.

Source

PL 7-5-3 § 2, terms put in alphabetical order and section modified.

Notes

Elia Tulop v. Palau Election Comm’n, 14 ROP 5, 7 (2006).

§ 303. Establishment of investigating committees.

The joint or single resolution, statute or rule of procedure establishing an investigating committee shall state the committee’s purposes, powers, duties and duration, the subject matter and scope of its investigatory authority, and the number of its members.

Source

PL 7-5-3 § 3, modified.

Notes

Elia Tulop v. Palau Election Comm’n, 14 ROP 5, 7 (2006).

§ 304. Adoption of rules.

Each investigating committee shall adopt rules, not inconsistent with any law or any applicable rules of the Olbiil Era Kelulau, governing its procedures, including the conduct of hearings.

Source
PL 7-5-3 § 4.

§ 305. Finances and staff.

Each investigating committee may employ such professional, technical, clerical, or other personnel as may be necessary for the proper performance of its duties, to the extent of funds made available to it for such purpose and subject to such restrictions and procedures relating thereto as may be provided by law or any applicable rules of the Olbiil Era Kelulau.

Source
PL 7-5-3 § 5.

§ 306. Membership.

An investigating committee shall consist of not less than three (3) members.

Source
PL 7-5-3 § 6(1), modified.

§ 307. Quorum.

A quorum shall consist of a majority of the total authorized number of members of the committee.

Source
PL 7-5-3 § 6(2), modified.

§ 308. Voting.

No action shall be taken by a committee at any meeting unless a quorum is present. The committee may act by a majority vote of the members present and voting at a meeting at which there is quorum, unless the provisions of this chapter or any other statute require a greater number or proportion.

Source
PL 7-5-3 § 6(3), modified.

§ 309. Government officers and employees to cooperate.

The officers and employees of the Republic and of each political subdivision thereof shall cooperate with any investigating committee or committees, or with their representatives, and furnish to them, or to their representatives, such information as may be called for in connection with the research activities of the committees.

Source

PL 7-5-3 § 16, modified.

§ 310. Limitations.

Nothing contained in this chapter shall be construed to limit or prohibit the acquisition of evidence or information by an investigating committee by any lawful means not provided for herein.

Source

PL 7-5-3 § 17, modified.

**Subchapter II
Hearings**

§ 321. Hearings.

§ 322. Conduct of hearings.

§ 321. Hearings.

An investigating committee may hold hearings appropriate for the performance of its duties, at such times and places as the committee determines.

Source

PL 7-5-3 § 7.

§ 322. Conduct of hearings.

(a) All hearings of an investigating committee shall be public.

(b) The chairman of an investigating committee, if present and able to act, shall preside at all hearings of the committee and shall conduct the examination of witnesses himself or supervise examination by other members of the committee, the committee's counsel, or members of the committee's staff who are so authorized. In the chairman's absence or disability, the vice-chairman shall preside.

Source

PL 7-5-3 § 10, modified.

**Subchapter III
Witnesses and Testimony**

- § 331. Issuance of subpoenas.
- § 332. Notice to witnesses.
- § 333. Witnesses right to counsel.
- § 334. Witnesses submission of questions.
- § 335. Record of testimony.
- § 336. Testimony.
- § 337. Interested persons.

§ 331. Issuance of subpoenas.

(a) The President of the Senate, the Speaker of the House of Delegates or other presiding officer of either house of the Olbiil Era Kelulau, with the approval of the majority of the members of the house concerned, may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before either house or committee, as the case may be.

(b) Every investigating committee may recommend the issuance, by majority vote of all its members, of subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents or other evidence, in any matter pending before the committee. Such subpoenas shall issue upon approval by the majority of the members of either house or each house of the Olbiil Era Kelulau, as the case may be.

(c) Any subpoena, warrant of arrest or other process issued under the authority of either house or both houses of the Olbiil Era Kelulau shall run in the name of the Republic and

shall be addressed to any or all of the following officers: the sergeant-at-arms of either house; the sergeant-at-arms of both houses, in the case of a subpoena issued on behalf of a joint committee; the Director of the Bureau of Public Safety of the national government or his public safety officers. The subpoena, warrant or other process shall be signed by the officer authorized to issue it, shall set forth his official title, shall contain a reference to the rule, resolution, or other means by which the taking of testimony or other evidence, or the issuance of such warrant or other process was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which the testimony or other evidence is to be taken.

(d) Any officer to whom such process is directed shall forthwith serve or execute the same upon delivery to him, without charge or compensation.

Source

PL 7-5-3 § 8, as amended by RPPL 3-15 § 1(1), modified.

Cross-reference

ROP Const., Art. IX, § 12.

§ 332. Notice to witnesses.

(a) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made at least five days prior to the date of the hearing, provided that a shorter period of time may be authorized by majority vote of all the members of the committee when, in their opinion, the giving of five days' notice is not practicable. If a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(b) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a general statement informing him of the subject matter of the committee's investigation or inquiry, and a notice that he may be accompanied at the hearing by counsel of his own choosing.

Source

PL 7-5-3 § 9, modified.

§ 333. Witnesses right to counsel.

Every witness at a hearing of an investigating committee may be accompanied by counsel of his own choosing, who may advise the witness as to his rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of, or interference with, the orderly conduct of the hearing.

Source

PL 7-5-3 § 11(1), modified.

§ 334. Witnesses submission of questions.

Any witness at a hearing, or his counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as are appropriate to the subject matter of the hearing.

Source

PL 7-5-3 § 11(2), modified.

§ 335. Record of testimony.

An investigating committee may cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chairman may direct.

Source

PL 7-5-3 § 12(1), modified.

§ 336. Testimony.

(a) Any testimony given or adduced at a hearing may be under oath or affirmation if the committee so requires.

(b) The presiding member of an investigating committee may administer an oath or affirmation to a witness at a hearing of such committee.

- (c) The presiding member at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt.
- (d) With the consent of a majority of the committee members present at the hearing, a witness or his counsel may file with the committee for incorporation into the record of the hearing any sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.
- (e) A witness at a hearing, upon his request and at his own expense, shall be furnished a transcript of his testimony at the hearing, if a record of the same is kept.
- (f) All information of a defamatory or highly prejudicial nature received by, or for the committee, other than in a hearing shall be deemed to be confidential. No such information shall be public unless authorized by a majority vote of all the members of the committee for legislative purposes, or unless its use is required for judicial purposes.

Source

PL 7-5-3 § 12(2) to (7), modified.

§ 337. Interested persons.

- (a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who, in the opinion of the committee, may be adversely affected thereby, may, upon his own request or upon the request of any member of the committee, appear personally before the committee and testify in his own behalf, or, with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.
- (b) With the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. No request to appear, appearance or submission of evidence shall limit in any way the investigating committee's power of subpoena.
- (c) Any person who appears before an investigating committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided by this

chapter.

Source

PL 7-5-3 § 13, modified.

**Subchapter IV
Contempt**

§ 341. Contempt.

§ 342. Report and prosecution of contempt.

§ 343. Defense against contempt.

§ 341. Contempt.

A person shall be in contempt if he:

- (a) fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;
- (b) fails or refuses to answer any relevant question or to furnish any relevant book, paper, or other document subpoenaed by or on behalf of an investigating committee; or
- (c) exhibits disrespect of an investigating committee by unlawfully, knowingly, and willfully interfering directly with the operation and function of such committee by open defiance of an order in or near the meeting place, by interfering with an officer of such committee in the lawful performance of his official duties, or by unlawfully detaining or threatening any witness of such committee because of that person's duty as a witness.

Source

PL 7-5-3 § 14(1), modified.

Cross-reference

For Contempt of Courts Act, see chap. 22 of Tit. 14; for criminal contempt, see chap. 10 of Tit. 17.

§ 342. Report and prosecution of contempt.

An investigating committee may, by majority vote of all its members, report to the Olbiil Era Kelulau, or the house which established it, any instance of alleged contempt. The President of

the Senate or Speaker of the House of Delegates shall certify a statement of such contempt under his signature as President of the Senate or Speaker of the House of Delegates, as the case may be, to the Attorney General, who shall prosecute the offender in a court of competent jurisdiction. If the Olbiil Era Kelulau is not in session, a statement of the alleged contempt shall be certified by the chairman or acting chairman of the committee concerned, under his signature, to the Attorney General, who shall prosecute the offender as aforesaid. An instance of alleged contempt shall be considered as though committed in, or against such house, or the Olbiil Era Kelulau itself.

Source

PL 7-5-3 § 14(2), modified.

§ 343. Defense against contempt.

If any investigating committee fails in any material respect to comply with the requirements of this chapter, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued, or, if present, to testify or produce evidence therein; such failure shall be a complete defense in any proceeding against the person for contempt or other punishment.

Source

PL 7-5-3 § 15(2), modified.

**Subchapter V
Penalties**

§ 351. Penalties.

§ 352. Witness privileges; penalties.

§ 351. Penalties.

A person guilty of contempt under this chapter shall, upon conviction, be fined not more than one thousand dollars (\$1,000), or imprisoned for not more than one (1) year, or both.

Source

PL 7-5-3 § 15(1), modified.

Cross-reference

For Contempt of Courts Act, see chapter 22 of Title 14; for criminal contempt, see chapter 10 of Title 17.

§ 352. Witness privileges; penalties.

(a) Any witness shall have only those privileges against testifying or producing evidence under subpoena duces tecum which are:

(1) authorized by Article V of the Courts of Republic of Palau Rules of Evidence;
or

(2) required by Article IV of the Constitution and the Trust Territory Bill of Rights or other law applicable to the Republic.

(b) Any person, other than the witness concerned or his counsel, who violates the provisions of section 336, subsection (f) of this chapter shall, upon conviction, be fined not more than \$500.00, or imprisoned for not more than six months, or both. The Attorney General, on his own initiative or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure, may institute proceedings for trial of the issue and imposition of the penalties provided herein. Nothing in this subsection shall limit any power which the Olbiil Era Kelulau or either house thereof may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

Source

PL 7-5-3 § 15(2) and (3), modified.

**Chapter 4
Legislation**

- § 401. Short title.
- § 402. Purpose.
- § 403. Approval of bills after adjournment.
- § 404. Veto of bills after adjournment sine die.
- § 405. Referral of bills after adjournment.
- § 406. Construction.
- § 407. Re-passage of referral bills.

§ 401. Short title.

This chapter may be cited as the “Veto and Referral Act.”

Source

RPPL 1-52 § 1(a), modified.

Cross-reference

ROP Const., Art. IX, § 15.

§ 402. Purpose.

The purpose of this chapter is to clarify presidential action on legislation presented to him after the Olbiil Era Kelulau has adjourned sine die. Additionally, this chapter authorizes the clerk of each house of the Olbiil Era Kelulau to receive certain messages from the President on behalf of his respective house after adjournment of the Olbiil Era Kelulau sine die.

Source

RPPL 1-52 § 1(b), modified.

Cross-reference

ROP Const., Art. IX, § 15.

§ 403. Approval of bills after adjournment.

A bill adopted by each house of the Olbiil Era Kelulau and presented to the President after adjournment of the Olbiil Era Kelulau sine die or fewer than 15 calendar days before such adjournment, shall become law when signed by the President in the same manner as a bill

presented to and approved by the President while the Olbiil Era Kelulau is in session.

Source

RPPL 1-52 § 2, modified.

Cross-reference

ROP Const. art. IX, § 15.

§ 404. Veto of bills after adjournment sine die.

If the President vetoes a bill or any part thereof or reduces an item in a bill after adjournment sine die of the Olbiil Era Kelulau, he shall immediately call both houses into session at noon on the day following the day the bill was vetoed. Failure by either house to reach a quorum on that day shall constitute an authorization to its clerk to receive the returned vetoed bill on its behalf. Each house shall have 30 days from the date of veto to reach a quorum and consider the returned bill. If the President fails to call both houses into session as prescribed by this section, the bill shall become law and be presented to the High Commissioner.

Source

RPPL 1-52 § 3, modified.

Cross-reference

ROP Const. art. IX, § 15.

§ 405. Referral of bills after adjournment.

If the President refers a bill to the Olbiil Era Kelulau with recommendations for amendment but the Olbiil Era Kelulau has adjourned sine die, the President shall return the bill together with his recommendations to the clerk of each house of the Olbiil Era Kelulau within 15 calendar days of presentation of the bill to him. Such a bill may then be considered by the Olbiil Era Kelulau when it next convenes or thereafter.

Source

RPPL 1-52 § 4.

Cross-reference

ROP Const. art. IX, § 15.

§ 406. Construction.

Nothing in this chapter shall be deemed to affect the rights or obligations of the President or of the Olbiil Era Kelulau as set forth in the Constitution.

Source
RPPL 1-52 § 5.

§ 407. Re-passage of referral bills.

(a) Any bill referred to the Olbiil Era Kelulau by the President with recommendations for amendment may be repassed by a majority vote upon one reading in each house of the Olbiil Era Kelulau and returned to the President.

(b) The Olbiil Era Kelulau may re-pass a referred bill by taking action in any of the following ways:

(1) re-pass the bill without change, in the form as first submitted to the President before referral;

(2) re-pass the bill incorporating all amendments recommended by the President;

(3) re-pass the bill incorporating one or more amendments recommended by the President; or

(4) re-pass the bill with amendments that substantially comply with one or more amendments recommended by the President.

(c) The Olbiil Era Kelulau may not re-pass a referred bill which incorporates new amendments not recommended by the President.

(d) The President's recommendations in a bill referred to the Olbiil Era Kelulau for amendment may be in the form of specific statutory language to be added or deleted or may be a general statement of policy or an objective, the statutory language of which may be provided by the Olbiil Era Kelulau.

Source
RPPL 6-11 § 3[407], modified.

**Chapter 5
Library**

- § 501. Library created.
- § 502. Purpose of Library.
- § 503. Librarian.
- § 504. Responsibilities of Librarian.
- § 505. Title to Library property.
- § 506. Use of Library.
- § 507. Donations to Library.
- § 508. Library building.

§ 501. Library created.

There is hereby established a National Congress Library, herein referred to as the Library of the Olbiil Era Kelulau.

Source
RPPL 1-8 § 1, modified.

§ 502. Purpose of Library.

The Library shall provide comprehensive research and reference services on legislative problems and shall secure, whenever necessary, reports of various officers, ministers, bureaus, and agencies of the national and state governments of the Republic and of other countries and nations, and such other materials, periodicals or books as will furnish the fullest information practicable upon matters pertaining to current or proposed legislation and to legislative and administrative problems.

Source
RPPL 1-8 § 2, modified.

§ 503. Librarian.

A Librarian shall be appointed by the President of the Senate and Speaker of the House of Delegates, solely on the basis of merit and fitness to perform the duties of the office.

Source
RPPL 1-8 § 5, modified.

§ 504. Responsibilities of Librarian.

The Librarian shall be responsible to the President of the Senate and Speaker of the House of Delegates for the administration and operation of the Library, its organization, property, and personnel. The Librarian, with the approval of the President of the Senate and Speaker of the House of Delegates, shall prepare rules and regulations for the governing of the Library and its departments. The Librarian shall make an annual report to both houses of the Olbiil Era Kelulau at the end of each year, with respect to the activities, financial status, condition of the Library, and recommendations as to future operations.

Source
RPPL 1-8 § 5.

§ 505. Title to Library property.

The title to any and all Library property shall be in the national government.

Source
RPPL 1-8 § 3.

§ 506. Use of the Library.

The Library shall be available for the use of citizens of the Republic in accordance with the rules and regulations set forth by the Librarian with the approval of the President of the Senate and Speaker of the House of Delegates.

Source
RPPL 1-8 § 4.

§ 507. Donations to Library.

The Librarian is hereby authorized to accept, on behalf and in the name of the Library, from any government, agency, individual, or any other source, advisory services, grants-in-aid, gifts and donations of money and other property for the benefit of the Library, provided that any grant-in-aid, donation, or other form of assistance involving an obligation on the part of the Library shall require the approval of the President of the Senate and Speaker of the House of Delegates.

Source
RPPL 1-8 § 6, modified.

§ 508. Library building.

The President of the Republic, upon prior consultation with the President of the Senate and Speaker of the House of Delegates, is empowered and authorized to set aside a parcel of public land upon which to build a permanent building for the Library. The President of the Senate and Speaker of the House of Delegates shall approve the final design for the construction of the Library building.

Source

RPPL 1-8 § 7, modified.

3 PNCA

THE OLBIL ERA KELULAU