

**TITLE 2
THE EXECUTIVE**

**Chapter 1
Organization**

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§ 101. Short title.

This chapter may be cited as the “Executive Branch Organization Act.”

Source
PL 7-8-8 § 1, modified.

§ 102. Ministries.

- (a) The major departments of the Executive branch of the national government shall be:

- (1) the Ministry of State;
- (2) the Ministry of Justice;
- (3) the Ministry of Public Infrastructure and Industries;
- (4) the Ministry of Finance;
- (5) the Ministry of Health and Human Services;
- (6) the Ministry of Education;
- (7) the Ministry of Human Resources, Culture, Tourism, and Development; and
- (8) the Ministry of Agriculture, Fisheries, and the Environment.

(b) The heads of these departments shall be referred to as ministers and shall be members of the President's cabinet.

Source

PL 7-8-8 § 2, as amended by RPPL 3-30 § 3, modified. Amended by RPPL 7-43 § 2. Subsection (a)(3),(5) and (7) amended by RPPL 11-2 § 2. Amended by RPPL 11-7 § 2.

Notes

All references to the Minister/Ministry of Natural Resources, Environment, and Tourism in the Palau National Code and Republic of Palau Public Laws, in relation to the responsibilities of the Minister/Ministry of Agriculture, Fisheries, and the Environment as established in Section 2 of this Act, are hereby amended to reference the Minister/Ministry of Agriculture, Fisheries, and the Environment, or another minister/ministry if the reference specifically applies to the functions of that other minister/ministry as established in 2 PNC Chapter 1, as amended pursuant to RPPL 11-7 § 19.

All references in the Palau National Code and in Republic of Palau Public Laws to a minister/ministry other than the Minister/Ministry of Human Resources, Culture, Tourism, and Development, in relation to the responsibilities of the Minister/Ministry of Human Resources, Culture, Tourism, and Development as established in Section 2 of this Act, are hereby amended to reference the Minister/Ministry of Human Resources, Culture, Tourism, and Development, or another minister/ministry if the reference specifically applies to the functions of that other minister/ministry as established in 2 PNC Chapter 1, as amended pursuant to RPPL 11-7 § 20.

All references to the Minister/Ministry of Health in the Palau National Code and in Republic of Palau Public Laws, in relation to the responsibilities of the Minister/Ministry of Health and Human Services as established in Section 2 of this Act, are hereby amended to reference the Minister/Ministry of Health and Human Services, or another minister/ministry if the reference specifically applies to the functions of that other minister/ministry as established in 2 PNC Chapter 1, as amended pursuant to RPPL 11-2 § 17.

All references to the Minister/Ministry of Public Infrastructure, Industries and Commerce in the Palau National Code

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and in Republic of Palau Public Laws, in relation to the responsibilities of the Minister/Ministry of Public Infrastructure and Industries as established in Section 2 of this Act, are hereby amended to reference the Minister/Ministry of Public Infrastructure and Industries, or another minister/ministry if the reference specifically applies to the functions of that other minister/ministry as established in 2 PNC Chapter 1, as amended pursuant to RPPL 11-2 § 18.

RPPL 7-43 § 5 repealed RPPL 3-30 § 5 “Functions of Ministry of Commerce and Trade”. 2 PNC § 106 “Ministry of Resources and Development” was split into two ministries: “Ministry of Public Infrastructure, Industries and Commerce” and “Ministry of Natural Resources, Environment, and Tourism” by RPPL 7-43 § 2. The functions of Ministry of Resources and Development and Ministry of Commerce and Trade were split up into the new ministries.

Subsection (a)(4) “Ministry of Finance” read “Ministry of Administration” and was amended by RPPL 6-26 § 33, *see* 2 PNCA § 108.

PL 7-8-8 § 2 (c),(d) titled “Ministry of National Resources” and “Ministry of Social Services” were repealed by RPPL 3-30 § 2. Five ministries: Ministry of Resources and Development; Ministry of Commerce and Trade; Ministry of Health; Ministry of Education and Ministry of Community and Cultural Affairs, were created by RPPL 3-30 § 3.

ROP v. Etpison, 5 ROP Intrm. 313, 316 (Tr. Div. 1995).

§ 103. Appointment of ministers; reappointment and reconfirmation of ministers for new Olbiil Era Kelulau.

- (a) Ministers shall be appointed by the President with the advice and consent of the Senate and shall serve at the will of the President. A nomination for the appointment of a minister shall be deemed withdrawn from the Senate by the President if the Senate does not give its consent within sixty (60) calendar days from the day the Senate receives the nomination from the President.
- (b) The President shall submit nominations pursuant to subsection (a) after assuming office, or a minister position becoming vacant at any point during a presidential term due to resignation, termination, death, or incapacity.
- (c) Regardless of the individual occupying the Office of the President, all ministers must be reconfirmed by the Senate of a new Olbiil Era Kelulau following the same process articulated in subsection (a).

Source

PL 7-8-8 § 3, modified. Amended in its entirety by RPPL 11-29 § 2, modified.

Cross-reference

ROP Const. art. IX, § 5(8).

§ 104. Functions of Ministry of State.

(a) The Ministry of State shall be responsible for national defense, treaty matters, relations between the national and state governments, relations with other nations, the United Nations and other international organizations, maintenance of the National Archives, and related matters.

(b) Regardless of the individual occupying the Office of the President, all ambassadors and the Permanent Representative of the Republic of Palau to the United Nations, shall be confirmed by the Senate of a new Olbiil Era Kelulau.

Source

PL 7-8-8 § 4(1), modified. Amended by RPPL 11-2 § 3. Subsection (b) added by RPPL 11-29 § 3.

Notes

Allied Boston Bank, Inc. v. Registrar of Corps., 10 ROP 198, 200, 201 (Tr. Div. 2002).

§ 105. Functions of Ministry of Justice.

The Ministry of Justice shall be responsible for providing legal services to the national government and its agencies and political subdivisions, promoting and protecting the safety and peace of the public, maintaining order, enforcing all laws, and related matters. The Ministry shall take all necessary lawful actions to defend the integrity of the Republic's jurisdiction and to promote the safety of all persons and wildlife therein. The Ministry shall be responsible for surveillance of the Republic's maritime jurisdiction, and for monitoring and enforcing the restrictions pertaining to the Exclusive Economic Zone, the Domestic Fishing Zone, and the Palau National Marine Sanctuary.

Source

PL 7-8-8 § 4(2), modified. Amended by RPPL 9-14 § 3. Subsection (a) amended by RPPL 10-35 § 12. Amended by RPPL 11-7 § 3.

Notes

Foreign Investment Board v. OEK, 5 ROP Intrm. 344, 346 (Tr. Div. 1996).

Koror v. Blanco, 4 ROP Intrm. 208, 214 (1994).

ROP v. Sakuma, 2 ROP 23, 29 (1990).

§ 106. Functions of Ministry of Public Infrastructure and Industries.

(a) The Ministry of Public Infrastructure and Industries shall be responsible for the maintenance, operation, engineering, and design of government-owned facilities and

equipment, including public utilities and park and recreation facilities; public works; capital improvement projects; infrastructure; lands; surveys; land, sea, and air transportation, including ports; communications; and for other related matters.

(b) There is established a Bureau of Communications, under the Ministry of Public Infrastructure and Industries, which shall be responsible for the supervision and regulation of telecommunications in the Republic of Palau. The Bureau of Communications shall have the powers, duties, and responsibilities of a telecommunications regulator, as more fully set out in chapter 3 of Title 15 of the Palau National Code. Its responsibilities shall include the promulgation of telecommunication regulations, the oversight of telecommunication providers, and the maintenance of a healthy and competitive telecommunications industry, in accordance with the provisions of Title 15.

(c) There is hereby established a Bureau of Marine Transportation, under the Ministry of Public Infrastructure and Industries, which shall have the authority or duties as may be delegated pursuant to section 126 of Title 7 of the Palau National Code.

Source

PL 7-8-8 § 4(3), repealed by RPPL 3-30 § 2. RPPL 3-30 § 4. Subsection (b) was added by RPPL 5-7 § 34(4). Subsection (b) amended by RPPL 6-26 § 17(b). Subsection (c)(1) through (c)(13) was added by RPPL 6-26 § 17(a). Subsection (d) was added by RPPL 6-37 § 17, modified. Amended by RPPL 7-43 § 2. Amended in its entirety by RPPL 10-17 § 2, modified. Amended by RPPL 10-45 § 2 to add subsection (c), modified. Section title and subsection (a) amended by RPPL 11-2 § 4.

§ 107. Functions of Ministry of Health and Human Services.

The Ministry of Health and Human Services shall be responsible for promoting and protecting the public health, providing clinical medical services to the public, operating and managing public medical facilities, caring for the aging, the disabled, and other vulnerable populations, and related matters.

Source

RPPL 3-30 § 6. Amended by RPPL 11-2 § 5.

§ 108. Functions of Ministry of Finance.

The Ministry of Finance shall be responsible for the administration and management of government finance, revenue, personnel, property, and related matters.

Source

PL 7-8-8 § 4(5), modified

§ 109. Subdivisions of Ministries.

The President shall provide for subdivisions of ministries and prescribe their duties, responsibilities and functions by executive order and consistent with the provisions of this section.

Source

PL 7-8-8 § 4(6), modified.

§ 110. Executive offices and agencies; appointment of heads.

The President may by executive order establish offices and agencies within the Executive branch and prescribe their duties, responsibilities and functions to assist the President, Vice President and ministers in the performance of their duties, responsibilities and functions. Heads of such offices and agencies shall be appointed by and serve at the will of the President. Heads of such offices and agencies shall not be empowered to exercise any authority over a minister or ministry or perform any duty, responsibility or function of a ministry.

Source

PL 7-8-8 § 5, modified.

§ 111. Staff of President and Vice President.

The President and Vice President may each appoint staff to serve within their respective offices. Such staff shall serve at the respective wills of the President and Vice President. Such staff shall not be empowered to exercise any authority over a minister or ministry or perform any duty, responsibility or function of a ministry.

Source

PL 7-8-8 § 6.

Notes

Kingon v. ROP, 2 ROP Intrm. 72, 73, 76 (1990).

§ 112. Compensation of ministers and heads of offices and agencies.

Heads of major executive departments and offices and agencies established by executive order shall receive compensation prescribed by law; provided that the President may prescribe such compensation by executive order for heads of such departments, offices and agencies prior to the Olbiil Era Kelulau enacting laws to prescribe their compensation.

Source

PL 7-8-8 § 7.

Cross-reference

For statutory provision establishing the salaries of Ministers, see § 403 of this title.

§ 113. Executive orders promulgated under this chapter.

Executive orders promulgated pursuant to the provisions of this chapter shall be made available to the Olbiil Era Kelulau and Judiciary no later than ten (10) days from the date of promulgation.

Source

PL 7-8-8 § 8, modified.

§ 114. Transition; Palau District officers.

District officers shall not become heads of divisions within major executive departments and offices and agencies established by executive order unless appointed to such positions subsequent to the effective date of this chapter.

Source

PL 7-8-8 § 9(2), modified.

§ 115. [Repealed]

Source

RPPL 3-30 § 5. Repealed by RPPL 7-43 § 5.

§ 116. Functions of Ministry of Education.

The Ministry of Education shall be responsible for managing, operating, and promoting the public elementary and secondary schools systems throughout the Republic, developing and

implementing educational curriculum and standards, and related matters.

Source
RPPL 3-30 § 7.

§ 117. Functions of Ministry of Human Resources, Culture, Tourism, and Development.

(a) The Ministry of Human Resources, Culture, Tourism, and Development shall be responsible for the preservation, development and promotion of cultural and historical resources, including museum facilities, the local economy and human resources functions of the executive branch workforce, the management and development of programs for youth affairs, the promotion and development of tourism, and related matters.

(b) The Ministry of Human Resources, Culture, Tourism, and Development shall be responsible for developing the national occupational standards of tourism and shall have the following powers and duties:

(1) to regulate tourism activities and services throughout Palau, in accordance with the national tourism plan;

(2) to register, license, and grade all tourism and tourist-related businesses, including cottages and private residences engaged in guest house services;

(3) to develop and implement, in consultation with relevant states, national and quasi-government agencies and stakeholders, criteria for standardization and classification of tourism facilities and services;

(4) to develop and regulate, in consultation with the Ministry of Education and Palau Community College, matters relating to education, tourism and hospitality curriculum, examination and certification;

(5) to develop and implement a code of practice for the tourism sector;

(6) to monitor and assess tourist activities and services to promote continuous improvement and adherence to sound principles and practices of sustainable tourism; and

(7) to issue citations for any violations of regulations promulgated consistent with this section and to suspend or revoke any license issued pursuant to this section

for failure to comply with regulations.

Source

RPPL 3-30 § 8. Amended by RPPL 11-2 § 6. Amended in its entirety by RPPL 11-7 § 4.

§ 118. Local revenues analysis.

The Director of the Bureau of the National Treasury shall submit and furnish copies of daily cash collection reports to the presiding officers of the Olbiil Era Kelulau. These daily reports shall be submitted together at the beginning of each month and shall show collections and accounts receivable. The reports shall also show all delinquent taxes, divided into the following categories: over thirty (30) days, over ninety (90) days, and over one hundred twenty (120) days.

Source

RPPL 4-10 § 32, modified. Amended by RPPL 5-7 § 63, modified.

Notes

Former § 118 entitled “Bureau of Revenue, Customs, and Taxation” is repealed by RPPL 11-7 § 5.

§ 119. Audit of Ministry of Public Infrastructure and Industries projects.

(a) Within thirty (30) days after the effective date of this section, and at least once every quarter thereafter, the Ministry of Public Infrastructure and Industries shall submit to the President and the presiding officers of the Olbiil Era Kelulau a status report describing all projects for which the Ministry has the responsibility for allocating or administering funds. The report shall indicate:

- (1) the amount of money appropriated or otherwise allocated for the project;
- (2) the amount of money spent on the project to date;
- (3) the names of outside contractors hired to work on the project, if any, and the value of the contract awarded to each contractor;
- (4) the percentage of the work that has been completed on the project to date;
- (5) the estimated completion date; and
- (6) if the project is completed, the amount of money that has reverted to the

National Treasury.

(b) Within ten (10) days after completion of a project for which the Ministry is responsible, the Minister shall notify in writing the Ministry of Finance and the Olbiil Era Kelulau.

(c) Funds appropriated by the Olbiil Era Kelulau for capital improvement projects may only be used to perform work on the project. The Ministry of Public Infrastructure and Industries may not use any of the funds so appropriated for administrative or other costs incurred by the Ministry.

Source

RPPL 5-7 § 60, effective October 3, 1997, modified.

Notes

This section was formerly § 120 and was renumbered accordingly upon the repealing of § 118 by RPPL 11-7 § 5.

Cross-reference

For projects financed by the Olbiil Era Kelulau generally, see 40 PNCA § 401.

§ 120. Functions of Ministry of Agriculture, Fisheries, and the Environment.

(a) The Ministry of Agriculture, Fisheries, and the Environment, shall be responsible for the promotion, exploration, exploitation, development, and management of the natural resources of the Republic, including marine and fisheries, agriculture, aquaculture, forests, mineral and other terrestrial and marine resources; as well as the protection and management of the environment; and for other related matters.

(b) The Ministry of Agriculture, Fisheries, and the Environment shall provide monetary and technical assistance to state governments on a nondiscriminatory and equitable basis, to further the goals of the Ministry.

(c) The Ministry of Agriculture, Fisheries, and the Environment shall be responsible for exploring, surveying, developing, managing and conserving all near shore marine resources. Specifically, the Ministry shall:

(1) Continue efforts to develop inshore fisheries by transferring modern fishing techniques to Palauan fishermen for the purpose of enhancing subsistence and commercial fishing;

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- (2) Promote and develop commercialization of fisheries and fishery value added products;
- (3) Assisting the development of fisheries infrastructure and programs at the state level;
- (4) Continue the exploration of other species of high value, such as deep water fish, crabs, shrimp and squid for potential commercial development;
- (5) Explore seabed mineral resources within the continental shelf in the Republic of Palau;
- (6) Conduct pilot programs with the aim of promoting and developing commercialization of fisheries and fishery products;
- (7) Establish programs to hatch and rear identified species of fish, mollusks, crustaceans, and turtles to be returned to their natural habitats at maturity as a means of preventing the depletion of such important marine resources;
- (8) Assess and evaluate the commercial viability of various reef and deep water fish, baitfish, mollusks, crustaceans, turtles, and other marine and aquatic life from catch records, census and quantitative field measurements;
- (9) Coordinate with the Palau Fisheries Advisory Committee (“PFAC”) in the development and implementation of a comprehensive fisheries policy and in the negotiation of multilateral, sub-regional, and bilateral fisheries agreements;
- (10) Formulate, establish, and implement guidelines and conservation measures to safeguard against the over-exploitation and over-harvesting of near shore marine resources, in coordination with the PFAC;
- (11) Provide technical assistance and advisory services to local fishing cooperatives in the purchasing, handling and marketing of fish and other marine products both locally and outside the Republic of Palau;
- (12) Provide staff support and administrative assistance to the PFAC; and
- (13) Maintain and operate the Palau Mariculture Demonstration Center, in order to enhance marine biological research, study and experimentation of mariculture

and aquaculture fisheries.

(d) Money paid to the National Government under the “Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America” and certain Annexes thereto and labeled or set aside as the “Project Development Fund” (“PDF”) shall only be used for fishing, aquaculture and mariculture projects, and shall not be used for travel expenses. The section of RPPL No. 6-37 entitled ‘Apportionment and Allotment’ shall not apply to this PDF, which shall be allocated for distribution to various projects as requested by the states through a method of rotation to ensure fair distribution of money to all sixteen states. At a minimum, this rotation shall ensure that if PDF funds are insufficient to fund all projects within a given year, states that received funding in the previous year shall not again have projects funded unless all other project requests have been fulfilled.

Source

RPPL 7-43 §§ 2 & 3, modified. Subsection (a) is amended by RPPL 9-14 § 4. Subsection (f) added by RPPL 9-53 §2, modified. Amended in its entirety by RPPL 11-7 § 6.

Notes

This section was formerly § 121 and was renumbered accordingly upon the repealing of § 118 by RPPL 11-7 § 5.

The bracketed [section] in subsection (f)(7) replaced the word “Act” in RPPL 9-53 § 2 [§ 121 (f)(7)] as per Code Commission.

Cross-reference

For general amendments to Division of Labor and Chief of Division of Labor, see RPPL 7-43 § 3. For state grants-in-aid generally, see 5 PNCA § 301.

Chapter 2
[RESERVED]

Notes

Former Chapter 2 of this Title entitled "Functions of the President" repealed by RPPL 11-7 § 7.

**Chapter 3
Presidential Succession**

- § 301. Short title.
- § 302. Vacancy in the Presidency; order of succession.
- § 303. Vacancy in the Vice Presidency; order of succession.
- § 304. [Repealed]
- § 305. Time vacancy occurs.

§ 301. Short title.

This chapter may be cited as the “Presidential Succession Act.”

Source
RPPL 1-45 § 1, modified.

§ 302. Vacancy in the Presidency; order of succession.

(a) In the event that the Presidency becomes vacant due to death, resignation, disability, impeachment, or recall, and one hundred eighty (180) days or fewer remain in the term, the Vice President shall succeed to the Presidency for the remaining term. If, however, there is no Vice President, the President of the Senate shall, upon his resignation as the President and member of the Senate, succeed to the Presidency for the remaining term. If, however, there is no President of the Senate, or the President of the Senate fails to qualify as President, the Speaker of the House of Delegates shall, upon his resignation as Speaker and member of the House of Delegates, succeed to the Presidency for the remaining term, provided the Speaker of the House of Delegates qualifies as President. If, however, there is no Speaker of the House of Delegates, or the Speaker of the House of Delegates fails to qualify [as] President, the order of succession to the Presidency shall be as follows: Minister of State; Minister of Justice; Minister of Agriculture, Fisheries, and the Environment; Minister of Public Infrastructure and Industries; Minister of Human Resources, Culture, Tourism, and Development; Minister of Finance; Minister of Health and Human Services.

(b) The taking of the oath of office by a Minister shall be held to constitute resignation from the Ministry.

(c) In the event that the Presidency becomes vacant due to death, resignation, disability,

impeachment or recall and more than one hundred eighty (180) days remain in the term, a national election for the office of the President for the remaining term shall be held within two (2) months of such vacancy. Until such time that the Presidency is filled, the responsibility of the office shall be discharged following the order of succession as prescribed in subparagraph (a) of this section.

Source

RPPL 1-45 § 2, modified. Amended by RPPL 9-61 § 2, modified. Subsection (a) amended by RPPL 11-7 § 8.

Notes

The bracketed [as] in subsection (a) was inserted as per Code Commission.

Cross-reference

ROP Const., Art. VIII, § 11.

§ 303. Vacancy in the Vice Presidency; order of succession.

(a) In the event that the Vice Presidency becomes vacant due to death, resignation, disability, impeachment or recall of the President, or the Vice President and one hundred eighty (180) days or fewer remain in the term, the President of the Senate shall, upon his resignation as the President and member of the Senate, succeed to the Vice Presidency for the remaining term. If, however, there is no President of the Senate, or the President of the Senate fails to qualify as Vice President, the Speaker of the House of Delegates shall, upon his resignation as Speaker and member of the House of Delegates, succeed to the Vice Presidency for the remaining term, provided the Speaker of the House of Delegates qualifies as Vice President. If, however, there is no Speaker of the House of Delegates, or the Speaker of the House of Delegates fails to qualify as Vice President, the order of succession to the Vice Presidency shall be as follows: Minister of State; Minister of Justice; Minister of Agriculture, Fisheries, and the Environment; Minister of Public Infrastructure and Industries; Minister of Human Resources, Culture, Tourism, and Development; Minister of Finance; Minister of Health and Human Services.

(b) The taking of the oath of office by a Minister shall be held to constitute resignation from the Ministry.

(c) In the event that the Vice Presidency becomes vacant due to death, resignation, disability, impeachment, or recall and more than one hundred eighty (180) days remain in the term, a national election for the office of the Vice President for the remaining term shall be held within two (2) months of such vacancy. Until such time that the Vice Presidency is filled, the responsibility of said office shall be discharged following the

order of succession as prescribed in subparagraph (a) of this section.

Source

RPPL 1-45 § 3, modified. Amended in its entirety by RPPL 7-40 § 3. Amended by RPPL 9-61 § 3, modified. Subsection (a) amended by RPPL 11-7 § 8.

Notes

RPPL 7-40 is specified in Section 4 as taking effect on January 1, 2009.

§ 304. Vacancy in the Vice Presidency other than from Vice President's succession to the Presidency. [Repealed]

Source

RPPL 1-45 § 4, modified. Amended in its entirety by RPPL 7-40 § 2, modified. Repealed by RPPL 9-61 § 4.

Notes

RPPL 7-40 is specified in Section 4 as taking effect on January 1, 2009.

§ 305. Time vacancy occurs.

For the purposes of this chapter, the time a vacancy occurs shall be established as follows:

- (a) In the case of death, the vacancy occurs at the time of death.
- (b) In the case of resignation, the vacancy occurs at the time a written declaration, signed by the person resigning, is delivered to the Office of the Ministry of State.
- (c) In the case of disability, the vacancy occurs at the time a written declaration, signed by the President or Vice President and stating that he is unable to discharge the powers and duties of his office, is delivered to the President of the Senate and the Speaker of the House of Delegates.
- (d) In the case of impeachment, the vacancy occurs at the time the votes of the Olbiil Era Kelulau are tabulated and results made official.
- (e) In the case of recall, the vacancy occurs at the time the votes are tabulated and results made official.

Source

RPPL 1-45 § 5, modified.

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§ 401. Salary of President. [Repealed]

§ 402. Salary of Vice President. [Repealed]

§ 403. Salaries of Ministers. [Repealed]

Source

RPPL 4-36 Section 4 reads: Repealer. Effective January 1, 1997, the following sections of the PNC are hereby repealed: 2 PNC 401, 402, and 403...

**Chapter 5
Special Prosecutor**

- § 501. Short title.
- § 502. Office of the Special Prosecutor; creation; appointment; removal.
- § 503. Powers and duties of Special Prosecutor; independent nature of office.
- § 504. Accounting and appropriations.
- § 505. Special Prosecutor salary.
- § 506. Severability.
- § 507. Interim Special Prosecutor.

§ 501. Short title.

This chapter shall be known and may be cited as the “Special Prosecutors Act.”

Source

RPPL 2-7 § 1, modified.

Notes

- Olikong v. ROP, 8 ROP Intrm. 250, 251, 254 (2000).
- Kotaro v. ROP, 7 ROP Intrm. 57, 58 (1998).
- ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
- ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
- ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 502. Office of the Special Prosecutor; creation; appointment; removal.

- (a) There is hereby created an Office of the Special Prosecutor for the Republic of Palau. The Office shall be headed by a Special Prosecutor appointed for a term of five (5) years by the President with the advice and consent of the Senate and shall be within the Office of the President for budget purposes only.
- (b) The Special Prosecutor or Interim Special Prosecutor shall, within thirty (30) days of assuming office, become licensed to practice law before the courts of the Republic as a condition of retaining office. Rule 3 of the Palau Rules of Admission for Attorneys shall be modified so that he may practice law in Palau as a Special Prosecutor or Interim Special Prosecutor for five (5) years without taking the Palau bar examination.
- (c) The Special Prosecutor will not be removed from his duties except for cause. If the

President removes the Special Prosecutor he must submit a report on the cause for removal within seven (7) days to the President of the Senate and the Speaker of the House of Delegates.

(d) The Attorney General may appoint an Interim Special Prosecutor who will take office without the advice and consent of the Senate:

(1) if the President nominates a Special Prosecutor but the Special Prosecutor is not confirmed by the Senate and the President does not nominate a different person to become Special Prosecutor in the sixty (60) days following the failed confirmation; or

(2) if the position of Special Prosecutor is vacant for a period of six (6) months regardless of whether the President nominated a person to become Special Prosecutor.

(e) No person may be appointed as Interim Special Prosecutor if that person was an employee of the Office of the Attorney General in the year prior to being appointed as Interim Special Prosecutor.

(f) The Interim Special Prosecutor will serve in the position as described under section 507 until the earliest of the following four events occurs:

(1) a Special Prosecutor is appointed with the advice and consent of the Senate;

(2) two (2) years elapse from the time of the appointment of the Interim Special Prosecutor;

(3) the Interim Special Prosecutor is removed by the Attorney General for cause; or

(4) the Interim Special Prosecutor resigns or otherwise leaves office.

(g) If the Interim Special Prosecutor is removed by the Attorney General under subsection (f)(3), the Attorney General must submit a report on the reason for the removal within seven (7) days to the President of the Senate and the Speaker of the House of Delegates.

(h) If the term of the Interim Special Prosecutor lapses under subsection (f)(2):

(1) the same person may be reappointed as Interim Special Prosecutor by the Attorney General if the Senate failed to confirm a different person nominated to become Special Prosecutor within the previous six (6) months; or

(2) a different person may be appointed as Interim Special Prosecutor by the Attorney General.

(i) If the Interim Special Prosecutor is removed for cause under subsection (f)(3), or resigns or leaves office under subsection (f)(4), the Attorney General may appoint a new Interim Special Prosecutor.

(j) The President may nominate the Interim Special Prosecutor to become the Special Prosecutor. If the Interim Special Prosecutor is not confirmed by the Senate to become Special Prosecutor, the Interim Special Prosecutor will continue in office as Interim Special Prosecutor.

Source

RPPL 2-7 § 2, as amended by RPPL 3-33 § 1(1), modified. Amended in its entirety by RPPL 9-24 § 2, modified.

Notes

Olikong v. ROP, 8 ROP Intrm. 250, 251, 252 (2000).

Kotaro v. ROP, 7 ROP Intrm. 57, 59, 60 (1998).

ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).

ROP v. Sisor, 3 ROP Intrm. 376, 377 (Tr. Div. 1991).

ROP v. Sakuma, 2 ROP Intrm. 55, 55 (1990).

ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 503. Powers and duties of Special Prosecutor; independent nature of office.

(a) The Special Prosecutor shall have the following powers, functions and duties:

(1) receive complaints of, investigate, and prosecute any and all allegations of violations of the Constitution and laws of the Republic of Palau;

(2) to investigate and act as the prosecutor for the national government in any other case in which the Ministry of Justice or the Office of the Attorney General is unable to investigate or prosecute because of an actual or potential conflict of interest or other ethical considerations;

(3) to inspect personally, or by his or her duly authorized assistants, all books,

records, accounts and property owned or in the possession of the national government and state governments, their subdivisions and agencies;

(4) to require the aid and assistance of any national or state officials, government employees, and any custodian of public funds or property at all times in the inspection and examination of all books, records, accounts and property of the national government or a state government, their subdivisions and agencies;

(5) to hire such staff as may be necessary to carry out its functions under this chapter;

(6) to conduct investigations, and upon a finding of probable cause by the trial division of the Palau Supreme Court, or after an information, criminal, or civil complaint has been filed, to subpoena witnesses, administer oaths, and obtain testimony; and

(7) to enter into contracts with attorneys licensed to practice law in foreign jurisdictions in order to have foreign licensed attorneys advance the interests of the Special Prosecutor's Office as necessary to carry out the powers, functions, and duties of the Special Prosecutor's Office.

(b) In exercising his powers, functions, and duties, the Special Prosecutor will have the greatest degree of independence. The President will not countermand or interfere with the Special Prosecutor's decision or actions. The Special Prosecutor will determine whether, or and to what extent, he will inform or consult with the President about the conduct of his duties and responsibilities.

(c) The Authority of the Special Prosecutor to investigate and prosecute elected or appointed officials or employees of the national government or a state government and their respective agencies is not exclusive. The intent of this statute is to empower the Office of the Special Prosecutor to work independently from, yet cooperatively and collaboratively with, the Attorney General's Office and the Ministry of Justice in order to ensure that all individuals in Palau are held to the same standard of accountability for their conduct.

Source

RPPL 2-7 § 3, as amended by RPPL 3-33 § 1(2), modified. Subsection (a)(6) was amended by RPPL 6-37 § 19[503(a)(6)]. Amended by RPPL 9-9 § 3, modified.

Notes

- Uehara v. Republic of Palau, 17 ROP 167, 179, 180 (2010).
- Shmull v. Rosenthal, 8 ROP Intrm. 261, 262 (2001).
- Olikong v. ROP, 8 ROP Intrm. 250, 251 (2000).
- ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
- ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
- ROP v. Sakuma, 2 ROP Intrm. 55, 56 (1990).
- ROP v. Sakuma, 2 ROP Intrm. 23, 28-29 (1990).

§ 504. Accounting and appropriations.

(a) The sum of one hundred fifty thousand dollars (\$150,000) is hereby authorized from the National Treasury of the Republic for the purpose of funding the Office of Special Prosecutor for the Fiscal Year 1986.

(b) The Special Prosecutor shall submit a quarterly report to the Olbiil Era Kelulau not later than thirty (30) days after the expiration of the quarter which report shall provide a full disclosure of all sums expended by the Special Prosecutor during the reporting period.

Source

RPPL 2-7 § 4, modified.

Notes

- ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
- ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
- ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 505. Special Prosecutor salary.

The salary of the Special Prosecutor shall be within the grades and steps specified in 33 PNCA § 702. The salary shall be determined by the President based upon the experience and qualifications of the applicant for the position of Special Prosecutor. The salary limit does not include recruitment, transportation and repatriation costs and benefits or housing allowances and benefits, as allowed and stated in the standard employment contract.

Source

RPPL 4-21 § 5, modified.

Notes

- ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).

ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 506. Severability.

If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Source

RPPL 2-7 § 5, changed from § 505 to accommodate new § 505 from RPPL 4-21 § 5, modified.

Notes

Olikong v. ROP, 8 ROP Intrm. 250, 252 (2000).
Kotaro v. ROP, 7 ROP Intrm. 57, 60 (1998).
ROP v. Sisor, 4 ROP Intrm. 152, 160 (1994).
ROP v. Sisor, 3 ROP Intrm. 376, 376-77 (Tr. Div. 1991).
ROP v. Sakuma, 2 ROP Intrm. 23, 28 (1990).

§ 507. Interim Special Prosecutor.

(a) The Interim Special Prosecutor has all the powers, functions and duties of the Special Prosecutor as provided under section 503(a). However, the independence of the Special Prosecutor as described under section 503(b) applies to the Interim Special Prosecutor only to the extent that it does not contradict the supervision by the Attorney General as prescribed in this section.

(b) Within seven (7) days of the end of each quarter of the fiscal year, the Interim Special Prosecutor will submit a report to the Attorney General detailing the expenditures of the Office of the Special Prosecutor, the number of complaints received, the number of matters investigated and prosecuted, and general descriptions of the matters investigated and prosecuted.

(c) The Attorney General may require that the Interim Special Prosecutor include other information in the report provided under subsection (b) sufficient for the Attorney General to form the opinion that the Interim Special Prosecutor is maintaining the Office of the Special Prosecutor in a manner that ensures the continuity of ongoing investigations and prosecutions in the event that a Special Prosecutor is appointed or

the term of the Interim Special Prosecutor expires.

(d) Within thirty (30) days of receiving a report under subsection (b), the Attorney General may demand to meet with the Interim Special Prosecutor for the purpose of determining that the Interim Special Prosecutor:

(1) is not subject to removal for cause under section 502(f);

(2) has accurately reported information in the report; or

(3) is maintaining the Office of the Special Prosecutor in a manner that ensures the continuity of ongoing investigations and prosecutions in the event that a Special Prosecutor is appointed or the term of the Interim Special Prosecutor expires.

(e) If, at any time, the Attorney General forms the opinion that the Interim Special Prosecutor is failing to maintain the Office of Special Prosecutor in a manner that ensures the continuity of investigations and prosecutions, the Attorney General may make recommendations to the Interim Special Prosecutor to improve the operations of the Office so that the continuity of investigations and prosecutions is ensured.

Source

RPPL 9-24 § 3, modified.

**FORMER PRESIDENTS STIPEND
AND SURVIVORS ALLOWANCE**

2 PNCA § 602

**Chapter 6
Former Presidents Stipend and Survivors Allowance**

- § 601. Purpose.
- § 602. Former Presidents stipend; limitation.
- § 603. Same; former President by election.
- § 604. Same; former President other than by election.
- § 605. Deceased Presidents survivors allowance.

§ 601. Purpose.

The purpose of this chapter is to provide for the needs of former Presidents of the Republic for their service in office as President. The Olbiil Era Kelulau has determined that upon leaving office, Presidents necessarily continue as public figures and are encumbered with considerable burdens and expenses. Furthermore, the Olbiil Era Kelulau recognizes the difficulties faced by former Presidents in securing positions within the private sector appropriate to their stature and the desirability of ensuring that chief executives will not be placed in a position of potential conflict of interest by having to seek employment during their last days in office.

Source
RPPL 2-17 § 1, modified.

§ 602. Former Presidents stipend; limitation.

Upon leaving public office, the President of the Republic shall be paid from the National Treasury a yearly stipend equal to fifty percent (50%) of his annual salary. The stipend shall be non-taxable, and shall be paid in equal bi-weekly installments immediately following his service in office. No stipend shall be paid to a President who has been impeached and removed from office for treason, bribery, or other serious crimes by a vote of not less than two-thirds of the members of each house of the Olbiil Era Kelulau.

Source
RPPL 2-17 § 2, modified.

Cross-reference
For constitutional provision regarding impeachment of the President, see ROP Const. art. VIII, § 9.

§ 603. Same; former President by election.

A former President who ascended to the presidency by election shall be eligible to receive the presidential stipend for eight years immediately following his service in office. Payment of the stipend shall terminate upon employment by either the national or state government or election to other public office.

Source

RPPL 2-17 § 2(a), modified.

§ 604. Same; former President other than by election.

A former President who assumed the presidency other than by election to the Office of the President shall be entitled to the presidential stipend; provided, however, that this stipend shall be for the duration of four years commencing immediately after leaving office; provided, further, that this stipend shall terminate upon employment by either the national or state governments or election to other public office, whichever occurs earlier.

Source

RPPL 2-17 § 2(b), modified.

§ 605. Deceased Presidents survivors allowance.

In the event the President dies while in office, his surviving spouse and/or minor children shall be entitled to a presidential survivors' allowance equal to fifty percent (50%) of the annual salary of the deceased President; provided, however, that the period of payment of such allowance shall be limited to the number of years in the terms or terms which the deceased was elected to serve in office or, in the case of such deceased President who ascended to office through succession, a period of four years.

Source

RPPL 2-17 § 2(c), as amended by RPPL 3-42 § 11(a), modified.

Commission Comment

The amendment made to this section by RPPL 3-42 § 11(a) shall be retroactive in effect and application pursuant to RPPL 3-42 § 11(b).