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RPPL No. 6-51

SIXTH OLBIIL ERA KELULAU

RPPL No. 6-51

Thirteenth Regular Session, January 2004 (Re: as Senate Bill No. 6-251, SD1, HD1, CD1)

AN ACT

To amend 3 PNC § 117, to establish a Government Accountability Office under the Olbiil Era Kelulau; and to enact continuing budget authority for fiscal year 2005, pursuant to 40 PNC 327, for all regular budget activities for operations of the national government.

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

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."

Section 3. Definitions. As used in this act:

(a) "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.

(b) "appropriations" means sums authorized and appropriated by law.

Section 4. Government Accountability Office established amendment of 3 PNC 117. 3 PNC 117 is hereby amended to read as follows:

"Section 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."

Section 5. Investigating the use of public money. The Comptroller General shall have the following powers, functions and duties:

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

(b) 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;

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

(d) to inspect personally, or by his duly authorized assistants, all books, records, accounts and