

TENTH KOROR STATE LEGISLATURE

3rd Day, 8th Regular Session, Jan. 29, 2014

L.B. No. 10-3

A BILL FOR AN ACT

To provide for the discipline and removal of members of the Legislature, to provide for recall of members of the Legislature, and to provide for special elections in the case of removal or recall actions, and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

Section 1. Findings.

The Tenth Koror State Legislature hereby finds that Article VIII, section 10 of the Koror State Constitution provides for the discipline of members of the Legislature for wrongdoing or misconduct, and also provides for expulsion of members for treason, bribery, or other serious crime. There are no established procedures for discipline, and terms such as “wrongdoing”, “misconduct”, and “serious crime” are not defined.

The Legislature further finds that under Article VIII, section 11 of the Koror State Constitution, members of the Legislature may be recalled by the electorate pursuant to law, and there is no law that provides for such recall.

It is in the best interests of the people of the State of Koror to provide for the discipline, removal, and recall of members of the Legislature, and to provide for a special election to fill any vacancy created as a result of such removal or recall.

Section 2. Definitions.

A. As used in this Act:

(1) “bribery” means the unlawful promising, offering, giving, or receiving or agreeing to receive, anything of value in wrongful or corrupt payment for an official act done or not done or for an official act to be done or not to be done, and also includes the receiving of anything of value for

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1 is defined under 17 PNC 101. This definition shall include “aiding and abetting” as defined by 17
2 PNC 102, for the aiding or abetting of any crime that is a felony under 17 PNC 101. This definition
3 shall include acting as an accessory as defined by 17 PNC 103, for any accessory to any crime that
4 is a felony under 17 PNC 101.

5 (3) “treason” means a violation of allegiance toward the Republic of Palau or the State of
6 Koror, or toward the government of the Republic of Palau or the government of the State of Koror,
7 especially the betrayal of Palau or of Koror by waging war against Palau or Koror, or by consciously
8 and purposefully acting to aid any enemies of Palau or of Koror.

9 (4) “unethical” means immoral, wrong, improper, illegal, unfair, dishonest, unscrupulous,
10 unprofessional, disreputable, underhanded, unprincipled, dishonorable, or otherwise not conforming
11 to the highest ethical behavioral standards applicable to fiduciaries, or acting contrary to conscience,
12 morality, or law.

13 (5) “wrongdoing or misconduct” means any action taken by a member of the Legislature
14 which is illegal, or which is unethical, or which violates the Rules of Procedure of the Legislature.

15 B. The Legislature shall be the sole judge of the application of the foregoing definitions to
16 any member of the Legislature, and to any proceedings to discipline, suspend, or to expel a member
17 of the Legislature. A person does not have to be charged with, or convicted of, any criminal offense
18 for the Legislature to initiate and conclude proceedings under this Act or under the Constitution of
19 the State of Koror, and the Legislature may impose the sanctions authorized by the Koror State
20 Constitution or by this Act even in cases of dismissed or settled charges, or in the case of any
21 acquittal.

22 **Section 3. Discipline, suspension, and expulsion of members; procedures.**

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1 Legislature may expel any member for treason, bribery, or other serious crime, or for any
2 combination of the foregoing, all as determined by the Legislature.

3 C. For any proceedings to discipline, suspend, or expel any member of the Legislature, such
4 proceeding shall be initiated by the introduction of a Resolution identifying the member subject to
5 the proceedings, the type of discipline or action to be taken, and including a statement of the grounds
6 or reasons for the proposed action. After adoption on first reading, the Resolution shall be referred
7 to a Committee designated by the Speaker, or if the Speaker is the subject of the Resolution, the Vice
8 Speaker shall designate the members of the Committee. The Committee may hold such hearings as
9 may be necessary to establish the factual basis for the proposed action, and may receive any other
10 evidence or conduct any proceedings relating to the allegations of the Resolution. The member who
11 is the subject of the Resolution shall have an opportunity to address all allegations, statements, and
12 evidence presented to the Committee. The Committee shall then issue a Committee Report
13 containing a summary of the allegations and the evidence considered, and shall make a formal
14 recommendation as to the nature of the proposed action to be taken, or shall recommend that no
15 action be taken. The Legislature may approve of the Committee Report, or may reject the
16 Committee Report, and the Legislature may take any action relating to the Resolution as may be
17 deemed appropriate. A member shall be disciplined, suspended, or expelled, upon an affirmative
18 vote of at least two-thirds (2/3) of the membership of the Legislature.

19 D. A member of the Legislature may apply for relief from the Trial Division of the Supreme
20 Court by filing an appropriate action within sixty (60) days of the vote of the Legislature. If no
21 action is filed within such sixty (60) day period, then such action shall be deemed waived and the
22 court shall not have jurisdiction to entertain any action relating to the procedures or actions of the
23 Legislature, and the action taken by the Legislature shall be deemed final and unreviewable.

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1 Koror State Constitution.

2 B. A member may be recalled after the submission of a petition to the Election Commission,
3 as follows. The recall petition shall identify the member of the Legislature to be recalled. The
4 petition shall be signed by at least twenty-five per cent (25%) of the lawfully registered voters of the
5 State of Koror. The Election Commission shall certify the validity of the signatories to the petition
6 to insure that at least 25% of the lawfully registered voters have signed the petition. Upon
7 certification that 25% of the lawfully registered voters have signed the petition, the Election
8 Commission shall proceed to hold a recall election within thirty (30) days of such certification. The
9 ballot for the recall election shall state the following question:

10 "Shall [name of Legislator] be recalled from office?"

11 The ballot shall have a space for a "yes" ("choi") vote, and shall have a space for a "no"
12 ("ngdiak") vote. The Election Commission may adopt and apply rules and regulations to the recall
13 election and procedures as may be necessary, including the registration of voters which must be
14 completed at least fourteen (14) days before the recall election. A member shall be recalled as a
15 member of the Legislature upon certification by the Election Commission that a majority of the votes
16 cast (at least 50% plus 1) in the recall election were cast in favor of the recall.

17 **Section 5. Special election to fill vacancy.**

18 A. If a member of the Legislature is expelled pursuant to Article VIII, section 10 of the
19 Koror State Constitution and this Act, or recalled pursuant to Article VIII, section 11 of the Koror
20 State Constitution and this Act, then a special election shall be held to fill such vacancy within forty-
21 five (45) days pursuant to and under the conditions stated in Article VIII, section 12 of the Koror
22 State Constitution and this Act.

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Section 6. Severability.

In the event that a court of competent jurisdiction determines that any part or portion of this Act are invalid or otherwise unenforceable, then the offending part or portions may be stricken, and the remaining portions shall continue in full force and effect.

Section 7. Effective Date.

This Act shall become effective upon its becoming law by operation of the Koror State Constitution.

Date: 1/24/14

Introduced by: 
Legislator Eyo Rudimch, Speaker