

THE SENATE
FOURTH OLBIIL ERA KELULAU

REPUBLIC OF PALAU
SECOND SPECIAL SESSION
MARCH 1993

SENATE BILL NO. 4-41. SD3.HD3.CD1

A BILL FOR AN ACT

To amend 22 PNC to provide for the establishment of the Palau Community College as part of the College of Micronesia, and for other purposes.

OFFERED BY : THE HONORABLE KUNIWO NAKAMURA
PRESIDENT, REPUBLIC OF PALAU

DATE INTRODUCED : JANUARY 20, 1993

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Meliciano S. Waxanabe
Meliciano S. Waxanabe
SENATE ASSISTANT CLERK

David Ngirmidol
David Ngirmidol
HOD CHIEF CLERK

AN ACT

To amend 22 PNC to provide for the establishment of the Palau Community College as part of the College of Micronesia, and for other purposes.

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

Section 1. Short title.

This act shall be known and may be cited as the Higher Education Act of 1993.

Section 2. Legislative findings

The Olbil Era Kelulau finds that:

(a) The advancement of Palau as a nation is largely dependent on the development of its people;

(b) The people of Palau hold education dear as the key to understanding and personal growth;

(c) Future generations of Palauans must be educated for life in an increasingly complex world, that they may be prepared to participate more effectively in civic life; and

(d) Knowledge and skills must be made available to the work force to keep Palau an economically vital place.

Section 3. Amendments.

(1) 22 PNC Chapter 3, Subchapter I is amended to include a new section as follows:

§ Definitions.

In this act, unless the context otherwise requires:

(a) "Adult basic education" means secondary level educational programs and courses offered to adults;

(b) "Board" or "Board of Trustees" means the Board of Trustees of Palau Community College as established by this act;

(c) "PCC" or "the College" means Palau Community College;

(d) "Continuing education" means in-service professional development and non-credit or credit programs and courses offered at the postsecondary level;

(e) "General education" means any education program that introduces the content and methodology of the major areas of knowledge, including the

775-0474

humanities, the fine arts, the natural and social sciences, and helps students to develop intellectual skills and social attitudes that will make them effective learners and citizens;

(f) "Postsecondary education" means any educational offerings beyond the secondary level;

(g) "Vocational education" means the provision of skills and attitudes which makes an individual employable and productively useful in the labor market.

(h) "Government official" means an official of the National or any State government within the Republic of Palau.

(2) 22 PNC 301 is amended as follows:

§301. Established as a public corporation; purposes.

In accordance with any pertinent treaty, the College of Micronesia, its Executive Director and Board of Regents, is hereby established and maintained as a public corporation under the style of the College of Micronesia, comprised of the present Palau Community College, formerly known as Micronesian Occupational College, and such other schools as may be established by the Governing Board or as otherwise designated by law.

Palau Community College:

(a) Is a public, non-profit educational corporation;

(b) Has perpetual succession;

(c) Shall have a seal;

(d) May enter into contracts and agreements;

(e) May acquire, hold, change and dispose of property;

(f) May sue and be sued in its corporate name; and

(g) For the purpose of its functions, has all the powers, duties and responsibilities of a non-profit public educational corporation. Palau Community College, as established by this act, shall assume the role of a postsecondary educational agency for the Republic. The purposes of the College are to make high quality, postsecondary education available to the citizens of the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia and such other students as may be recruited by the College

and to:

- (1) Serve as a comprehensive community college;
- (2) Provide for such services as postsecondary education instruction, including: Liberal arts education, vocational education, teacher training, continuing education, extension services, college preparatory instruction and assistance, administration of postsecondary education financial assistance programs, monitoring student performance, and other postsecondary education-related functions;
- (3) Maintain accreditation by the Western Association of Schools and Colleges;
- (4) Grant degrees, certificates and diplomas;
- (5) Provide and coordinate training and education programs and services to adults and out-of-school youths;
- (6) Develop and conduct outreach programs;
- (7) In conjunction with the College of Micronesia, to serve as the agency for Land Grant, Sea Grant, and Space Grant programs; share in any endowments provided through the Land Grant, Sea Grant, and Space Grant programs; and provide training, research, coordination, assistance, support, and related extension services as needed and provided for under the Land Grant, Sea Grant, and Space Grant programs;
- (8) Coordinate with other educational institutions in the Micronesia region and other locations for such matters as the transfer of credits and programs, reciprocal treatment of students, coordination of exchange programs, joint and cooperative research or educational programs, and such matters that deal with the cooperative interaction between PCC and other educational institutions;
- (9) Conduct research;
- (10) Administer, coordinate, and provide services related to postsecondary student financial assistance provided by governmental and other sources for students attending PCC;
- (11) Serve as a coordinating agency for all appropriate postsecondary education activities conducted within the Republic;

(12) Serve as an agency, when appropriate, for skills proficiency testing and certification;

(13) Provide other postsecondary and related activities as determined by the Board;

(14) Serve as the designated State Agency for all appropriate vocational education.

(3) 22 PNC 311 is amended as follows:

§311. Organizing principles; creation; composition; terms of members.

The College, in accordance with recognized professional standards, shall have a representative governance structure to ensure institutional integrity, autonomy, academic freedom, principles of equity, and insulation from political interference in order to best serve the public interest and meet minimum accreditation requirements. There shall be a Board of Trustees of the Palau Community College which shall consist of the following members who shall serve for the following terms:

(a) Four voting members appointed by the President of the Republic with the advice and consent of the Senate of the Olbiil Era Kelulau to serve terms of four years, except that, for the initial appointments, one member shall be appointed to serve an initial term of two years, one member shall be appointed to serve an initial term of three years, and two members shall be appointed to serve terms of four years; two of such members shall be from the industrial and business sector (one of whom shall be from the hospitality and tourist sector), and two members shall be from the general public. These members shall be selected according to the following criteria:

(1) No person may be a member of the Board of Trustees who is a PCC employee;

(2) No person whose membership would amount to a conflict of interest shall be appointed to the Board of Trustees;

(3) Not more than one (1) non-citizen may be a voting member of the Board of Trustees at any given time.

(b) One (1) voting member shall be the Chairman of the Republic of Palau

Board of Education who shall be designated by the President to serve as chairperson pro tempore for purposes of convening and presiding over the first meeting of the Board;

(c) Two non-voting members appointed by the Board of Trustees to serve in an advisory capacity to the Board for terms of four years, both of whom are noted in the Pacific region for accomplishments in the field of education or economic development and who are not full-time employees of any branch of any government. Such members must be able to attend at least two regular sessions of the Board each year as well as the annual organizational meeting of the Board and provided further, that the Board of Trustees shall designate one of the first two members appointed pursuant to this subsection to serve an initial term of two years; and

(d) The Board shall grant voting membership to one member from the Republic of the Marshall Islands and one member from the Federated States of Micronesia as designated by those governments through their normal official appointment process, if either or both of those governments choose to exercise their authority hereunder. Such members shall serve under such terms as the appointing government shall designate, except that the attendance requirement of Section 313 of this chapter shall not apply.

(4) 22 PNC 312 is amended to read as follows:

§312. Length of service of members.

No person, except the Chairman of the Board of Education shall be eligible to serve more than eight consecutive years on the Board of Trustees. For purposes of this section, only years served after 1992 shall be counted to compute the length of service.

(5) 22 PNC 313 is amended to read as follows:

§313. Vacancies.

Any vacancy on the Board of Trustees shall be filled for the unexpired term in the same manner as originally filled. Three consecutive absences of a Board member from separately called meetings of the Board, called not less than 30 days apart, shall automatically create a vacancy in that member's seat. Upon determining a vacancy exists, the Chairperson, or presiding officer of the

Board in the absence of the Chairperson, shall issue a notice of vacancy to all members of the Board and to the party or parties responsible for filling the vacancy.

(6) 22 PNC 314 is amended to read as follows:

§314. Removal of members.

Members of the Board who were appointed by the President of the Republic may be removed by the President of the Republic only after an affirmative vote of four voting members of the Board of Trustees recommending removal before the expiration of their terms for incompetence, neglect of duty, or malfeasance.

(a) The Trial Division of the Supreme Court of the Republic of Palau, is given original jurisdiction over any appeal from any such removal from the Board.

(b) Every member of the Board shall be indemnified by the College against all expenses and liabilities reasonably incurred or imposed upon such member of the Board in connection with any threatened, pending, or completed action, suit or proceeding to which such member may be made a party or in which the member may become involved by reason of being or having been a member of the Board, or any settlement thereof, whether or not such member of the Board is a member of the Board at the time such expenses are incurred, except in such cases wherein the member is adjudged guilty of willful misfeasance or malfeasance in the performance of the duties of the office; provided, however, that in the event of a settlement, the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the College. The private property of members of the Board shall not be subject to the debts or obligations of the College. The foregoing right of indemnification shall be in addition to, and not exclusive of, all other rights to which such member of the Board may be entitled.

(7) 22 PNC 315 is amended to read as follows:

§315. Organization; meetings; quorum; officers; executive committee; per diem.

(a) The Board of Trustees shall meet and organize by the election of

1 its officers following appointment and confirmation of the four voting members
2 to be appointed by the President of the Republic and thereafter at its annual
3 organizational meeting which shall be called on the second Monday of January
4 each year. In addition to the organizational meeting, the Board shall meet in
5 no less than three (3) regular meetings during the year as established and
6 specified in the bylaws of the Board. The schedule of regular meetings for the
7 year will be fixed at the organizational meeting. The Board shall meet at such
8 other times as the Board shall so determine or as otherwise specified by law.
9 The chairperson may call a special meeting of the Board on his own initiative
10 and shall call a special meeting of the Board upon the petition of three voting
11 members. The bylaws of the Board shall provide that adequate written notice
12 be given to all members of the Board at least five calendar days prior to the
13 convening of any Board meeting. All regular meetings of the Board shall be
14 open to the public provided that the Board is not discussing personnel matters,
15 litigation, or impending litigation with its attorney. In the case of any
16 regular meeting of the Board, notice shall be provided to the public at least
17 three days in advance of the meeting day. The bylaws shall further provide
18 that the Board shall regularly publish the minutes of its meeting.

19 (b) A quorum shall consist of a majority of all voting members.
20 Vacancies on the Board shall not be considered in determining quorums. All
21 business shall be conducted by a majority of those present unless otherwise
22 provided by law or the bylaws of the Board.

23 (c) The first meeting of the Board shall be called by the designated
24 chairperson pro tempore, who shall preside as temporary chairperson until a
25 permanent ~~recter~~ chairperson is selected.

26 (d) At the first meeting of the Board, and annually thereafter, members
27 of the Board shall appoint from their own body a chairperson, who shall preside
28 at the meetings. At the same time they shall appoint from their own body a
29 vice-chairperson to serve as the presiding officer of the Board in the absence
30 of the chairperson and a secretary-treasurer who shall preside in the absence
31 of the chairperson and vice chairperson, and in the absence of all three, the
32 Board may appoint a pro tempore officer to preside. Any vacancies in the

1 offices of chairperson, vice-chairperson, or secretary-treasurer shall be
2 filled by the Board for the unexpired term. The duties, terms of office and
3 responsibilities of the officers of the Board shall be established and set
4 forth as specified in the bylaws of the Board;

5 (e) The chairperson, or presiding officer, shall sign all instruments
6 required to be executed by the Board.

7 (f) The secretary-treasurer shall oversee the work of the budget and
8 finance officer of the College to assure the financial integrity of the
9 College.

10 (g) The Board may create such committees of the Board as it deems
11 necessary or appropriate. No committee or committee member shall act in place
12 of the Board and committee decisions must be approved by the Board.

13 (h) The members of the Board, with the exception of any members
14 appointed pursuant to 22 PNC 311(c), shall receive per diem at standard
15 Republic rates while on the business of the College. Those members who are
16 employees of the Republic of Palau shall be granted administrative leave and
17 receive their regular salaries while on the business of the College. Other
18 members shall receive \$35.00 per day while on the business of the College.

19 (i) The Board of Trustees shall promulgate rules and regulations to
20 carry out the provisions of this Act pursuant to Title 6 of the Palau National
21 Code. Within 120 days of the confirmation of the Board of Trustees, the Board
22 of Trustees and the Board of Education shall identify and recommend to the
23 Olbiil Era Kelulau overlapping or conflicting functions of the POC and Ministry
24 of Education.

25 (7) 22 PNC 316 is amended to read as follows:

26 §316. Powers.

27 The Board of Trustees shall have general policy management and control
28 over the affairs of the College, and to this end, shall have the power to:

29 (a) Adopt, amend, and repeal bylaws governing the conduct of its
30 business and the performance of the powers and duties granted to or imposed
31 upon it by law;

32 (b) Appoint and terminate such officers of the Board as it deems

necessary, or as required by law;

(c) Fix, in its discretion, the rates charged the students of the College for tuition, fees, room and board, and other necessary charges, and grant tuition waivers as the Board shall deem appropriate;

(d) Confer such degrees and grant such diplomas and certificates as colleges of like stature are usually authorized to confer or grant;

(e) Appoint, support, evaluate the performance of, and terminate the services of the president of the College;

(f) Establish policies and approve procedures for the appointment of all faculty members;

(g) Establish policies and approve procedures for the granting of full and partial scholarships or fellowships to College students by the College for educational purposes, and, in its discretion, approve methods by which individual students may work for the College in some suitable capacity and have such labor credited against their tuition;

(h) Establish annual lists of fields of study of national and regional priorities for postsecondary training;

(i) Award students loans and scholarship grants, unless the provisions of the loan or grant specifically require otherwise, for attendance of Micronesian students at Palau Community College based upon the regional development priorities of Micronesia;

(j) Acquire in any lawful manner any property, real, personal or mixed, tangible or intangible, or any interest therein; to hold, maintain, use and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary to carry out its purposes; provided, that any real property granted to the College without cost by the Republic or any political subdivision thereof, or by any other legal entity capable of receiving and holding public land in the Republic shall revert to said government, political subdivision, or legal entity upon the cessation of active use by the College;

(k) Enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its

1 business and on such terms as it may deem appropriate with any agency or
2 instrumentality of the United States, or any state, territory, or possession,
3 or with any political subdivision thereof, or with any other foreign
4 government, agency, instrumentality, or political subdivision thereof; or with
5 the Republic, or any agency, instrumentality, political subdivision thereof;
6 or with any person, firm, association or cooperative;

7 (l) Determine the character of and the necessity for its obligations
8 and expenditures, and the manner in which they shall be incurred, allowed, and
9 paid, subject to the provisions of law specifically applicable to the College;

10 (m) Borrow money from time to time; provided, that no debt of the
11 College shall be secured by real property or improvements thereto granted to
12 the College without cost by the Republic or any political subdivision thereof,
13 or by any legal entity capable of receiving and holding public land in the
14 Republic of Palau and, provided that, unless expressly provided by law or
15 agreement, no debt or obligation of the College shall be a debt or obligation
16 of the National Government or its political subdivisions, nor shall the
17 National Government or its political subdivision be responsible for any such
18 debts or obligations;

19 (n) Execute in accordance with its bylaws, all instruments necessary
20 or appropriate in the exercise of its powers, and to that end adopt, alter, and
21 use a common seal by which all acts of the Board shall be authenticated;

22 (o) Establish such policies, rules, regulations and standards as it may
23 deem necessary for the effective operation of the College, including the
24 establishment or approval of rules, regulations, and standards governing the
25 admission, discipline, and removal of students; and, in accordance with
26 accreditation rules and requirements, establish policies and approve procedures
27 for the maintenance of such departments and courses of instruction and for the
28 undertaking of such research projects and programs as it deems appropriate or
29 as may be required by law;

30 (p) Provide for a program of workers' compensation for employees of the
31 College equal to or greater than that available to persons of similar
32 employment with the National Government;

1 (q) Incorporate into the College of Micronesia, if mutually agreeable,
2 such technical and research establishments, as the Board of Trustees might deem
3 necessary or appropriate to ensure a quality program of instruction and
4 research which is relevant to national development priorities of the Republic
5 and to acquire personnel and all property, whether real or personal, tangible
6 or intangible, of any such establishment as may be transferred to the College
7 of Micronesia;

8 (r) Notwithstanding any other provision of law, elect to have the
9 College participate in the pension program established for employees of the
10 national government of the Republic and other benefit programs as are or may
11 become available, effective on a date chosen by the Board of Trustees of Palau
12 Community College; provided that the College shall contribute to the Palau
13 Civil Service Pension Plan as determined by the Civil Service Pension Plan
14 Board, for the government share of the cost of the retirement benefits
15 applicable to the College's employees and their beneficiaries; and provided
16 that employees of the College shall receive retroactive credit under the Civil
17 Service Pension Plan for all prior years employed at the College and for any
18 prior years they may have been employed by the national government;

19 (s) Approve the mission and goals of the College; annually review and
20 approve long range plans for the development of the College; approve new degree
21 programs offered by the College; ensure the institutional integrity and
22 autonomy of the College; and act as a liaison between the community and the
23 College;

24 (t) Be responsible for and ensure the financial soundness and proper
25 fiscal management of the College;

26 (u) Ensure that educational programs and physical facility plans are
27 of high quality and consistent with purposes of the College; ensure the well
28 being of faculty, students, and staff through the approval of appropriate
29 policies and procedures; and serve as the entity of appeal for faculty and
30 staff in accordance with College grievances procedures;

31 (v) Delegate any of its powers and duties, which are properly
32 delegated, to an officer of the Board or an official or employee of the College

where proper and appropriate;

(w) Develop an annual plan for the Board's work and provide for an assessment of the Board's performance;

(x) Submit to the President and the Olbiil Era Kelulau by April first of each year a report describing the condition and progress of College programs and activities during the preceding fiscal year, including a financial report showing the results of operations for the preceding fiscal year and financial status of the College on the last day thereof. The report shall be made in a manner provided by the Board;

(y) Recommend for appointment by the President of the Republic a representative from among the Board members to serve on the College of Micronesia Board of Regents and to represent and act on behalf of and in the best interest of Palau Community College at such meetings. The duties, responsibilities, powers, compensation, term of office and authority of the representative appointed to serve on the College of Micronesia Board shall be as specified in any applicable treaty and the bylaws of the College; and

(z) Take such other actions and assume such other responsibilities as may be necessary or appropriate to carry out the duties conferred upon it by law. The Board shall act as a whole; no member or committee created by the Board shall act in place of the Board. The bylaws of the Board created pursuant to earlier sections of this act shall include a statement of ethical conduct for its members. Such statement shall include, but not be limited to, a provision prohibiting Board members from participating in any action involving a possible conflict of interest or from realizing a financial gain, other than compensation provided pursuant to this act, from their position as a Board member.

(8) A new section is added to 22 PNC as follows:

§ President of the College.

(a) The president of the College shall be appointed by the Board, and may be removed by the vote of the three-fourths of the voting members of the Board only for cause, and shall have full charge and control of the administration and business affairs of the College.

(b) The powers of the president of the College are subject to limitations by the Board and by law, and include the following:

(1) To see that rules and regulations of the College are established and implemented;

(2) To attend all meetings of the Board and submit a general report of the affairs of the College to the Board;

(3) To designate College staff, space, and administrative support services for the Board;

(4) To keep the College advised of the requirements set forth by the Board;

(5) To keep the Board advised as to the needs of the College;

(6) To devote full time to the business of the College;

(7) To approve, select, appoint and terminate the employees of the College, except as otherwise provided by this act, and to plan, organize, coordinate, and control the services of such employees in the exercise of the power of the college under the general direction of the Board;

(8) To submit to the Board not more than ninety (90) days from the end of each fiscal year an annual report describing the condition and progress of College programs and activities during the preceding fiscal year, including a financial report showing the results of operations for the preceding fiscal year and financial status of the College on the last day thereof. The annual report shall provide comprehensive financial information which accounts for the use of all funds available to the College from the national government or otherwise and which shall be prepared in accordance with generally accepted accounting principles. The annual report shall also describe implementation of the College's long range plan and include information on student enrollment, costs per component and per student, and the status of students who graduated from or terminated studies at the College. The report shall be made in a manner provided by the Board; and

(9) To perform such other additional duties as the Board may require.

(9) A new section is hereby added to 22 PNC to read as follows:

§ . Employees of the College.

(a) A personnel system for the College shall be adopted which provides that employees of the College are not employees of the Republic, or its political subdivisions, for any purpose, except as may be provided for in this act;

(b) In appointing and promoting officials and other employees of the College, criteria and procedures shall be utilized which are fair, objective, practical, do not discriminate on the basis of sex, marital status, physical handicap, race, religious or political preference, and result in the impartial selection of the ablest individual for the particular job being filled;

(c) Except for officials of the College serving at the pleasure of the Board, every official, faculty member, and other employee of the College shall be entitled to hold their position during good behavior, subject to suspension, demotion, layoff, or dismissal only as provided in the personnel regulations of the College. No employee of the College shall be suspended, demoted, laid off, dismissed, or otherwise discriminated against because of sex, marital status, physical handicap, race, religious or political preference; and

(d) The Board shall establish minimum standards and qualifications for members of the faculty and staff of the College comparable to standards and qualifications of colleges of like stature or as otherwise appropriate to the College's circumstances.

(10) A new section is hereby added to 22 PNC to read as follows:

§ . Budget.

(a) An annual budget shall be submitted, in a timely fashion, by the Board to the President of the Republic and the Olbiil Era Kelulau for the annual expenditures of the College. The budget shall:

(1) Contain budget projections for each of the two subsequent fiscal years;

(2) Include all expenditures and projected revenues from all sources;

(3) Include an operations budget for each major component of the

College;

(4) Identify capital improvement needs of the College;

(5) Include analysis of major trends over the three years budgeted and projected regarding funding sources, spending and program emphasis, proposed program expansions and contractions, tuition, room and board, other fees and charges, and staffing levels;

(b) The College is authorized to receive tuition, fees, private gifts, donations, endowments, grants and other monies from public or private sources for restricted or unrestricted purposes. Such funds as are received shall be deposited to the appropriate account of the College. Expenditures shall be made from the fund only for the purposes of this act and in accordance with budgets approved by the Board.

(11) 22 PNC 331 is amended to read as follows:

§331. Suits, insurance.

The College may sue and be sued in its corporate name; provided, that it shall be subject to suit only in the manner provided for suits against the Republic; provided further, that any liability incurred by the College shall not be a liability of the Republic or any subdivision thereof. The chairperson of the Board of Trustees of the College, or, in the absence of the chairperson, the vice-chairperson of the Board of Trustees, is authorized to accept service or to be served on behalf of the College. The College shall maintain insurance coverage to protect itself against liability for bodily injury or death of any person and against liability for loss of or damages to property as the result of the operations or maintenance of real property, facilities and improvements, and vehicles and other equipment owned or used by the College.

(12) 22 PNC 332 is amended to read as follows:

§332. Funding.

The Board may receive, manage, and invest moneys or other property, real, personal, or mixed, which may be appropriated, granted, given, bequeathed, devised, endowed, or in any manner received from any source for the purposes of the College's improvement or adornment, or for the aid of students or faculty, and in general may act as trustee on behalf of the College may approve

1 rates of per diem and policies relating thereto for officials, faculty members,
2 and other employees of the College; and may approve such rents, fees and
3 charges as the Board deems appropriate, for the private use of facilities of
4 the College or services provided by the College;

5 (13) 22 PNC 333 is amended to read as follows:

6 §333. Budget constraints; overspending.

7 The College shall have a budget for each fiscal year which reflects the
8 amounts of money available for the operation of the College. Any person who
9 over-obligates or over-expendes the funds available and budgeted for any purpose
10 or department of the College shall be personally liable for the resulting
11 deficiency. Unless otherwise specifically authorized by the Board, no officer
12 or employee of the College shall make or otherwise authorize an expenditure
13 from, or create or authorize an obligation of, funds of the College:

14 (a) In excess of the sum approved by the Board;

15 (b) In advance of the availability of funds; or

16 (c) For purposes other than those for which an expenditure or
17 obligation has been authorized by the Board. Any person who shall knowingly
18 and willfully violate this section shall be personally liable for the resulting
19 deficiency and shall be subject to criminal prosecution.

20 (14) 22 PNC 334 is amended to read as follows:

21 §334. Fiscal responsibility. The Board shall be responsible for
22 ensuring that the College develops, implements, and maintains, in accordance
23 with generally accepted accounting principles, accounting and recordkeeping,
24 financial reporting, and financial management systems which provide for full
25 disclosure of the results of financial operations, adequate financial
26 information needed in the management of operations, and the formulation and
27 execution of the annual budget adopted by the Board. Such systems shall ensure
28 effective control over income, expenditures, funds, property and other assets
29 of the College and be designed to prevent the misappropriation of funds.
30 Records relating to the financial transactions of the College shall be
31 maintained for at least five years;

32 (15) 22 PNC 335 is amended to read as follows:

§335. Accounts; reports.

The College budget and finance officer shall be responsible for ensuring that proper and complete books of account are kept reflecting all income, expenditures, assets and money of the College, including appropriations, gifts, property, tuition, fees, and other funds. The Board of Trustees shall publish not later than 45 days after the close of each fiscal year a complete report showing the activities of the College during the fiscal year, the present condition of the College, the financial status of the College, and such other matters as the Board shall deem appropriate. In addition to any other audits provided for by law, the Board shall select either the Republic of Palau Public Auditor or an independent auditor selected by the Board who shall inspect and audit all accounts of the College at least annually, and report thereon to the President of the Republic, the Olbiil Era Kelulau, the Republic of the Marshall Islands and the Federated States of Micronesia.

(16) 22 PNC-336 is amended to read as follows:

§336. Modification of personnel system; retention of outside legal counsel; contracts for maintenance and construction; establishment of finance and accounting department and purchasing system.

The Board of Trustees may do the following:

(a) Establish or modify its own personnel system and policies, independent of the Republic of Palau public service system, provided, that until such personnel system and policies are established or modified, the College shall be subject to the provisions of Title 33 and applicable public employment regulations promulgated thereunder; provided further, that any such modified personnel system shall honor any existing employment contract of any employee of the College for the duration of that contract; provided, that the College maintains a personnel system of like nature and quality as other similar institutions and; provided, that the College develops such policies in compliance with any federal programs regulations related to personnel matters of the College;

(b) Retain outside legal counsel in lieu of the Attorney General; provided, that until such action is taken by the Board, the Attorney General

will continue to provide legal assistance to the College.

(c) Contract for outside maintenance, repair, and construction work in lieu of using the services of the Bureau of Public Works; provided, that until such action is taken by the Board or such services are provided for through appropriations, the Bureau of Public Works will continue to provide such services to the College; and

(d) Establish a finance and accounting department and purchase supplies, equipment, and materials through its own purchasing department or continue to utilize the administrative and accounting departments currently established at the College of Micronesia/Micronesian Occupational College campus, including all current policies and procedures to purchase supplies, equipment, and materials through its own purchasing department until such action as may be deemed necessary is taken by the Board to alter such policies, procedures or departmental operations.

(17) 22 PNC 337 is amended to read as follows:

§337. Evaluation of the College.

(a) The Board shall, cause, as deemed necessary, an independent survey to be conducted among students and faculty of the College evaluating the quality of course instruction, the effectiveness of the faculty, and such other matters as the Board may deem appropriate, and shall submit a copy of the results of the survey to each governmental entity participating in the Board of Trustees of the College and the Chairman of the Board of Education within 30 days of the conduct of the survey.

(18) 22 PNC 338 is amended to read as follows:

§338. Continuance of district government assistance functions.

Housing and maintenance services now available to the College campus or their equivalents, shall continue to be made available to the College without costs.

(19) 22 PNC 339 is amended to read as follows:

§339. Exemption from taxation.

The College, its property, revenues, and income are exempt from taxation by the the Republic or its political subdivisions.

(20) A new section is hereby added to 22 PNC to read as follows:

§ . Assent to other acts.

(a) Except as expressly provided for herein and notwithstanding any other law to the contrary, the College shall remain autonomous and self-sufficient in matters pertaining to its governance, organization and administration and the promulgation of its rules and regulations pertaining to the following:

(1) Courses of instruction;

(2) Issuance of certificates, diplomas, credits and degrees;

(3) Personnel recruitment, appointment, tenure, promotion, dismissal and other personnel matters;

(4) Obligation and disposition of funds; provided, that appropriated funds are used for the purpose or purposes stipulated in the act appropriating said funds;

(5) soliciting, receiving, and using gifts of any kind whatsoever for the purposes provided in this act.

(b) For the purpose of compliance with United States federal laws relating to land grant institutions and all College federal programs, the Olbiil Era Kelulau, on behalf of the College, hereby assents to, and accepts, the provisions, requirements and any regulations promulgated under all applicable United States laws.

(21) A new section is added to 22 PNC as follows:

§ . Campuses.

(a) The Palau Community College (formerly known as Micronesia Occupational College) campus located in the State of Koror is hereby designated the campus and principal office of the Palau Community College. There may be such additional campuses as the Board may designate;

(b) The Republic shall provide land it deems necessary for the College. Currently the United States Government holds title to the land occupied or used by the College more particularly described as Lot No. 49947 on drawing 4006/78 consisting of an area of 90,275 square meters, more or less. In the event that the Trusteeship ends or the United States Government no longer holds title to

1 said land by virtue of the termination of the Trusteeship Agreement, or if the
2 United States Government conveys any or all interest in said land to the
3 Republic in any other manner, or in the event that the Republic of Palau
4 obtains an interest in said land, the Board of Trustees of Palau Community
5 College is hereby empowered to receive, reserve and keep the interest in said
6 land for the exclusive use of the College. Provisions of any law to the
7 contrary notwithstanding, the Palau Public Lands Authority shall not alienate
8 any interest in said land. Any claims that may be raised under Article XIII,
9 Section 10 of the Constitution for any interest in any portion of said land may
10 only be instituted as an action in inverse condemnation.

11 (22) A new section is hereby added to 22 PNC to read as follows:

12 § . Dissolution.

13 In the event of a dissolution of Palau Community College, the disposition
14 of the assets of the corporation shall be exclusively for the purposes of the
15 corporation in such manner, or to such organization or organizations organized
16 and operated exclusively for charitable, educational or scientific purposes as
17 shall at the time qualify as an exempt organization or organizations under
18 Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding
19 provision of any future United States Internal Revenue Law), as the Board of
20 Trustees for the College shall determine. Any assets not so disposed of shall
21 be disposed of by the court having jurisdiction within the Republic of Palau
22 exclusively for such purposes or to such organization or organizations, as such
23 court shall determine, which are organized and operated exclusively for such
24 purposes.

25 (23) A new section is hereby added to 22 PNC to read as follows:

26 § . Applicability of Laws.

27 (a) Laws and regulations of the National Government of Palau and its
28 political subdivisions shall apply to the College except as otherwise stated
29 in this act.

30 (b) Palau Community College officials, faculty members or other
31 employees of the College and the College itself shall be exempt from the
32 requirement of 30 PNC with respect to College employment.

(24) A new section is hereby added to 22 PNC to read as follows:

§ . Relationship to treaty.

If a treaty is executed pursuant to law by the Republic of Palau, with either or both the Republic of the Marshall Islands and the Federated States of Micronesia, and any of the provisions of that treaty are inconsistent with this act, the provisions of the treaty take precedence, until such time as the treaty expires or the inconsistent provisions are amended or repealed.

Section 4. Repealer. 22 PNC 302 is hereby repealed.

Section 5. Authorization. There is hereby authorized an annual appropriation as may be necessary to carry out the purpose of this act. The Board may submit request for supplement appropriations as it may deem necessary.

Section 6. Amendment. Section 23 of RPPL No. 4-1 is hereby amended to read as follows:

"Section 23. War in Peleliu/Palau memorial. There is hereby authorized to be appropriated the sum of \$100,000 and there is hereby appropriated the sum of \$50,000 to offset the cost of hosting "The War in Palau: 50 Years Afterwards 1994 International Conference" and Commemoration of the Fiftieth Anniversary of the Battle of Peleliu/Palau. Said sum shall be equally divided to and administered by Belau National Museum Board of Trustees and the Organizing Committee on the Commemoration of the Fiftieth Anniversary of the Battle of Peleliu/Palau created by the President."

Section 7. Amendment. In order to implement the five percent (5%) across the board pay increase for all public service system employees as provided by Section 6(g) of RPPL No. 4-1, 33 PNC 702 as amended by RPPL No. 3-59 is further amended as follows effective April 4, 1993:

"§ 702. Base Salary Schedule. The base salary schedule appearing in the table below provides the official hourly base salary rate which shall be paid to employees in the National Public Service System not specifically exempted by law, in accordance with the respective pay levels assigned to their

positions by the appropriate legal authority.

Base Salary Schedule of Hourly Salary Rates

Intermediate Step Rate

Pay Minimum

Level Rate

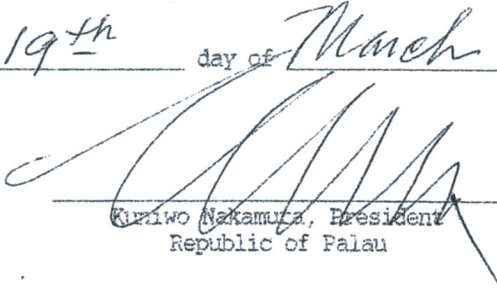
	1	2	3	4	5	6	7	8	9	10
1	2.3630	2.4218	2.4848	2.5520	2.6245	2.7011	2.7841	2.8723	2.9668	3.0676
2	2.4218	2.4848	2.5520	2.6245	2.7011	2.7841	2.8723	2.9668	3.0676	3.1757
3	2.4848	2.5520	2.6245	2.7011	2.7841	2.8723	2.9668	3.0676	3.1757	3.2912
4	2.5520	2.6245	2.7011	2.7841	2.8723	2.9668	3.0676	3.1757	3.2912	3.4151
5	2.6245	2.7011	2.7841	2.8723	2.9668	3.0676	3.1757	3.2912	3.4151	3.5474
6	2.7011	2.7841	2.8723	2.9668	3.0676	3.1757	3.2912	3.4151	3.5474	3.6892
7	2.7841	2.8723	2.9668	3.0676	3.1757	3.2912	3.4151	3.5474	3.6892	3.8404
8	2.8723	2.9668	3.0676	3.1757	3.2912	3.4151	3.5474	3.6892	3.8404	4.0031
9	2.9668	3.0676	3.1757	3.2912	3.4151	3.5474	3.6892	3.8404	4.0031	4.1764
10	3.0676	3.1757	3.2912	3.4151	3.5474	3.6892	3.8404	4.0031	4.1764	4.3622
11	3.1757	3.2912	3.4151	3.5474	3.6892	3.8404	4.0031	4.1764	4.3622	4.5607
12	3.2912	3.4151	3.5474	3.6892	3.8404	4.0031	4.1764	4.3622	4.5607	4.7738
13	3.4151	3.5474	3.6892	3.8404	4.0031	4.1764	4.3622	4.5607	4.7738	4.9996
14	3.5474	3.6892	3.8404	4.0031	4.1764	4.3622	4.5607	4.7738	5.0026	5.2442
15	3.6892	3.8404	4.0031	4.1764	4.3622	4.5607	4.7738	5.0026	5.2442	5.5036
16	3.7742	3.9370	4.1102	4.2961	4.4945	4.7077	4.9345	5.1781	5.4385	5.7178
17	3.9370	4.1102	4.2961	4.4945	4.7077	4.9345	5.1781	5.4385	5.7178	6.0160
18	4.1102	4.2961	4.4945	4.7077	4.9345	5.1781	5.4385	5.7178	6.0160	6.3352
19	4.2961	4.4945	4.7077	4.9345	5.1781	5.4385	5.7178	6.0160	6.3352	6.6764
20	4.4945	4.7077	4.9345	5.1781	5.4385	5.7178	6.0160	6.3352	6.6764	7.0418
21	4.7077	4.9345	5.1781	5.4385	5.7178	6.0160	6.3352	6.6764	7.0418	7.4324
22	2.7696	5.0111	5.2736	5.5571	5.8511	6.1766	6.5231	6.8801	7.2791	7.6886
23	4.8505	5.1109	5.3902	5.6884	6.0076	6.3488	6.7142	7.1048	7.5238	7.9711
24	5.1109	5.3902	5.6884	6.0076	6.3488	6.7142	7.1048	7.5238	7.9711	8.4499
25	5.3902	5.6884	6.0076	6.3488	6.7142	7.1048	7.5238	7.9711	8.4499	8.9623
26	5.6884	6.0076	6.3488	6.7142	7.1048	7.5238	7.9711	8.4499	8.9623	9.5104

27 6.0076 6.3488 6.7142 7.1048 7.5238 7.9711 8.4499 8.9623 9.5104 10.0958
28 6.3488 6.7142 7.1048 7.5238 7.9711 8.4499 8.9623 9.5104 10.0958 10.7153
29 6.7142 7.1048 7.5238 7.9711 8.4499 8.9623 9.5104 10.0958 10.7153 11.3705
30 7.1048 7.5238 7.9711 8.4499 8.9623 9.5104 10.0958 10.7153 11.3705 12.0708"

1 Section 8. Effective date. This act shall become effective upon approval
2 of the President of the Republic of Palau, or upon its becoming law without
3 such approval as provided by law.
4

PASSED: March 12, 1993

Approved this 19th day of March 1993.


Kuniwo Nakamura, President
Republic of Palau