

Reklai v. Aimeliik State Legislature, 7 ROP Intrm. 220 (1999)

**AIMELIIK STATE
GOVERNOR PAUL I. REKLAI,
Appellant,**

v.

**AIMELIIK STATE LEGISLATURE,
Appellee.**

CIVIL APPEAL NO. 98-63
Civil Action No. 98-83A

Supreme Court, Appellate Division
Republic of Palau

Decided: June 10, 1999

Counsel for Appellant: Gerald Marugg III

Counsel for Appellee: Johnson Toribiong, Toribiong & Coughlin

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice.

PER CURIAM:

This appeal comes to this Court from an order dated November 9, 1998 granting summary judgment in favor of the Aimeliik State Legislature. The facts for this appeal are simple and uncontested.¹ On February 2, 1998 the Aimeliik State Legislature passed the annual state budget for fiscal year 1998, Bill No. 6-9, D I. The budget was then transmitted to the governor on February 6, 1998. Eight days later, on February 14, 1998, **L221** the governor signed the bill subject to certain reductions and vetoes. On February 18, twelve days after the bill was transmitted to him, the governor returned the bill to the legislature along with an explanation of his partial veto. The issue on appeal is whether the Governor timely exercised his veto of the items in the state budget for fiscal year 1998.

The Trial Division determined that pursuant to the Aimeliik State Constitution, in order to exercise his power to reduce or veto an item in the state budget, the governor must return the partially vetoed bill to the legislature within ten days. Because the governor failed to return the bill within ten days, the Trial Division held that the bill became law in its original form without any items effectively vetoed, reduced, or deleted. We review the Trial Division's grant of summary judgment *de novo*. *Becheserrak v. Republic of Palau*, 5 ROP Intrm. 63, 64 (1995).

¹ Appellant Reklai requested that the Court decide the appeal without oral argument. Because this appeal involves solely a question of constitutional interpretation and the facts and positions of the parties are clear, there is no need to hear oral argument. ROP R.App. Pro. 34(a).

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Pursuant to the Aimeliik Constitution, the Governor has three options upon receiving a bill from the legislature: he can approve the bill, veto the entire bill, or in the case of an appropriations bill, he may partially veto the bill. AIMELIIK STATE CONSTITUTION, Article IV, Section 11. The question presented by this appeal is the procedure the governor must follow in order to exercise a partial veto of an appropriations bill, specifically whether the governor must return a partially vetoed bill to the legislature within ten days.

Article IV, Section 11 of the Aimeliik State Constitution provides that

[i]n the event the governor does not approve a bill or reduce or veto a part of a bill or return a bill within ten (10) days after the receipt thereof, such bill shall become law as if approved.

Id. Because this language is not ambiguous, we need not look beyond the words chosen. *The Senate v. Nakamura*, Civ. App. No. 9854, slip op. at 5 (June 4, 1999).

Broken into its components, this sentence states that a bill will become law as passed by the legislature unless the governor does one of three things: (1) approve the bill within ten days; (2) reduce or veto a part of a bill within ten days; or (3) return a bill within ten days. The parties agree that the governor did not return the bill to the legislature within ten days. The governor argues, however, that he both partially vetoed the bill within ten days and that he approved it within that same time frame.

The governor argues that by making his changes to the bill and signing it within ten days of receiving the bill from the legislature, he “reduce[d] or veto[ed] a part of a bill” within ten days. However, under the Aimeliik Constitution, in order to exercise a partial veto, the governor must also return the bill to the legislature:

The governor may reduce or veto an item of an appropriation bill while approving and signing the remainder of the bill into law, provided that he returns the bill together with an explanation as to why the items were reduced or vetoed.

Id. (emphasis added). The steps necessary to effect a partial veto are therefore not completed until the bill is returned to the legislature. Simply signing the bill is not equivalent to partially vetoing the bill. Therefore, the governor did not complete the act of partially vetoing the bill within ten days.

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1222 The governor also argues that he met the requirement of the first clause of the sentence because he “approved” the bill within ten days. The governor’s argument is essentially that his approval of portions of the bill means he “approved” the bill within ten days. This interpretation of the word “approved” renders the second clause of the sentence redundant. There would be no need for the second alternative - that the governor must exercise the partial veto within ten days - if the term “approval” included a partial approval and partial veto. When construing a constitution, the Court avoids a construction that renders any provision meaningless. 16 Am. Jur. 2d *Constitutional Law* § 61 (1998); *see also, Tulmau v. R.P. Calma & Co.*, 6 ROP Intrm. 54, 55 (1997) (statutes should be construed to give effect to every word). The term “approved” clearly covers only the situation where the governor approves the entire bill.

Therefore, since the governor neither approved the bill nor effectively vetoed the bill within ten days, the bill became law in its original form on the eleventh day pursuant to Article IV, Section 11 of the Aimeliik Constitution. For these reasons, the judgment of the Trial Division is AFFIRMED.