

## AN ACT

To amend Section 1304 and 1305 of Title 35 of the Palau National Code to remove the deadline for the operations of the Land Court and remove the deadline for the land surveying and monumentation work of the Bureau of Lands and Surveys; to adjust the base salaries of Land Court judges; to reclassify the land registration officers as civil service employees; and for other related purposes.

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

1           Section 1. Legislative Findings. The Olbiil Era Kelulau finds that the Land  
2 Court performs an invaluable function for the Republic of Palau by fulfilling the  
3 Constitutional mandate of Article XIII, Section 10 to return public lands to their  
4 rightful owners. The Land Court has operated for several decades in furtherance of  
5 this mandate. On August 11, 2016, the Land Court's operational deadline expired,  
6 resulting in a shutdown of the Land Court's judicial functions. The Olbiil Era Kelulau  
7 finds that an operational deadline of any duration should be removed in order to grant  
8 the Land Court the appropriate authorization to continue its work without periodic  
9 reauthorization by the legislature.

10           Likewise, the Bureau of Lands and Surveys facilitates the work of the Land  
11 Court by monumenting and surveying the lands of the Republic in order for the Court  
12 to make its determinations regarding ownership. Currently, Section 1305 of Title 35  
13 authorizes the Bureau of Lands and Surveys to perform its work until March 31, 2017.  
14 While at the time of its creation that statute's deadline may have seemed reasonable, the  
15 Bureau of Lands and Surveys has considerable work still to do in order to finalize the  
16 thousands of land claims before the Land Court. Therefore, the Olbiil Era Kelulau  
17 finds that the operational deadline for the Bureau of Lands and Surveys should be  
18 removed to allow the work of the Bureau to continue until completion. Consistent with  
19 the permanent status of the Bureau of Lands and Surveys, the land registration officers  
20 employed by the Bureau of Lands and Surveys should be reclassified as civil services  
21 employees and entitled to the pay scale and benefits of civil service employment.

22           Finally, the Olbiil Era Kelulau finds that the salaries of the judges of the Court of  
23 Common Pleas and Land Court have not been adjusted to remain consistent with the

1 salaries of the Trial and Associate Justice positions of the Supreme Court. The Olbiil  
2 Era Kelulau believes that the diligent efforts of all the Republic's judges should be  
3 honored and compensated at equitable levels. Therefore, the Olbiil Era Kelulau finds  
4 that Section 702 of Title 33 of the Palau National Code should be amended to authorize  
5 the Chief Justice to increase the salaries of the judges of the Court of Common Pleas and  
6 Land Court.

7 Section 2. Amendment. Section 1304 of Title 35 of the Palau National Code is  
8 hereby amended to read as follows:

9 "§ 1304. Land Court responsibilities; Supreme Court.

10 (a) The Land Court shall proceed on a systematic basis to hold hearings and  
11 make determinations with respect to the ownership of all land within the Republic.

12 (b) The Land Court shall award ownership of public land, or land claimed as  
13 public land, to any citizen or citizens of the Republic who prove:

14 (1) that the land became part of the public land, or became claimed as  
15 part of the public land, as a result of the acquisition by previous occupying  
16 powers or their nationals prior to January 1, 1981, through force, coercion, fraud  
17 or without just compensation or adequate consideration, and

18 (2) that prior to that acquisition the land was owned by the citizen or  
19 citizens or that the citizen or citizens are the proper heirs to the land. Except in  
20 cases where claims of Palauan citizens, clans or lineages prevailed over the claim  
21 of the Trust Territory Government, its Land Title Officer and all of its political  
22 subdivisions, the statute of limitations, laches or stale demand, waiver, res  
23 judicata or collateral estoppel as to matters decided before January 1, 1981, and  
24 adverse possession, may not be asserted against and shall not apply to claims for  
25 public land by citizens of the Republic. The record of proceedings of the District  
26 Land Title Officer or the Palau Land Commission may be introduced as evidence  
27 in land ownership proceedings before the Land Court. The record shall be given  
28 such weight as the Land Court or Trial Division, in the exercise of its discretion,  
29 deems appropriate. All claims for public land by citizens of the Republic must

1 have been filed on or before January 1, 1989.

2 ...”

3 Section 3. Amendment. Section 1305 of Title 35 of the Palau National Code is  
4 hereby amended to read as follows:

5 “§ 1305. Bureau of Lands and Surveys responsibilities; land registration  
6 employees.

7 (a) The Bureau of Lands and Surveys within a reasonable time period shall  
8 proceed on a systematic basis to ensure the designation of areas and survey of all lands  
9 and the monumentation of all land within the Republic. The Bureau’s duties include,  
10 but are not limited to the registration of land claims, issuing the required notices under  
11 this chapter, providing monumentation, providing Land Court with the required  
12 information for Land Court hearings and providing temporary and permanent mapping  
13 of land parcels and boundaries with respect to the ownership of all land within the  
14 Republic. If the Bureau fails to provide proof of service of the required notices,  
15 monumentation, or other information required for Land Court hearings,  
16 the Land Court may, upon receiving an incomplete file from the Bureau, return such file  
17 with instructions identifying the deficiencies and ordering the Bureau to complete the  
18 file and resubmit the file to the Land Court within thirty (30) days.

19 (b) Those land registration officers and civil service employees, who worked for  
20 the Land Claims Hearing Office on February 14, 1996, and subsequently employed by  
21 the Land Court pursuant to RPPL 5-22, shall be transferred to and employed by the  
22 Bureau and shall be designated civil service employees. These officers and employees  
23 shall, for the purpose of receiving uninterrupted compensation, be deemed employed by  
24 the Bureau effective February 15, 1996 or their hiring date, if these officers’ and  
25 employees’ date of hire is after February 15, 1996. These land registration officers  
26 shall receive pay and benefits consistent with civil service employment.

27 ...

28 (d) The Bureau shall complete the surveying required under this section within  
29 a reasonable time period. The Ministry of Public Infrastructure, Industries and



1 Commerce may utilize private surveyors for the surveying work, through bidding  
2 pursuant to law. Land owners may hire private surveyors to complete a private  
3 monumentation of the land. Should a party utilize a private surveyor, that surveyor  
4 must be registered with the Board of Land Surveyor Examiners and must follow all of  
5 the notice provisions in this chapter. A map of a private monumentation is not official  
6 until it is certified and registered with the Bureau.

7 ...

8 (f) The Bureau shall complete the transition of the land registration officers into  
9 the civil service system, as required by subsection (b), by no later than April 1, 2018.”

10 Section 4. Amendment. Section 702 of Title 33 of the Palau National Code is  
11 hereby amended as follows:

12 “§ 702. Base Salary Schedule.

13 “...

14 (c) Unless otherwise approved by a joint resolution of the Olbiil Era Kelulau, the  
15 following eligibility restrictions regarding maximum pay or grade allowable apply:

16 (1) Judicial Branch

17 ...

18 (C) Associate Judges of the Court of Common Pleas shall receive an  
19 annual salary of fifty five thousand dollars (\$55,000), if he or she is an attorney, and  
20 twenty five thousand dollars (\$25,000) if he or she is not, as determined by the Chief  
21 Justice. The Senior Judge of the Court of Common Pleas shall receive an annual salary  
22 of eighty thousand dollars (\$80,000) if he or she is an attorney, and twenty eight  
23 thousand dollars (\$28,000) if he or she is not an attorney, as determined by the Chief  
24 Justice. Full-Time Associate Judges of the Land Court shall receive an annual salary of  
25 seventy thousand dollars (\$70,000) if he or she is an attorney, and shall receive an  
26 annual salary of between forty thousand dollars (\$40,000) and fifty thousand dollars  
27 (\$50,000), as determined by the Chief Justice, if he or she is not an attorney. Part-Time  
28 Associate Judges of the Land Court shall be paid based on an annual salary to be  
29 determined by the Chief Justice but in no case shall it be more than thirty five thousand

1 dollars (\$35,000) annually. The Senior Land Court Judge shall receive an annual salary  
2 of not less than sixty five thousand dollars (\$65,000) and not more than eighty thousand  
3 dollars (\$80,000), exclusive of housing and other benefits, as determined by the Chief  
4 Justice...”

5 Section 5. Appropriation.

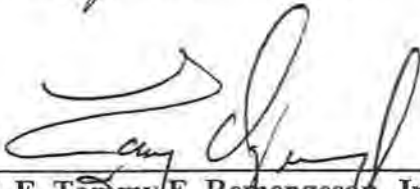
6 The sum of \$22,500 is hereby authorized and appropriated to the Judicial Branch  
7 for fiscal year 2017 for the purpose of funding the salary increases authorized by Section  
8 4 of this Act. The total sum appropriated in this section shall come from local  
9 revenues.

10 Section 6. Effective date. This Act shall take effect upon its approval by the  
11 President, or upon becoming law without such approval.

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PASSED: April 06, 2017

Approved this 13<sup>th</sup> day of April, 2017



H. E. Tommy E. Remengesau, Jr.  
President of the Republic of Palau