

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**MARSHALL ISLANDS MARINE RESOURCES
AUTHORITY (AMENDMENT) ACT 2018**

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**MARSHALL ISLANDS MARINE RESOURCES
AUTHORITY (AMENDMENT) ACT 2018**

AN ACT to amend Title 51, Chapter 1 of the Marshall Islands Revised Code as follows:

- (1) the President and the Cabinet shall have the authority to appoint and remove where necessary any members of the Board of Directors of the Marshall Islands Marine Resources Authority.
- (2) All payments out of the Fund shall be made in accordance with Section 124 of the Act below.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Marshall Islands Marine Resources Authority (Amendment) Act 2018.

§102. Amendments.

Section 113, Subsection (1) (a) (b) of the Principle Act is hereby amended to read as follows:

§113. Board of Directors.

The Board shall consist of the following members:

- (a) The Minister of Natural Resources and Commerce who shall serve as the Chairman of the Board;
- (b) six other members appointed by the President and the Cabinet;
- (c) Four of the six members appointed under section 113 (b) should have knowledge and experience in the fisheries sector of the Republic of the Marshall Islands;
- (d) the Director, who shall be a member ex officio and shall serve as the Secretary of the Board.

Section 123 of the Principle Act is hereby amended insert a new subsection to read as follows:

§123. Payments into the Fund.

- (1) There shall be deposited into the Fund:
 - (a) all monies appropriated by the Nitijela for the purposes of the Authority;
 - (b) all monies designated by the Compact for fisheries or related activities, including monitoring, control and surveillance;
 - (c) all monies received by the Authority by way of loans, grants, aid, advances, contributions, gifts or other assistance;
 - (d) all payments for fisheries access;
 - (e) in the case of goods and services received under any access agreement, all monies realized on such goods and services;
 - (f) all civil and criminal fines and administrative penalties and proceeds of forfeitures or settlements collected by the Government pursuant to violations of or offenses committed against this Title;
 - (g) the proceeds of sale of fish seized and forfeited pursuant to violations of or offenses against this Title;
 - (h) such other monies as may be generated or otherwise received by the Authority pursuant to this Title.
- (2) All payments out of the Fund shall be made in accordance with Section 124 of the Act below.
- (3) The Secretary of Finance, Banking and Postal Services shall keep within a separate account all monies referred to in Subsection 1(b) of this Section.

Section 124 of the Principle Act is hereby amended to insert a new subsection to read as follows:

§124. Payments out of the Fund.

(1) Payment may be made out of the Fund only for:

(a) Carrying out the powers and functions of the Authority, and particular but not to restrict the generality of the foregoing:

(i) fisheries monitoring, control and surveillance;

(ii) training;

(iii) research;

(iv) fisheries;

(v) such other activities as the Director may designate in accordance with this Title

(b) the cost and expenses of the Authority, including administration;

(c) where an individual provides the necessary information leading to a civil or criminal fine or forfeiture against a commercial fishing vessels pursuant to this Title, such individual or individuals shall receive, or where more than one (1) individual is involved, share, five (5) percent of the amount of the fine or two thousand dollars (\$2,000) whichever is lesser, and the necessary information required for such reward and the procedures for disbursement shall be provided or by rules and regulations promulgated by the Authority.

(d) the purposes of working capital and petty cash, and other related purposes;

(e) giving effect to the provisions of this Title and any regulations made under this Title.

(2) The fund shall be administered by the Director and such Board member as the Board may designate in accordance with:

(a) financial regulations which may be adopted by the Authority;
and

(b) a budget approved on an annual basis by the Board of Directors and the Secretary of Finance, Banking and Postal Services. The Director shall make quarterly financial report to the Board.

(3) In addition to the above, the Board shall transfer to the RMI General Fund, such amount(s) as may be appropriated by the Nitijela for expenditures under the General Fund within 10 days of the beginning of each quarter;

(4) Furthermore, the Board may, at any time during the fiscal year where he Nitijela is not then in session, and at the request of Cabinet, approve the transfer to the General fund of any surplus funds from the MIMRA Fund to meet any shortfall, or necessary expenditure in any program area under the annual budget Surplus funds transferred to the RMI General Fund in this manner shall be considered unanticipated revenue in accordance with Article VIII of the Constitution, and may be appropriated by the Cabinet among the different program areas in the RMI General fund. Where this occurs, the amounts appropriated in the annual budget for the program areas concerned, shall be increased accordingly.

(5) In considering any such requests from the Cabinet, the Board shall have regard to ability of the Authority to continue to discharge its functions efficiently, and to this end, the Minister of Finance, Banking and Postal Services and the Board may hold consultations to determine the available level of funding.

(6) 'Surplus' funds as used in Subsection (4) above refers to funds then available in the MIMRA Fund, and Accounts, in excess of the amount approved by the Board and the Secretary of Finance, Banking and Postal Services each year for the annual operating budget of the Authority, generated from fisheries licenses, the Vessel Day Scheme, and any joint ventures between the Authority and any fishing operator.

(7) Funding provided by:

(a) donors to assist the Authority in its operations, or to administer certain projects, and placed in the MIMRA Fund and Accounts, or in special accounts in any banking institutions in the Republic under the management of the Authority;

(b) Community Based Development Fund;

(c) Observers Fund; and

shall not be subject to the provisions of Subsection (3), (4), (5) and (6) above.

§103. Effective date.

This Act shall take effect on the date of certification in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedure of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 119ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 20th day of February 2018; and
2. That I am satisfied that Nitijela Bill No: 119ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 15th day of March 2018.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean Watak
Clerk
Nitijela of the Marshall Islands

