

P.L. 2001-46

An Act

To amend the Marshall Islands Ports Authority Act of 1999, P.L. 1999-88, and for related matters.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

**Section 1. Short Title.**

This Act may be cited as the Marshall Islands Ports Authority (Amendment) Act of 2001.

**Section 2. Amendments.**

The Marshall Islands Ports Authority Act, P.L. 1999-88 is hereby amended:

(A) By inserting an additional function of the Authority under Section 2.3(1) and re-numbering (e) to (f), to read as follows:

**“Section 2.3 Functions of the Authority.**

(1) The functions of the Authority are:

- (a) to establish, maintain and operate port facilities at its ports; and
  - (b) to provide facilities and services at its ports; and
  - (c) if directed by the Minister after a request by the local government of an outer islands, to operate or assist in operating a landing facility on that island;
- and

(d) to perform other functions relating to the use of ports; and

(e) to support the overall transportation and shipping strategic development plans within the Republic, including field trip services; and

(f) to perform from time to time other matter functions as directed by the Minister.”

**(B)** By amending Section 3.1 (1), (2) and (6), and by inserting a new Subsection(2) and renumbering the succeeding Subsections, to read as follows:

**“Section 3.1 Constitution of the Board.**

(1) The Board is to consist of 5 members, as follows:

(a) the person for the time being holding the position of Secretary of Transportation and Communication; and

(b) 4 other members to be appointed by the Cabinet, at least one of whom shall be a member of the private sector.

(2) The person for the time being holding the position of the Director of the Authority, shall be the non-voting Secretary of the Board; and

(3) The members referred to in Subsection (1)(b) of this Section:

(a) are to be appointed for a period of not more than 3 years, and may be reappointed; and

(b) are entitled to be paid the sitting fee prescribed by the regulations for each meeting attended.

(4) The person for the time being holding the position of Secretary of Transportation and Communication shall be the Chairperson of the Board.

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(5) The members are all part-time members.

(6) The performance of a function, and the exercise of a power, of the Board is not affected only because of a vacancy in the membership of the Board.

(7) The appointment of a member referred to in paragraph (1)(b) must be notified in the Gazette.”

(C) By amending Section 3.10(1) to read as follows:

**“Section 3.10. Quorum.**

(1) At a meeting of the Board, 3 members constitute a quorum.”

(D) By inserting a new Subsection 3 under Section 5.5 to read as follows:

**“Section 5.5 Expenditure of the Fund.**

(1) The Authority may only use money in the Fund in accordance with its budget, except in the case of unforeseen events. In this case, the expenditure must be approved in writing by the Board.

(2) Money received by the Authority for a specific purpose must be used only for that purpose.

(3) As used in this Section, “unforeseen events” include events which arise out of, and are incidental to, the functions of the Authority under Section 2.3 of this Act.”

(E) By inserting a new Subsection 3 to Section 5.8 to read as follows:

**“Section 5.8 Accounts and records.**

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(1) The Authority must maintain proper accounts and records of:

(a) moneys in the Fund; and

(b) the disposition of moneys paid into and out of the Fund.

(2) If money is paid into the Fund for a particular purpose:

(a) a record of that money must be kept in a particular account in the Fund; and

(b) the Authority must keep separate records of the disposition of the money.

(3) The Authority shall provide such financial and other related records as may from time to time be requested by the Secretary of Finance.”

(F) By amending Section 5.9 to read as follows:

**“Section 5.9     Audit.**

The accounts and records of the Fund maintained under Section 5.8 of this Act shall be subject to audit by the Auditor-General as provided for under Article VIII, Section 15 of the Constitution.”

(G) By amending Section 6.1 to read as follows”

**“Section 6.1     Authority may fix charges.**

The Authority may from time to time fix charges for services provided by the Authority, provided that prior to fixing such charges, the Authority shall comply with the provisions of the Marshall Islands Administrative Procedure Act 1979, 6 MIRC, Chapter 1.

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(H) By amending Section 9.3(1) to read as follows:

**“Section 9.3 Regulations.**

(1) Subject to compliance with the provisions and procedure set out in the Marshall Islands Administrative Procedure Act 1979, 6 MIRC, Chapter 1, the Minister may make regulations, not inconsistent with this Act, for all matters necessary to give effect to this Act.”

**Section 3. Effective Date.**

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

Certificate

I hereby certify:

(1) that the Nitijela Bill No. 79 ND-1 has been passed by the Nitijela of the Marshall Islands on the 12th day of October, 2001; and

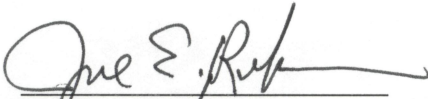
(2) that I am satisfied that Nitijela Bill No. 79 ND/1 has been passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 24th day of October, 2001.

Attest:

*Litokwa Tomeing*  
Litokwa Tomeing, Speaker  
Nitijela of the Marshall Islands

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Joe E. Riklon, Clerk  
Nitijela of the Marshall Islands