



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

RE-ASSIGNMENT OF THE DUTIES AND RESPONSIBILITIES (CONSEQUENTIAL AMENDMENT) ACT 2023

Introduced by:

MINISTER CHRISTOPHER J. LOEAK

Approved:

SPEAKER KENNETH A. KEDI

SIGNATURE

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023**



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Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**RE-ASSIGNMENT OF THE DUTIES AND
RESPONSIBILITIES (CONSEQUENTIAL AMENDMENT)
ACT 2023**

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**RE-ASSIGNMENT OF THE DUTIES AND RESPONSIBILITIES
(CONSEQUENTIAL AMENDMENT) ACT 2023**

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**RE-ASSIGNMENT OF THE DUTIES AND
RESPONSIBILITIES (CONSEQUENTIAL AMENDMENT)
ACT 2023**

A BILL FOR AN ACT to amend certain provisions of certain law (Consequential Amendments), in order to re-assign duties and responsibilities currently vested in the Chief Secretary to other officers of the Public Service, and for related matters.

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

§101. Short title.

This Act may be cited as the Re-Assignment of the Duties and Responsibilities (Consequential Amendment) Act 2023.

§102. Amendments

The following provisions of the laws identified below are hereby amended as follows:

- (1) Section 103(2) of the Animal and Plant Inspection Act is hereby amended as follows:

§103. Promulgation of plant and animal quarantine regulations.

.....

- (2) Emergency orders relating to domestic quarantine may be issued from time to time by the ~~Chief Secretary~~ the Attorney-General providing such emergency orders are not in conflict with the controls,

1 quarantines and regulations issued pursuant to Subsection (1) of this
 2 Section.

- 3
 4 (2) Section 6.11 (1) of the Criminal Code is hereby amended as follows:

5 **§6.11. Place of Imprisonment.**

6 When a person is sentenced to imprisonment, the court may designate
 7 in the commitment order a place of confinement within the Republic.
 8 The place of confinement may be changed or otherwise designated as
 9 follows at any time while the sentence is still in force:

- 10 (1) ~~The Chief Secretary~~ Superintendent of Prisons, subject to
 11 instruction, if any, from higher authority, may transfer the person
 12 to or designate any place of confinement within the Republic; or
 13

- 14 (3) Section 702 of the Fire Control Act is hereby amended as follows:

15 **§702. Fires to clear land; permission required**

16 No fires to clear land, including the burning of stumps, logs, brush,
 17 dry grass or fallen timber, shall be started without the prior written
 18 permission of the ~~Chief Secretary~~ Police Commissioner, or his
 19 authorized representative. Whether authorized by permit or not, no
 20 fires shall be started during a heavy wind or without sufficient help
 21 present to control the same, and the fire shall be watched by the person
 22 setting it, or by his competent agents, until putout.
 23

- 24 (4) Section 1203 of the General Fiscal Matters Act, is hereby amended as
 25 follows:

26 **§1203. Fiscal responsibility of the Government of the Marshall
 27 Islands.**

28 The Government of the Marshall Islands shall be responsible for the
 29 following, and shall submit to the ~~Chief Secretary~~ Nitijela annually for
 30 approval a budget providing for: (a) payment of salaries of officials
 31 whose duties are performed entirely within the jurisdiction of the
 32 Republic;

- 33 (b) repair and maintenance of public buildings; and

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(c) repair and maintenance of public roads, walks, paths, bridges and wharves within the Republic. No expenditures from government funds shall be made except in accordance with an approved budget.

(5) Section 1014 of the Government Liability Act is hereby amended as follows:

§1014. Settlement of claims.

(1) The Attorney-General may arbitrate or settle any claim filed under this Part for \$3,000 or less with the approval of the ~~Chief Secretary~~, Secretary of Finance, and for more than \$3,000 with the approval of the Cabinet.

(6) Section 707 paragraph (g) of the Kwajalein Atoll Local Government (KALGOV) Restoration Act is hereby amended as follows:

§707. Organization and Management.

.....

(g) ~~Chief Secretary~~, Secretary of Finance, as an ex officio.

(7) Section 402 (a) and 403(2) of MI Youth Advisory Board Act are hereby amended as follows:

§402. Board.

(1) There shall be established a Board called the Marshall Islands Youth Advisory Board, herein after referred to as "the Board".

(2) The Board shall comprise of the following members:

(a) ~~Chief Secretary~~

(a) The Secretary for Ministry of Culture and Internal Affairs;

§403. Procedure.

(3) ~~The Chief Secretary and~~ Secretary for Ministry of Culture and Internal Affairs shall be the Chairperson of the Board and shall

1 preside at all meetings, except that, in his or her absence, a
2 senior officer designated by the Chairperson shall act as the
3 temporary chairperson.
4

5 (8) Sections 404(2) and 406 of the Notaries Public Act is hereby amended as
6 follows:

7 **§404. Application; qualifications; oath.**

8

9 (2) Every person appointed a notary public shall, before acting in
10 that capacity, take and subscribe an oath for the faithful
11 discharge of his duties, which oath may be taken before ~~the~~
12 ~~Chief Secretary~~, a judge, the Clerk of Courts, or other official
13 authorized to administer oaths. This oath shall be executed in
14 duplicate. The original shall be filed in the office of the
15 Attorney- General and a duplicate original filed in the office of
16 the Clerk of Courts.

17 **§406. Official bond; appointment of agent for service of process.**

18 (2) The oblige of each bond shall be the Republic and the condition
19 contained therein shall be that the notary public will well, truly
20 and faithfully perform all the duties of his office which are then
21 and may thereafter be required, prescribed or defined by law or
22 by any rule or regulation made under the express or implied
23 authority of any law of the Republic, and all duties and acts are
24 undertaken, assumed or performed by the notary public by
25 virtue or color of his office. The surety on any such bond shall
26 be a surety company approved by the Cabinet. The notary
27 public by accepting his commission, and the surety company by
28 issuing the bond, thereby agree and appoint the ~~Chief Secretary~~
29 Attorney-General, as his agent to accept service of process on
30 his behalf for any purpose. After approval, the bond shall be
31 deposited and kept in the office of the Attorney-General, who
32 will certify to the Clerk of Courts that the bond has been
33 accepted and filed in proper form.

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35 (9) Section 105 of the Health and Welfare Act is hereby amended as follows:

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§105. Autopsies.

Autopsies and post mortem examinations may be performed by a physician as a means of revealing or clarifying the cause of death, provided each examination does not violate local custom, and provided written consent is secured from the nearest responsible relative. In the case of a death under conditions suggesting poisoning, violence, or unusual circumstances, where the cause and manner of death cannot otherwise be satisfactorily ascertained, an autopsy shall be performed if practicable, whenever recommended by the Secretary of Health, the Police Commissioner, and/or the Attorney-General and approved by the Chief Secretary.

(10) Section 103 (c) and 104 of the Public Lands Act are hereby amended as follows:

§103. Rights in areas below high watermark

(c) The owner of land abutting the ocean or lagoon shall have the right to fill in, erect, construct and maintain piers, buildings, or other construction on or over the water or reef abutting his land and shall have the ownership and control of such construction; provided, that said owner first obtains written permission of the ~~Chief Secretary~~ General Manager of the Environmental Protection Authority before beginning such construction.

§104. Grant of public lands in exchange for use of privately owned lands.

Public lands not reserved for other purposes may be granted by the Cabinet in payment or exchange for the use and occupation of privately owned lands within the Republic by the government of the Republic. The ~~Chief Secretary~~ Chief of Lands and Survey, is authorized, subject to the approval of the Cabinet, to designate areas of public lands within the Republic subject to disposal under the provisions of this Section.

(11Act) Section 1109(4) of the Price Monitoring and Control Act is hereby amended as follows:

§1109. Imposition of Price Controls.

- (4) Commencing the fourth day after the date upon which the declaration is filed with the ~~Chief Secretary~~ appropriate authority, it shall be unlawful for any person to sell or offer to sell in the locality or upon the vessels specified in a declaration, an essential commodity at a price greater than the maximum lawful price specified in the declaration or as determined with reference to a declaration, except as may be specified by the Board in accordance with this Chapter.

§103. Effective Date

This Act shall take effect on the date of certification in accordance with Article IV Section 21 of the Constitution and the Rules of Procedures of the Nitijela.

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RESPONSIBILITIES (CONSEQUENTIAL AMENDMENT)
ACT 2023**

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BILL SUMMARY

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This Bill proposes to is to re-assign certain duties and responsibilities currently vested in the Chief Secretary to other officers of the Public Service, in order to allow the Chief Secretary the resources, and time to fully execute the functions of the Office in its dual constitution all role as head of the Public Service and as Chief Advisor to the Cabinet, and matters connected therewith

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023

RE-ASSIGNMENT OF THE DUTIES AND
RESPONSIBILITIES (CONSEQUENTIAL AMENDMENT)
ACT 2023

SIGNATURES

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

DATE: 8/30/23 INTRODUCED BY Casten Namra Casten
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*