



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**MARSHALL ISLANDS MARINE RESOURCES
AUTHORITY (MIMRA SURPLUS FUNDS
AMENDMENT) ACT 2016**

Introduced by:

HON. MINISTER ALFRED ALFRED JR.

Received:

HON. SPEAKER KENNETH A. KEDI

BILL NO. 38ND1 P.L. 2016- 23



**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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AUTHORITY (MIMRA SURPLUS FUNDS AMENDMENT)
ACT 2016**

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**MARSHALL ISLANDS MARINE RESOURCES
AUTHORITY (MIMRA SURPLUS FUNDS AMENDMENT)
ACT 2016**

AN ACT to provide process for transfer of surplus funds from MIMRA to the General Fund 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 Marshall Islands Marine Resources Authority (MIMRA Surplus Funds Amendment) Act 2016.

§102. Amendment.

Section 124 of the *Marshall Islands Marine Resources Authority (MIMRA Act)*, is amended 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 in particular but not to restrict the generality of the foregoing;
 - (i) fisheries monitoring, control and surveillance;
 - (ii) training;
 - (iii) research;
 - (iv) fisheries development;

- (v) such other activities as the Director may designate in accordance with this Title;
 - (b) the costs 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 vessel 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 for 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 Secretary of Finance. (3) The Director shall make quarterly financial reports to the Board.
- (3) In addition to Subsection (1) above, the Board shall, where required, to transfer to the RMI General Fund, such amount(s) as may be appropriated by the Nitijela for expenditures under the General Fund;
- (4) Furthermore, the Board may, at any time during the fiscal year where the 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 a Cabinet request.
- (5) In considering any such requests from Cabinet, the Board shall have regard to ability of the Authority to continue to discharge its functions efficiently, and as such, may only approve the transfer of funds considered 'surplus,' to meet the requirements of a Cabinet

request. To this end, the Minister of Finance and the Board may hold consultations to determine the available level of funding. 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 apportioned by Cabinet among the different program areas in the RMI General Fund;

- (6) 'Surplus' funds as used in Subsection (4) above refers to funds then available in the MIMRA Fund and Accounts, in excess of the funds approved by the Board each year for the annual budget of the Authority, generated from fisheries licenses, the Vessel Day Scheme, any joint ventures between the Authority and any fishing operator.
- (7) Fundings 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
 - (d) Enforcement Fund

These funds shall not be subject to the provisions of Subsections (3), (4), (5) and (6) above;

- (8) The provisions of Subsections (3), (4), (5) and (6) above, shall take effect retrospectively, from January 1, 2016.

§103. Effective date.

This Act takes effect on the date of its certification, in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 38ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 29th day of September 2016; and

2. That I am satisfied that Nitijela Bill No: 38ND1 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 18th day of October 2016.



Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:



Morean Watak

Clerk

Nitijela of the Marshall Islands