



Republic of the Marshall Islands
Jepililin Ke Ejukaan

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

Sponsored by:

HON. MINISTER ALFRED ALFRED JR.

Approved:

HON. SPEAKER KENNETH A. KEDI /s/

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



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5

Index

6

Section

Page

7
8

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

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BILL NO.38

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§101.	Short title.	5
§102.	Amendment.	5
§103.	Effective date.....	7

1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 37TH CONSTITUTIONAL REGULAR SESSION, 2016



3 Republic of the Marshall Islands
4 *Jepilpilin Ke Ejukaan*

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

8 **A BILL FOR AN ACT** to provide process for transfer of surplus funds from MIMRA
9 to the General Fund and for related matters.

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

11 **§101. Short title.**

12 This Act may be cited as the Marshall Islands Marine Resources Authority
13 (MIMRA Surplus Funds Amendment) Act 2016.

14 **§102. Amendment.**

15 Section 124 of the *Marshall Islands Marine Resources Authority (MIMRA Act)*,
16 is amended as follows:

17 **§124. Payments out of the Fund.**

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

- 19 (a) carrying out the powers and functions of the Authority, and in
20 particular but not to restrict the generality of the foregoing;
- 21 (i) fisheries monitoring, control and surveillance;
 - (ii) training;
 - (iii) research;
 - (iv) fisheries development;

- 1 (v) such other activities as the Director may designate in
2 accordance with this Title;
- 3 (b) the costs and expenses of the Authority, including
4 administration;
- 5 (c) where an individual provides the necessary information
6 leading to a civil or criminal fine or forfeiture against a
7 commercial fishing vessel pursuant to this Title, such
8 individual or individuals shall receive, or where more than
9 one (1) individual is involved, share, five (5) percent of the
10 amount of the fine or two thousand dollars (\$2,000) whichever
11 is lesser, and the necessary information required for such
12 reward and the procedures for disbursement shall be provided
13 for by rules and regulations promulgated by the Authority;
- 14 (d) the purposes of working capital and petty cash, and other
15 related purposes;
- 16 (e) giving effect to the provisions of this Title and any regulations
17 made under this Title.
- 18 (2) The Fund shall be administered by the Director and such Board
19 member as the Board may designate in accordance with:
 - 20 (a) financial regulations which may be adopted by the Authority;
21 and
 - 22 (b) a budget approved on an annual basis by the Secretary of
23 Finance. (3) The Director shall make quarterly financial reports
24 to the Board. [P.L. 1997-60, §16.] §125.
- 25 (3) In addition to Subsection (1) above, the Board shall, where required,
26 to transfer to the RMI General Fund at the beginning of each fiscal
27 year, such amount(s) as may be appropriated by the Nitijela for
28 expenditures under the General Fund;
- 29 (4) Furthermore, the Board may, at any time during the fiscal year where
30 the Nitijela is not then in session, and at the request of Cabinet,
31 approve the transfer to the General Fund of any surplus funds from
32 the MIMRA Fund to meet a Cabinet request.
- 33 (5) In considering any such requests from Cabinet, the Board shall have
34 regard to ability of the Authority to continue to discharge its
35 functions efficiently, and as such, may only approve the transfer of
36 funds considered 'surplus,' to meet the requirements of a Cabinet

1 request. To this end, the Minister of Finance and the Board may hold
2 consultations to determine the available level of funding. Surplus
3 funds transferred to the RMI General Fund in this manner shall be
4 considered unanticipated revenue in accordance with Article VIII of
5 the Constitution, and may be apportioned by Cabinet among the
6 different program areas in the RMI General Fund;

7 (6) 'Surplus' funds as used in Subsection (4) above refers to funds then
8 available in the MIMRA Fund and Accounts, in excess of the funds
9 approved by the Board each year for the annual budget of the
10 Authority, generated from fisheries licenses, the Vessel Day Scheme,
11 any joint ventures between the Authority and any operator, or any
12 other revenue generating scheme managed by Authority;

13 (7) Funding provided by donors to assist the Authority in its operations,
14 or to administer certain projects, and placed in the MIMRA Fund and
15 Accounts, or in special accounts in any banking institutions in the
16 Republic under the management of the Authority, shall not be subject
17 to the provisions of Subsections (3), (4), (5) and (6) above;

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

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21 **§103. Effective date.**

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

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2

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3

BILL SUMMARY

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This Bill proposes to formalize the process of the transfer of surplus funds from the MIMRA fund to the RMI General Fund to augment expenditure under the different program areas under the General Fund.

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The Bill proposes to provide a formal process for the transfer of funds, where applicable, pursuant to an Appropriation Act, and at the beginning of each fiscal year, and secondly, in the case where Nitijela is not then in session, and at any point in the fiscal year, at the request of the Cabinet. In determining the level of surplus funding, the Board must take into account the Authority's ability to continue to function efficiently – and the Board may consult with the Minister of Finance to agree on the level of support to provide.

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The Bill also makes it clear that any donor funding provided to support the operations of MIMRA or for specific projects to be managed or administered through MIMRA, and that are placed in the MIMRA Fund or in special accounts under the management of MIMRA, are prohibited from such transfers. Surplus funds as used in the Act refer only to portions of revenues generated from licensing, the Vessel Day Scheme and the Joint Venture Agreement.

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The Bill proposes that the Act have retrospective effect from January 1 2016.

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2

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3

SIGNATURES

1 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_MIN. ALFRED ALFRED JR_* *___/S/_*

2 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_MIN. BRENSON S. WASE_* *___/S/_*

3 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_SEN. DAVID PAUL_* *___/S/_*

4 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_MIN. JOHN M. SILK_* *___/S/_*

5 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_MIN. MATTLAN ZACKHRAS_* *___/S/_*

6 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_PRESIDENT HILDA C. HEINE_* *___/S/_*

7 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_SEN. JACK ADING_* *___/S/_*

8 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_SEN. DENNIS MOMOTARO_* *___/S/_*

9

10 **DATE:** *_AUG.19, 2016_* **INTRODUCED BY** *_SEN. BRUCE BILIMON_* *___/S/_*