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

Republic of the Marshall Islands
Jepilpin Ke Ejukaan

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

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A BILL FOR 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. [P.L. 1997-60, §16.] §125.

(3) In addition to Subsection (1) above, the Board shall, where required, to transfer to the RMI General Fund at the beginning of each fiscal year, 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 operator, or any other revenue generating scheme managed by Authority;

(7) Funding provided by 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, 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.
NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

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

BILL SUMMARY

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.

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.

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.

The Bill proposes that the Act have retrospective effect from January 1 2016.
NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

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

SIGNATURES
DATE: _AUG.19, 2016_  INTRODUCED BY _MIN. ALFRED ALFRED JR_  ____/S/____

DATE: _AUG.19, 2016_  INTRODUCED BY _MIN. BRENSON S. WASE_  ____/S/____

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. DAVID PAUL_  ____/S/____

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

DATE: _AUG.19, 2016_  INTRODUCED BY _MIN. MATTLAN ZACKHRAS_  ____/S/____

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

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. JACK ADING_  ____/S/____

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. DENNIS MOMOTARO_  ____/S/____

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. BRUCE BILIMON_  ____/S/____