STATE-OWNED ENTERPRISES
(AMENDMENT) (2) ACT 2016.

Sponsored by:

HON. SENATOR DAVID PAUL

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

STATE-OWNED ENTERPRISES (AMENDMENT) (2) ACT 2016.

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STATE-OWNED ENTERPRISES (AMENDMENT) (2) ACT 2016.

A BILL FOR AN ACT to amend section 618 of Title 52, Chapter 6 of the MIRC, the State-Owned Enterprises Act 2015 in order to remove the restrictions on the appointment of public officials including Ministers to SOE Board, and to assert the appointment of the Chairperson for Board of Directors of SOE by Cabinet.

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

§101. Short title.

This Act may be cited as the State-Owned Enterprises (Amendment) (2) Act 2016.

§102. Amendments.

(1) Section 617 of the Parent Act, State-Owned Enterprises Act 2015 is amended as follows:

§617. State-owned enterprises to be governed by boards of directors.

There is to be, for each State-owned enterprise, a board consisting of at least 3, but not more than 9, directors, appointed by the Minister under this Act.

(2) Section 618 of the Parent Act, State-Owned Enterprises Act 2015 is amended as follows:
§618 Directors—appointment and qualifications

(2) (1) Subject to this section, or other sections in this Act, the Minister may appoint a person to be director of a state-owned enterprise if satisfied by the cabinet that the appointment will assist the state-owned enterprise to conduct its principal business and achieve its primary objectives.

(2) The Minister is not to appoint a person to be a director of a State-owned enterprise unless the Minister has no reason to believe that the person is not a fit and proper person to be a director of the State-owned enterprise.

(3) The Minister may appoint a public official to be a director of a State-owned enterprise but only for a term that ends before the end of 3 years after this Act takes effect. The Minister may not do this if the appointment would result in more than 1 public official holding office as a director of the State-owned enterprise.

(4) The Minister must not appoint an employee of the Public Service to be a director of a State-owned enterprise if the employee is employed in the department or ministry of the Public Service with policy or operational responsibility for the principal business of the State-owned enterprise.

(5) The Cabinet Minister is to appoint one (1) of the directors of a State-owned enterprise to be Chairperson of the Board of the State-owned enterprise. The directors must appoint one (1) amongst their members to be the Deputy Chairman. A public official cannot be appointed under this sub Section.

§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.
This Bill proposes to amend section 618 of Title 52, Chapter 6 of the MIRC, the State-Owned Enterprises Act 2015 in order to remove the restrictions on the appointment of public officials including Ministers to SOE Board, and to ensure that the Chairperson for Board of Directors of SOE is appointed by Cabinet.
NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

STATE-OWNED ENTERPRISES (AMENDMENT) (2) ACT 2016.

SIGNATURES

DATE: _AUG.19, 2016_  INTRODUCED BY _V.SPEAKER ANTON JEJWARICK__/S/__

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. ALVIN JACKLICK__/S__/__

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. BRUCE BILIMON__/S__/__

DATE: _AUG.19, 2016_  INTRODUCED BY _SEN. DAVID PAUL__/S__/__