



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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

Sponsored by:

HON. SENATOR DAVID PAUL

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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Republic of the Marshall Islands
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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**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

- (1) Subject to this section, or other sections in this Act, the a
~~M~~minister may be appointed ~~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 ~~man~~ of the Board of the State-
 owned enterprise. The directors must appoint one (1) amongst ~~of~~
 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.

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37TH CONSTITUTIONAL REGULAR SESSION, 2016**

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**STATE-OWNED ENTERPRISES (AMENDMENT) (2) ACT
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BILL SUMMARY

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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.

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**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/_*