NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

34TH CONSTITUTIONAL REGULAR SESSION, 2013

BILL NO: 27ND1

P.L. 2013 - 6

AN

ACT

to provide:

(a) in accordance with Article VIII, Section 8 of the Constitution for a Supplemental Appropriation, from the Marshall Islands General Fund, from donor grants and donor project support, a total sum of **$30,921,605**; to meet certain special appropriations and capital expenditures of the Government as set out in Schedule 1, 2 and 3 of this Act.

(b) for delegation of approved expenditure under Section 5 of Article VIII of the Constitution; and

(c) for control on reprogramming and transfer of funds within program areas.

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

Section 1. **Short title.**

This Act may be cited as the Fiscal Year 2013 Supplemental Appropriation Act, 2013.

Section 2. **Statement of National Objective.**

It is the intention of the Government of the Republic of the Marshall Islands to hereby enact and implement a supplemental appropriation, to authorize certain special appropriations and capital expenditures over and above that which was authorized by P.L.2012-3, in the manner set out in Schedules attached as **Appendix A** to this Act.

Section 3. **Interpretation.**

In this Act, unless the context otherwise requires:

(a) "program area" means the program areas set out in Schedule 1 below.

Section 4. **Appropriation from the Marshall Islands General Fund.**

A total sum of **$5,300,000** is hereby appropriated, and may be withdrawn from the Marshall Islands General Fund and expended pursuant to Article VIII of the Constitution for program areas as set out in Schedule 1.

Section 5. **Appropriation of other funds.**

A total sum of **$925,500** is hereby appropriated, being the total revenue provided as grants by the U.S. Department of Interior Grant, Asian Development Bank Grant (Coconut Replanting), and UNDP (ADMIRE) and shall be credited to the National Treasury and shall be appropriated in accordance with the relevant provisions and Schedule 2.

Section 6. **Appropriation of Donor Project Support.**

A total sum of **$24,696,105** is hereby appropriated, being the total sum of donors project support by the United Nations, European Union, World Bank, Australia and Japan, shall not be available for expenditure as reprogrammed expenditure under Article VIII Section 7 of the Constitution, except as authorized by or under the agreements with the donor nation and/or institution, and schedule 3.

Section 7. **Funding of the Office of the Auditor General.**

The Secretary of Finance shall withhold and deposit in the special account in the Marshalls Islands General Fund, one eighth percent (0.8%) of all amounts appropriated in

Schedules 1 and 2, and the sum so withheld and deposited may be withdrawn and expended by the Auditor-General in accordance with the budget approved for his/her office by the Cabinet, for the operations and activities of his/her office.

Section 8. **Unanticipated Income.**

Where, during the Financial Year, an amount of unanticipated income is received by the Government for a specified program area, that amount is appropriated for the corresponding program area in Schedules as the case may be, and the amount of the appropriation for that program area is increased accordingly.

Section 9. **Notification to the Cabinet by the Minister.**

When any money is received under Section 8 herein above, the Minister of Finance shall notify the Cabinet of the receipt of such money, and such money shall not be expended without the approval of the Cabinet.

Section 10. **Lapsing of Funds**

(1) The appropriations made under Schedule 1 of this Act shall lapse at the end of the Financial year 2013.

(2) The appropriation made under Schedules 2 and 3 of this Act shall not lapse at the end of the Financial year 2013 but shall remain until either:

(a) the purpose of the appropriation are satisfied, or

(b) the funds are expended,

whichever occurs first.

Section 11. **Delegation of Authority**

(1) For the purpose of Article VIII, Section 5(1) of the Constitution, the authority to approve expenditure in a program area in accordance with Schedule 1, is hereby delegated to:

(a) The member of the Cabinet primarily responsible for that program area and;

(b) If the responsible member of the Cabinet so directs by instrument in writing, and subject to any limitations imposed by the instrument and to general control by the member, an appropriate person, authority, or agency; or subject in either case to any limitations imposed by the Cabinet.

(2) Any expenditure otherwise than in accordance with Schedules 1, 2 and 3 shall require the approval of the Cabinet in accordance with Article VIII, Section 5(1) of the Constitution.

(3) Any expenditure for prior year liabilities made under schedule 1 shall not be available for expenditure as reprogrammed expenditure but shall be withheld and paid directly by the Secretary of Finance to the vendor or service provider.

Section 12. **Budget Estimates and Statement.**

(1) The Budget Estimates for expenditures for the relevant program areas are set out in Schedules 1, 2 and 3 of this Act.

(2) The Budget Statement from the Minister of Finance is attached as **Appendix B** to this Act.

Section 13. **Reprogramming and Transfers**

No funds may be reprogrammed or transferred to any other program areas or disbursed in any other manner except as set out in Schedule 1 of this Act.

Section 14. **Effective Date.**

This Act shall come into effect on the date of certification in accordance with Article IV Section 21 of the Constitution and Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No.27ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 11th day of March, 2013; and

2. That I am satisfied that Nitijela Bill No.27ND1 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 22nd day of March 2013.

P.L. 2013-6

Attest:

Hon. Donald F. Capelle	**Tadashi Lometo**
Speaker	Clerk
Nitijela of the Marshall Island	Nitijela of the Marshall Islands

REPUBLIC OF THE MARSHALL ISLANDS
FISCAL YEAR 2013 SUPPLEMENTAL BUDGET

SUPPLEMENTAL GENERAL FUND APPROPRIATION	SCHEDULE 1
AMENDED APPENDIX "A"	
LINE MINISTRIES	**1,146,447**
President & Cabinet	75,000
Council of Iroij	15,000
Nitijela	10,000
Ministry of Foreign Affairs	100,000
Public Service Commission	25,000
Ministry of Health	427,000
Ministry of Education	197,850
Ministry of Transportation & Communication	25,000
Ministry of Internal Affairs	63,000
Ministry of Justice	50,000
Banking Commission	8,500
Ministry of Public Works	150,097
SPECIAL APPROPRIATIONS	**4,153,553**
Land Leases	186,553
Government Centralized Utility Bills	350,000
Social Development & Capital Projects	735,000
Alele Musuem	50,000
Property Acquisition Project	300,000
Majuro AKIA Improvement	80,000
College of the Marshall Islands	110,000
Airline of the Marshall Islands	120,000
Marshall Islands Visitors Authority	75,000
Prior Year Liabilities	1,176,000
Majuro Landowners Utility	1,206,000
Airline of the Marshall Islands	500,000
TOTAL GENERAL FUND EXPENDITURES	**5,300,000**

REPUBLIC OF THE MARSHALL ISLANDS
FISCAL YEAR 2013 SUPPLEMENTAL BUDGET

OTHER SUPPLEMENTAL FUND EXPENDITURES	**SCHEDULE 2**
OTHER FUND EXPENDITURES	**925,500**
Ministry of Resources & Development	
Coconut Replanting Project (ADB)	300,000
ADMIRE Project (UNDP)	316,500
Office of the Chief Secretary (Water Project)	220,000
Ministry of Foreign Affairs (DOI)	30,000
Office of Economic Policy, Planning & Statistics Office (UNDP)	59,000
TOTAL OTHER EXPENDITURES	**925,500**

PROJECT SUPPORT EXPENDITURES	**SCHEDULE 3**
United Nations / FAO	**296,000**
Ministry of Resources & Development (Food Security)	296,000
European Union / SPC GCCA	**600,000**
Office of Environemental Planning, Policy & Coordination	600,000
World Bank / GEF	**650,000**
Majuro Water & Sewage Company (Water Reservoir)	650,000
Australia / ADB	**1,000,000**
KAJUR (Water Supply & Sanitation Project)	1,000,000
Japan	**22,150,105**
Ministry of Public Works (Heavy Equipment)	3,000,000
Ministry of Resources & Development (PEC Reverse Osmosis)	3,150,105
Ministry of Transportation & Communication (Vessels)	16,000,000
TOTAL PROJECT SUPPORT EXPENDITURES	**24,696,105**

TOTAL ALL EXPENDITURES	**30,921,605**

SOURCES OF FUND	**SCHEDULE 4**

REPUBLIC OF THE MARSHALL ISLANDS
FISCAL YEAR 2013 SUPPLEMENTAL BUDGET

GENERAL FUND REVENUES	**5,300,000**
Taxes	300,000
Ship Registry	1,000,000
MIMRA	4,000,000
OTHER REVENUES	**925,500**
U.S. Department of Interior	30,000
AusAID	220,000
Asian Development Bank Grant	300,000
United Nations Development Programme	375,500
DONORS PROJECT SUPPORT	**24,696,105**
United Nations	296,000
European Union	600,000
World Bank	650,000
Australia	1,000,000
Japan	22,150,105
TOTAL ALL REVENUES	**30,921,605**