

TITLE 5 - PUBLIC OFFICES AND AGENCIES
CHAPTER 9 - NATIONAL ENERGY OFFICE ACT 2018



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

NATIONAL ENERGY OFFICE, 2018

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TITLE 5 - PUBLIC OFFICES AND AGENCIES
CHAPTER 9 - NATIONAL ENERGY OFFICE ACT 2018



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

NATIONAL ENERGY OFFICE, 2018

AN ACT to establish an Office of Energy for the Republic of the Marshall Islands and related purposes.

Commencement:

November 22, 2018

Source:

P.L. 2018-93

§101. Short Title.

This Act may be cited as the National Energy Office Act 2018.

§102. Interpretation.

- (1) In this Act, unless the context otherwise requires a different meaning:
- (a) “Director” means the head of the Office of Energy pursuant to Section 5 of this Act;
 - (b) “National Energy Office” means the Office established under Section 4 of this Act;
 - (c) “Minister” or “Minister of Environment” means the Minister-in-Assistant-to-the-President and Environment;
 - (d) “President” means the President of the Republic of the Marshall Islands;
 - (e) “Renewable Energy” includes the following sources of energy: biofuels, biogas, solar energy, wind energy, tidal energy, and ocean thermal energy conversion.
 - (f) “Republic” means the Republic of the Marshall Islands;

§103. Objective.

The objective of this Act is to foster sustainable energy supply for the people of the Republic in accordance with the provisions of the National Energy Policy.

§104. Establishment of the National Energy Office.

- (1) There is hereby established the National Energy Office which shall have the principal functions:
 - (a) Prepare and propose draft legislation for the management of the energy sector, as well as review any legislation, regulations, rule or policy that may affect the energy sector;
 - (b) Promote and encourage the conservation and efficient use of renewable energy;
 - (c) Develop for Cabinet's consideration the Energy Policy of the Republic along with strategies and action plans and ensure the subsequent implementation thereof;
 - (d) Monitor electricity tariffs;
 - (e) Monitor and approve the quality of imported petroleum products in compliance with fuel standards;
 - (f) Serve as the central repository for data collection, analysis and reporting;
 - (g) Launch campaigns and build community outreach and awareness of issues related to sources of energy, energy usage and energy conservation;
 - (h) Liaise with other Government ministries/agencies/offices and State-Owned Enterprises towards the implementation of this Act.

§105. Director of the National Energy Office.

- (1) The National Energy Office shall be headed by a Director who shall report and be responsible to the Minister of Environment. In addition, as an employee of the Public Service, the Director shall also account for the performance of the Office, in the discharge of the functions herein, to the Chief Secretary.

- (2) The Director shall be appointed by the Public Service Commission. The Director appointed herein, shall be an employee of the Public Service, and in addition to the provisions of this Act and any regulations promulgated herein, shall be bound by the Public Service Regulations 2008, and any subsequent and future amendments thereto.
- (3) The Director is charged with the following functions:
 - (a) Overseeing the administration and management of the Office, including the following:
 - (i) Recruiting, developing and maintaining effective staff;
 - (ii) Preparing, overseeing and managing the budget of the National Energy Office;
 - (iii) Establishing performance output criteria and assessment guidelines for the recommendation of promotion and pay increment of staff to the Public Service Commission;
 - (iv) Acting as the point of contact for the Office.
 - (b) Acting as the principal policy adviser to the Minister;
 - (c) Recommendation legislative and policy changes to the Minister;
 - (d) Perform any other functions as directed by the Minister or as set forth in legislation and policy.

§106. Staff of the National Energy Office.

- (1) The staff of the National Energy Office shall be appointed by the Public Service Commission.
- (2) The staff appointed under subsection (1) of this Section shall be employees of the Public Service, and in addition to this Act and any regulations promulgated herein, be bound by the Public Service Regulations 2008 and subsequent amendments thereto.

§107. National Energy Office Fund.

- (1) The National Energy Office Fund is hereby established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which must provide for

its administration in accordance with the Financial Management Act of 1990.

- (2) The sources of the Fund shall consist of:
 - (a) monies appropriated by the Nitijela in respect of the duties of the Office as provided by this Act;
 - (b) other monies provided by the Cabinet in respect of the duties of the Office as provided by this Act, by way of grant or otherwise;
 - (c) monies paid to the Republic by any person, natural or legal, whether within or outside the Republic, in respect of the duties of the Office as provided by this Act, with the concurrence of the Secretary of Finance.
- (3) If the sum available in the Fund is not sufficient to meet the purposes of this Act:
 - (a) the person exercising Ministerial Responsibility pursuant to Section 6 of this Act may request the Nitijela to provide finance for the implementation of this Act in addition to the annual appropriation; and/or
 - (b) the Cabinet may -
 - (i) make available monies from the Contingencies Fund or by reprogramming; and
 - (ii) seek assistance from other sources, whether domestic or international.
- (4) Money made available under Subsection (3) shall be credited to the Fund.
- (5) This Section does not limit the authority of the Cabinet to apply for, administer or expend any grants, gifts, payments or pass-through funds for the purpose of this Act.
- (6) The Secretary of Finance shall maintain proper accounts and records of the Fund, and the accounts are to be provided to the Nitijela by the Minister of Finance pursuant to Article VIII, Section 5(4), of the Constitution.

§108. Annual Report.

- (1) The Director shall submit to the Cabinet and Nitijela an Annual Report no later than the first business day of December each year.
- (2) The Annual Report shall contain the following:
 - (a) Potential for additional renewable energy deployment, and ability to meet the Republic's renewable energy target;
 - (b) Progress towards the Republic's energy efficiency target;
 - (c) Any other reporting areas specified by the Minister.
- (3) The Annual Report shall be published in the Government Gazette no later than the first business day of February each year.

§109. Regulations.

- (1) The Minister may make regulations pursuant to the Administration Procedures Act, 1979, with respect to the following:
 - (a) A framework for reporting and accounting for efficiency in energy use and renewable energy generation in the Republic;
 - (b) Energy efficiency standards for new buildings and renovations, including homes, businesses, and government premises and subsidies for energy efficient design and construction;
 - (c) Mandatory appliance labelling and minimum energy efficiency performance standards for refrigerators, air conditioners and other electrical appliances including related penalties;
 - (d) Vehicle and sea transport fuel standards requiring a percentage of biofuel and other forms of renewable energy;
 - (e) Incentives for investment in renewable energy; and
 - (f) Requirements applicable to renewable energy technology relating to its commercial viability and suitability for application before it is adopted in the Republic.

§110. Effective Date.

This Act shall take effect on the date of certification in accordance with the Constitution and the Rules of Procedures of the Nitijela.

