



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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

Introduced by:

HON. SENATOR DAVID PAUL

Received:

HON. SPEAKER KENNETH A. KEDI

BILL NO. 41ND1 P.L. 2016- 24



**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.**

Index

Section	Page
STATE-OWNED ENTERPRISES (AMENDMENT) (2) ACT 2016.	1
§101. Short title.....	4
§102. Amendments.....	4
§103. Effective date.....	5

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Republic of the Marshall Islands
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**STATE-OWNED ENTERPRISES (AMENDMENT) (2) ACT
2016.**

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 *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 *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, a minister may be appointed to be a 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 shall be responsible for the appointment of a person to be a director of a State-owned enterprise unless the Minister has 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 by merits, at least one but not more than 3 public officials with the approval of the Cabinet whose experience, education and qualification shall have significant contributions to the economic and general well-being of the people of the Republic.
- (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 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 members to be the Deputy Chairman.

§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.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 41ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 29th day of September 2016; and
 2. That I am satisfied that Nitijela Bill No: 41ND1 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 18th day of October 2016.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean Watak
Clerk
Nitijela of the Marshall Islands