NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
45TH CONSTITUTION REGULAR SESSION, 2024

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

RE-ASSIGNMENT OF THE DUTIES AND RESPONSIBILITIES (AMENDMENT) ACT, 2024

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RE-ASSIGNMENT OF THE DUTIES AND RESPONSIBILITIES (AMENDMENT) ACT, 2024

AN ACT to amend certain provisions of certain law, in order to re-assign duties and responsibilities currently vested in the Chief Secretary to other officers of the Public Service, and for related matters.

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

§101. Short title.

This Act may be cited as the Re-Assignment of the Duties and Responsibilities (Amendment) Act, 2024.

§102. Amendments

The following provisions of the laws identified below are hereby amended as follows:

(1) Section 103 Subsection (2) of the Animal and Plant Inspection Act is hereby amended as follows:

§103. Promulgation of plant and animal quarantine regulations.

(2) Emergency orders relating to domestic quarantine may be issued from time to time by the Attorney-General providing such emergency orders are not in conflict with the controls, quarantines and regulations issued pursuant to Subsection (1) of this Section.

(2) Section 6.11 (1) of the Criminal Code is hereby amended as follows:

§6.11. Place of Imprisonment.

When a person is sentenced to imprisonment, the court may designate in the commitment order a place of confinement within the Republic. The place of confinement may be changed or otherwise designated as follows at any time while the sentence is still in force:

(1) Superintendent of Prisons, subject to instruction, if any, from higher authority, may transfer the person to or designate any place of confinement within the Republic; or

(3) Section 702 of the Fire Control Act is hereby amended as follows:

§702. Fires to clear land; permission required

No fires to clear land, including the burning of stumps, logs, brush, dry grass or fallen timber, shall be started without the prior written permission of the Police Commissioner, or his authorized representative. Whether authorized by permit or not, no fires shall be started during a heavy wind or without sufficient help present to control the same, and the fire shall be watched by the person setting it, or by his competent agents, until putout.

(4) Section 1203 of the General Fiscal Matters Act, is hereby amended as follows:

§1203. Fiscal responsibility of the Government of the Marshall Islands.

The Government of the Marshall Islands shall be responsible for the following, and shall submit to the Nitijela annually for approval a budget providing for:

(a) payment of salaries of officials whose duties are performed entirely within the jurisdiction of the Republic;

(b) repair and maintenance of public buildings; and

(c) repair and maintenance of public roads, walks, paths, bridges and wharves within the Republic. No expenditures from government funds shall be made except in accordance with an approved budget.

(5) Section 1014 of the Government Liability Act is hereby amended as follows:

§1014. Settlement of claims.

(1) The Attorney-General may arbitrate or settle any claim filed under this Part for $3,000 or less with the approval of the, Secretary of Finance, and for more than $3,000 with the approval of the Cabinet.

(6) Section 704 of the Kwajalein Atoll Development Authority Act is hereby amended by removing the Chief Secretary as follows:

§704. Organization and Management

(b) Secretary of Finance as ex officio.

(7) Section 402 (a) and 403(2) of MI Youth Advisory Board Act are hereby amended as follows:

§402. Board.

(1) There shall be established a Board called the Marshall Islands Youth Advisory Board, herein after referred to as "the Board".

(2) The Board shall comprise of the following members:

(a) Secretary Ministry of Culture and Internal Affairs;

(3) The Secretary Ministry of Culture and Internal Affairs_shall be the Chairperson of the Board and shall preside at all meetings, except that, in his or her absence, a senior officer designated by the Chairperson shall act as the temporary chairperson.

(8) Section 605 (c) of the National Training Council Act is hereby amended as follows:

The Council shall consist of the following seven (7) members:

(a) Commissioner

Ministry of Education Sports and Training/Public School System who shall serve as Chairman of the Council;

(9) Sections 404(2) and 406(2) of the Notaries Public Act is hereby amended as follows:

§404. Application; qualifications; oath.

(2) Every person appointed a notary public shall, before acting in that capacity, take and subscribe an oath for the faithful discharge of his duties, which oath may be taken before, a judge, the Clerk of Courts, or other official authorized to administer oaths.

This oath shall be executed in duplicate. The original shall be filed in the office of the Attorney- General and a duplicate original filed in the office of the Clerk of Courts.

§406. Official bond; appointment of agent for service of process.

(2) The oblige of each bond shall be the Republic and the condition contained therein shall be that the notary public will well, truly and faithfully perform all the duties of his office which are then and may thereafter be required, prescribed or defined by law or by any rule or regulation made under the express or implied authority of any law of the Republic, and all duties and acts are undertaken, assumed or performed by the notary public by virtue or color of his office. The surety on any such bond shall be a surety company approved by the Cabinet. The notary public by accepting his commission, and the surety company by issuing the bond, thereby agree and appoint the ~~Chief Secretary~~ Attorney-General, as his agent to accept service of process on his behalf for any purpose. After approval, the bond shall be deposited and kept in the office of the Attorney-General, who will certify to the Clerk of Courts that the bond has been accepted and filed in proper form.

(10) Section 105 of the Health and Welfare Act is hereby amended as follows:

§105. Autopsies.

Autopsies and post mortem examinations may be performed by a physician as a means of revealing or clarifying the cause of death, provided each examination does not violate local custom, and provided written consent is secured from the nearest responsible relative. In the case of a death under conditions suggesting poisoning, violence, or unusual circumstances, where the cause and manner of death cannot otherwise be satisfactorily ascertained, an autopsy shall be performed if practicable, whenever recommended by the Secretary of Health, the Police Commissioner, and/or the Attorney-General.

(11) Section 103 (c) and 104 of the Public Lands Act are hereby amended as follows:

§103. Rights in areas below high watermark

(c) The owner of land abutting the ocean or lagoon shall have the right to fill in, erect, construct and maintain piers, buildings, or other construction on or over the water or reef abutting his land and shall have the

ownership and control of such construction; provided, that said owner first obtains written permission of the General Manager of the Environmental Protection Authority before beginning such construction.

§104. Grant of public lands in exchange for use of privately owned lands.

Public lands not reserved for other purposes may be granted by the Cabinet in payment or exchange for the use and occupation of privately owned lands within the Republic by the government of the Republic. The Chief of Lands and Survey, is authorized, subject to the approval of the Cabinet, to designate areas of public lands within the Republic subject to disposal under the provisions of this Section.

(12) Section1109(4)ofthePriceMonitoringandControlActisherebyamendedasfollows:

§1109. Imposition of Price Controls.

(4) Commencing the fourth day after the date upon which the declaration is filed with the appropriate authority, it shall be unlawful for any person to sell or offer to sell in the locality or upon the vessels specified in a declaration, an essential commodity at a price greater that the maximum lawful price specified in the declaration or as determined with reference to a declaration, except as may be specified by the Board in accordance with this Chapter.

Consequential Amendments

Noting the amendments above, consequential amendments to the relevant provisions of the laws affected are deemed to have herein been amended accordingly.

§103. Effective Date

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

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: **16** was passed by the Nitijela of the Republic of the Marshall Islands on the 12th day of April 2024; and

2. That I am satisfied that Nitijela Bill No: **16** 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 29th day of April 2024.

Attest:

Brenson S. Wase
Speaker
Nitijela of the Marshall Islands

Morean S. Watak
Clerk
Nitijela of the Marshall Islands