

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
40TH CONSTITUTION REGULAR SESSION, 2019



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

POSTAL SERVICES (AMENDMENT) ACT, 2019

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POSTAL SERVICES (AMENDMENT) ACT, 2019

AN ACT to amend the Postal Services Act of 1983, to make provision dealing with dead mail, to better clarify the roles of the Board and the Postmaster General, and to provide for the establishment of the office of postal inspector.

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

§101. Short Title.

This Act may be cited as the *Postal Services (Amendment) Act 2018*.

§102. Amendments.

The following amendments are made to the *Marshall Islands Postal Services Act 2017*, at the following Sections:

§102. Interpretation.

(1) In this Chapter:

- (a) "Postmaster General" means the Postmaster General provided for by appointment under Section 108(1) of this Chapter;
- (b) "dead mail" means items deposited in the mail for delivery which is or becomes undeliverable because the item cannot be mailed, the sender or address of sender is not known, or the classification of the item does not entitle it to return service, or such other grounds that render the of said item unreturnable or undeliverable to the sender;
- (c) "letter" includes a postcard, aerogram, air letter or letter card;

- (d) "mail bag" includes any form of container or covering in which postal articles in the course of transmission by post are conveyed, whether or not it contains any such article;
- (e) "Minister" means the Minister appointed by the President to be responsible for functions of the Minister, as specified under this Chapter;
- (f) "postal article" includes a letter, packet or parcel, and any other transmissible by mail, and includes a telegram being carried by mail;
- (g) "postal authority" includes any duly constituted postal authority by the Universal Postal Union;
- (h) "postal officer" includes the Postmaster General and any person employed in the operation of the Postal Service;
- (i) "postmaster" means the officer in charge of a post office;
- (j) "post office" includes:
 - (A) any place where postal articles are received, sorted or delivered;
 - (B) any place used for postal purposes; and
 - (C) any official mailbox or other receptacle provided by or with the approval of the Postmaster General for the reception of postal articles for transmission by mail:
- (k) "the President" means the President of the Republic of the Marshall Islands;
- (l) "the Authority" means the Marshall Islands Postal Service Authority established under Section 104 of this Chapter;
- (m) "the Fund" means the Marshall Islands Postal Service Authority Fund established under the Postal Service Fund (Amendment) Act, 2007.
- (n) "postal inspector" means an officer charged with inspection and conducting audits on accounts and records of all RMI Postal Services property.
- (2) For the purposes of this Chapter:
 - (a) a postal article shall be deemed to be in the course of transmission by mail from the time when it is delivered to a post office to the time when it is delivered to the person to whom it is addressed;

- (b) the delivery of a postal article of any description to a mailman or other person authorized to receive postal articles of that description for the mail shall be deemed to be a delivery to a post office; and
- (c) the delivery of a postal article to the person to whom it is addressed, to his agent or servant, or other person with apparent authority to receive it, at his house or office, or into his private box or mailbox, according to the usual manner of delivery of his mail, shall be deemed to be delivered to the person to whom it is addressed.

§105. Board of Directors.

- (1) Subject to this Chapter, and to such rules of procedure and regulations as may be adopted by the Board, the Authority shall be governed by a Board of Directors.
- (2) The Board may exercise all powers and functions as are granted it by this Chapter; or such rules of procedure and regulations as it may adopt consistent with provisions of this Act.
- (3) In carrying out functions set forth under Section 106D of this Act, the Board shall have general oversight of the management and administration of the Authority and shall, subject to such policy directions as may be provided by the Minister, determine the policies and direction of the Authority.
- (4) The Board shall consist of five (05) members. The Chairman and the four (04) other members of the Board shall be appointed by the Cabinet.
- (5) The term of office for all Board members, not including the Chairman, shall be two years. The term of office for the Chairman shall be three years. The Cabinet may renew the term of office for each member, including the Chairman, for any number of terms.
- (6) The Postmaster General appointed under Section 106B(1), shall be a member ex officio and shall serve as the Secretary of the Board.
- (7) Upon the expiration of the term of an appointed member, his or her rights and powers of membership shall lapse and the Postmaster General shall declare the vacancy and notify the Cabinet in writing of such vacancy. Vacancies occurring before the expiration of a

member's term shall be filled in the same manner as the original appointment for the remainder of the term of the vacancy.

- (8) Notwithstanding Subsection (3), the Cabinet may remove any member appointed under Subsection (1), and appoint a replacement member.

§106A. Independence of the Authority.

The Authority is to function as an independent entity. The Cabinet may, however, through the Minister, issue written directions to the Board with respect to policy matters, but shall not be involved with the day-to-day workings of the Authority .

§106B. Appointment of Postmaster General and Staff.

- (1) In consultation with the Minister, the Board shall employ a full-time Postmaster General of Postal Service, who shall possess such qualifications as may be established by the Board, and who shall be responsible for the management and administration of the Authority.
- (2) The Postmaster General may act for and on behalf of the Authority, subject to any direction given by the Board.
- (3) The Board may employ a Deputy Postmaster General, who shall be appointed in consultation with the Postmaster General.
- (4) Except as provided in Subsection (3), the Postmaster General, in consultation with the Board, may employ such other employees, consultants and advisers as he or she may deem necessary. Any person employed under this Section shall be employed on such terms and conditions approved by the Board and shall be exempt from Article VII of the Constitution.
- (5) In particular, the Postmaster General shall provide, in consultation with the Board, for the hiring of such numbers of postal inspectors as the Authority may deem necessary whose primary responsibilities shall be to inspect and conduct audits and inventory of all accounts records and property of the Authority; and, to investigate, in conjunction with relevant Government offices and agencies, any suspected or alleged civil or criminal misuse of funds, property or office of the Authority, or violation of any provision of the Act by any person, corporation, organization or other entity. Any person hired as

a postal inspector shall be appropriately qualified by education or experience to carry out the responsibilities of a postal inspector.

§121B. Dead Mail.

The Authority shall by regulation provide for an effective means for the proper handling and disposing of dead mail.

§140. Regulations.

- (1) Subject to Subsection (3) of this Section, the Board, in accordance with the provisions of the Administrative Procedures Act, 1979 may make regulations, not inconsistent with this Chapter, prescribing all matters that are required necessary or convenient to be so prescribed for carrying out or giving effect to this Chapter, and in particular in relation to:
- (a) the receipt, dispatch, carriage and delivery of postal articles;
 - (b) the permissible dimensions and weights of postal articles;
 - (c) the registration of postal articles;
 - (d) the franking of official postal articles;
 - (e) the treatment of undeliverable postal articles;
 - (f) the conditions under which private mailboxes and private mailbags may be supplied;
 - (h) the operation of the money order service; and
 - (i) the proper handling and disposition of dead mail.

§103. Effective Date.


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

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 167ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 25th day of September 2019; and
2. That I am satisfied that Nitijela Bill No: 167ND1 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 1st day of October 2019.



Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:



Morean S. Watak

Clerk

Nitijela of the Marshall Islands

