

TITLE 10 - PLANNING AND ECONOMIC DEVELOPMENT
CHAPTER 7 - KWAJALEIN ATOLL DEVELOPMENT AUTHORITY ACT 2016



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

KWAJALEIN ATOLL DEVELOPMENT AUTHORITY ACT
2016

Index

Section	Page
§701. Short title.	3
§702. Interpretation.	3
PART II – FORMATION OF THE AUTHORITY	4
§703. Formation of the Authority.....	4
§704. Organization and Management.	5
§705. Compensation.....	6
§706. Vacation of Office.	6
§707. Disclosure of, and disqualification for, interest	7
§708. Misconduct in Public Office.....	7
§709. Staff of the Authority.....	7
§710. Liability.....	8
PART III – POLICIES, POWERS, AND FUNDS OF THE AUTHORITY	8
§711. Policies of the Authority.....	8
§712. Purposes and Functions of the Authority.....	8
§713. Powers of the Authority.	9
PART IV – FINANCE	9
§714. Kwajalein Atoll Development Authority Fund.	9
§715. Payments out of the Fund.	10
§716. Borrowings, etc.	10
§717. Bank Accounts.	11
§718. Accounts and records.	11

§719.	Reserved.....	12
§720.	Reports.....	12
§721.	Repeal.	12
§722.	Transition.	12
§723.	Effective Date.....	12

TITLE 10 - PLANNING AND ECONOMIC DEVELOPMENT
CHAPTER 7 - KWAJALEIN ATOLL DEVELOPMENT AUTHORITY ACT 2016



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

KWAJALEIN ATOLL DEVELOPMENT AUTHORITY ACT
2016

AN ACT to repeal Title 10 of the MIRC, Chapter 7, the Kwajalein Atoll Development Authority Act to replace with a new act to provide programs and services to the Kwajalein landowner communities at Ebeye and other Marshallese communities within Kwajalein Atoll impacted by the presence of the United States on Kwajalein Atoll; to ensure better fiscal responsibility and accountability to the people of Kwajalein Atoll; and for other purposes.

Commencement:

October 18, 2016

Source:

P.L. 2016-22

P.L.2020-10

§701. Short title.

This Act may be cited as the “Kwajalein Atoll Development Authority Act 2016”.

§702. Interpretation.

In this Act:

- (a) “**Authority**” means the Kwajalein Atoll Development Authority established under Section 3 of this Act.
- (b) “**Compact** ” means the Compact of Free Association, as Amended between the Government of the Republic of the Marshall Islands and the Government of the United States that came into effect on May 1, 2004.

- (c) **“Fiscal Procedures Agreement”** means the “Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, Between the Government of the United States of America and the Government of the Republic of the Marshall Islands.
- (d) **“Government”** shall mean the National Government of the Republic of the Marshall Islands.
- (e) **“Subgrantee”** shall mean a grant that is passed on from the Government as Grantee.

PART II – FORMATION OF THE AUTHORITY

§703. Formation of the Authority.

- (a) There is hereby established the Kwajalein Atoll Development Authority (“the Authority”).
- (b) The Authority:
 - (i) is a body corporate with perpetual succession;
 - (ii) shall have a common seal;
 - (iii) may acquire, hold, charge, and dispose of property; and may sue and be sued in its corporate name.
- (c) Common Seal:
 - (i) all courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed;
 - (ii) the common seal of the Authority shall be in the custody of the Secretary;
 - (iii) the common seal of the Authority may only be altered in such a manner as may be determined by the Board;
 - (iv) the common seal of the Authority shall not be affixed to any document except in the presence of (a) the Chairman of the Board, or (b) a member of the Board or an officer of the Authority authorized to duly act on behalf of the Chairman.
- (d) The provisions of the Associations Law, (52 MIRC, Parts I-V) shall not apply or relate to the Authority.

§704. Organization and Management.

- (a) The powers and duties of the Authority are hereby vested in and shall be exercised by the Board. The Board shall consist of nine (9) members appointed by the President from offices and nominations as follows:
 - (a) The RMI Representative as defined herein above, who shall be the official representative of the Government;
 - (b) The Chief Secretary;
 - (c) One (1) Senator elected to represent Kwajalein Atoll in the Nitijela, nominated by a consensus of the Kwajalein Atoll delegation to the Nitijela;
 - (d) The Mayor of the Kwajalein Atoll Local Government or a duly authorized representative nominated by him;
 - (e) The President of the Chamber of Commerce for Ebeye Island, Kwajalein Atoll or a duly authorized representative nominated by him;
 - (f) One (1) member to be nominated by a majority of the Board appointed under Subsection (1)(a), (b), (c), (d), and (e) above. In the event the Board is unable to nominate the members provided for herein, the President shall appoint said Board member from among those persons considered for nomination by Board;
 - (g) Four Iroijlaplap or designees representing each of the four (4) domains from the Ralik Chain who are the principle landowners of Kwajalein Atoll;
 - (h) One (1) member of be appointed by the Board representing all alaps on Kwajalein Atoll;
 - (i) The Executive Director of the Kwajalein Atoll Development Authority; as an ex officio.
- (b) Meetings of the Board shall be held at such times and at such places as may be designated by the Board.
- (c) Every member of the Board shall, subject to Section 6 hold office for a term of four (4) years and shall, unless removed from office, be eligible for re-appointment.