

CHAPTER 3.**SEAPORT CHARGES****ARRANGEMENT OF SECTIONS****Section****§301.** Short title.**§302.** Miscellaneous fees and charges.**§303.** The Seaports Trust Fund.**§304.** Local Port Authorities and Local Port Trust Funds.

An Act to allow the Cabinet to fix fees and charges in relation to seaports and to establish a Seaports Trust fund, and for related purposes. [This Chapter was previously codified as chapter 5, but with the elimination of the original chs 3-("Maritime Act" now codified in Title 47), 4-("MI Shipping Corporation" repealed), 6-("Domestic Watercraft" codified as 47 MIRC Ch.9) and 7 "MI Ports Authority" repealed] this Act is now re-numbered as chapter 3 [Rev.2003]

Commencement:	7 February 1983
Source:	P.L. 1983-11
	P.L. 1990-83
	P.L. 1994-99

§301. Short title.

This Chapter may be cited as the "Seaport Charges Act 1983." [P.L. 1983-11, §1.]

§302. Miscellaneous fees and charges.

(1) The Cabinet may make regulations fixing reasonable charges for the use and enjoyment of seaports and the services and facilities furnished in connection with seaports.

(2) For the avoidance of doubt, it is hereby declared that nothing in the Marshall Islands Development Authority Act 1984, 10 MIRC 6, empowers the Marshall Islands Development Authority to impose charges of a kind referred to in subsection (1) of this Section. [P.L. 1983-11, §2.]

§303. The Seaports Trust Fund.

(1) A Seaports Trust Fund is hereby established, for the specific purpose of port development and improvement.

(2) The Seaports Trust Fund is an [enterprise] fund within the National Treasury and under the control and supervision of the Ministry of Finance, which shall provide for its administration in accordance with the Financial Management Act of 1990, as amended, 11 MIRC 1.

(3) There shall be paid into the Seaports Trust Fund:

(a) all money received for rates, fees and other charges under Section 302 of this Chapter; and

(b) any money appropriated by the Nitijela for seaport improvement or for the

purposes of this Chapter.

(4) Money may be paid out of the Trust Fund only for the purposes of:

- (a) matching funds for grants from other Governments for seaport development;
- (b) the maintenance of port facilities and navigational aids;
- (c) improvement, expansion and maintenance of seaport facilities; and
- (d) other matters relating to seaport development, improvement and operations.

(5) No money shall be withdrawn from the Fund except in accordance with this Chapter and with the procedures prescribed by the Financial Management Act, 11 MIRC 1.

(6) [deleted by P.L. 1994-99]

(7) The Secretary of Finance shall maintain proper accounts and records of the Trust Fund, and the accounts to be laid before the Nitijela by the Minister of Finance under Article V III, Section 5(4) of the Constitution of the Marshall Islands shall include account relating to the Fund.

(8) The accounts and records maintained under subsection (7) of this Section are subject to audit under Article VIII, Section 15 of the Constitution of the Marshall Islands. [P.L. 1983-11, §3; amended by P.L. 1994-99, §3(15).]

§304. Local Port Authorities and Local Port Trust Funds.

Notwithstanding Section 303 of this Chapter, the Cabinet, may, pursuant to Article VIII, Section 5(1) and Article V, Section 1(2) of the Constitution, delegate and assign such conditions, duties and responsibilities as it deems reasonable and necessary to any Local Government or local port authority, including provisions for the collection of all monies received, including monies for rates, fees, and other port related charges, which shall be paid into a local port trust fund established by local government ordinance for the development, maintenance, improvement and related functions for such local port and wharf facilities. [P.L. 1990-83, §2.]