

CHAPTER 6.**TRANSPORTATION SERVICES FUND**

ARRANGEMENT OF SECTIONS

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An Act to establish a Transportation Services Fund into which shall be paid all general goods and copra freight charges, commissions, fees and other revenues collected or generated by the Ministry of Communications and Transportation and Ministry of Resources and Development through the use and operation of their respective shipping vessels, and for connected purposes. [This Chapter was "Reserved" in the 98 Revision, and is hereby assigned this Act. Section numbering style modified to conform to new Code format (Rev.2003)]

Commencement:	October 18, 2001
Source:	P.L. 2001-38
	P.L. 2002-63

§601. Short Title.

This Act may be cited as the Transportation Services Fund Act of 2001. [P.L. 2001-38, §1.]

§602. Interpretations.

In this Act, unless the context otherwise requires, "Ministries" means, and jointly refers to, the Ministry of Communications and Transportation and the Ministry of Resources and Development. [P.L. 2001-38, §2.]

§603. Transportation Services Fund.

(1) There is hereby established a Fund to be known as the Transportation Services Fund ("the Fund").

(2) The Fund is a special 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, 11 MIRC, Chapter 1, as amended. [P.L. 2001-38, §3.]

§604. Payments into the Fund.

(1) There shall be paid into the Fund:

(a) all general goods and copra freight charges and fees, commissions and other revenues paid to or collected by the Ministry of Finance for, or in respect of, transportation and other shipping services provided or rendered by the Ministry of Communications and Transportation and the Ministry of Resources and Development, through the use of their respective shipping vessels;

(b) such other monies as may be appropriated by the Nitijela, or as may be received or become available to the Ministries, whether in the form of gifts, grants, donations or otherwise, and specifically for the purpose of the services referred to in paragraph (a) of this Section. [P.L. 2001-38, §4.]

§605. Payment out of the Fund.

(1) Payment may be made out of the Fund only for the following purposes:

(a) light and heavy repair and maintenance of the Ministries' shipping vessels, including the purchase of spare parts and other requisites needed for such purposes;

(b) the building, construction, repair and maintenance of cargo dingy;

(c) the purchase and acquisition of engine and other necessary parts for the cargo dingy;

(d) provisions for the sustenance and maintenance of the Ministries' shipping crew members whilst on sea;

(e) carrying out work and provision of the services referred to in Section 604 of this Act; and

(f) such other required purposes for the improvement of the overall services as may be approved by Cabinet, including funding for the purpose of replenishing any imprest fund account established to address the emergency needs of the Ministry of Communications and Transportation's shipping services.

(2) No money shall be withdrawn from the Fund except in accordance with the provisions of this Act, and the procedures prescribed by the Financial Management Act of 1990, 11 MIRC, Chapter 1, as amended.

(3) For the purpose of Article VIII, Section 5(1) of the Constitution, the authority to approve expenditure from the Fund is hereby delegated:

(a) in the case of shipping vessels belonging to the Ministry of Communications and Transportation, to the member of Cabinet ordinarily responsible for shipping services; and

(b) in the case of shipping vessels belonging to the Ministry of Resources and Development, to the member of Cabinet ordinarily responsible for that Ministry. [P.L. 2001-38, §5.][P.L. 2002-63 amending (1)(vi) above]

§606. Ministry of Communications and Transportation Imprest Fund Account.

(1) Pursuant to section 5 (1)(vi) above, Cabinet may authorize the Secretary of the Ministry of Communications and Transportation to establish at any of the local banks, an Imprest Fund Account, to allow the Ministry to address emergency shipping services needs without delay.

(2) The authority to administer any such Imprest Fund Account is hereby vested in the Secretary of the Ministry of Communications and Transportation, and in his absence, in the officer authorized by the Minister in writing. The authority to administer any such account includes the authority to ;

(a) open and maintain such account at any of the local banks;

(b) deposit funds into the account;

(c) withdraw funds from the account for the purposes of addressing the emergency needs of the Ministry's shipping services;

(d) draw checks against the account, for the purposes of addressing the emergency needs of the Ministry's shipping services. All checks drawn against the account by the Secretary of the Ministry of Communications and Transportation must be counter-signed by the Ministry's budget officer.

(3) Such Imprest Fund Account may be replenished by the Ministry of Communications and Transportation portion of funds under the Transportation Services Fund, in an amount not exceeding thirty thousand dollars (US\$30,000.00).

(4) The Secretary of the Ministry of Communications and Transportation shall maintain in accordance with sound accounting procedures or procedures similar to those prescribed under the Financial Management Act, proper records of all transactions of such account. Such records shall be subject to audit by the Auditor-General as provided for under Article VIII Section 15 of the Constitution. [P.L. 2001-38, §6.][new section inserted by P.L. 2002-63, subsequent sections re-numbered]

§607. Accounts and records.

(1) The Secretary of Finance shall maintain, in accordance with the procedures prescribed by the Financial Management Act, proper records and separate accounts within the Fund for the Ministry of Communications and Transportation and the Ministry of Resources and Development, and for any item of property purchased with money from the portion of the Fund collected through the use of the respective Ministries' shipping vessels.

(2) The accounts to be laid before the Nitijela by the Minister of Finance pursuant to Article VIII, Section 5(4) of the Constitution shall include accounts relating to the Fund.

(3) The accounts and records maintained under Subsection (1) of this Section shall be subject to audit by the Auditor-General as provided for under Article VIII, Section 15 of the Constitution. [P.L. 2001-38, §7.][section re-numbered to accommodate new section 6 (Rev.2003)]

§608. Taxation.

The Fund and related transactions shall not be subject to any tax, rate, charge or impost under any other law. [P.L. 2001-38, §8.][section re-numbered to accommodate new section 6 (Rev.2003)]

§609. Effective date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution of the Republic of the Marshall Islands. [section re-numbered to accommodate new

section 6 (Rev.2003]