

PREFACE TO THE “2012 REVISION”

The 2012 Revision is the compilation and codification of all the public laws passed by the Nitijela and incorporates those passed during the period 2008 to 2011. This is an updated version to the 2004 Edition (the status table below identifies the newly enacted laws and the provision of the 2004 Edition affected by these newly enacted laws). The last publication of Code was in 2004 with supplements published through to 2007. Since then, laws enacted during the period 2008 through 2011 are uncodified.

The Cabinet appointed the Law Revision Commission¹ on May, 2010, to review and codify all laws which have not been codified and to improve and publish a modern standard hard copy Code. To ensure timely access by the public to laws of the Nitijela, the Commission approved the process whereby updated versions of the Code be distributed in electronic format to be followed by the publication of hard copies of Code as funding becomes available for such publication. It is the Commission’s view that most users of the Code has access to a computer or other gadget from which to access the electronic Code.

The authority to review and re-codify the laws vests in the Law Revision Commissioner, as required under the Revision of Laws Act of 1981. In the absence of the Commissioner, however, this role devolves, by default, to the Legislative Counsel.²

The reviewing and publishing of the Code is traditionally always a tedious and painstakingly long and arduous process. It is more so given that this process only occurs when the Nitijela is not in session. Notwithstanding the many hurdles and challenges confronted, the task is completed and this digital version represents the long hours of effort put into this endeavor.

I wish to acknowledge and express my sincere appreciation for the effort and contributions of Witten T. Philippo, Rosania Bennett, Karotu Tiba and Tion Nabau for their dedication without which the task would not have been timely completed .

A special thank you to Chief Justice Carl B. Ingram and former Legislative Counsel Filimon Manoni for their invaluable guidance throughout the process of revision and compilation. I would be remiss if I did not include in my words of thanks to Cathy Ralpho, the Legal Clerk, for her assistance in the process and for enduring my incessant demands.

Dated this _____ day of January, 2012.

Divine Waiti,
Legislative Counsel & Chairman of the Law
Revision Commission, Nitijela of the
Republic of the Marshall Islands

¹ Members of the Law Revision Commission are Divine Waiti (Legislative Counsel), Witten T. Philippo (President, Marshall Islands Law Society), Rosania Bennett (Assistant Attorney General), Karotu Tiba (Assistant Public Defender) and Tion Nabau (MIMRA Legal Counsel).

² Previous Legislative Counsels who have performed the role of the Commissioner are Douglas Premaratne, Alik J, Alik (Assistance Legislative Counsel), James McCaffery and Filimon Manoni.

The following Tables show the status and the location of the Newly Enacted Laws, Amended Laws, Repealed Laws and Re-codified Laws between the years 2008 to 2011.

<u>Newly Enacted Laws</u>	<u>Public Law</u>	<u>Location in the Code.</u>
<u>2008</u>		
1. Kwajalein Atoll Development Authority. (Re-enacted)	P.L.2008-1	10 MIRC Ch.7
<u>2009</u>		
2. Public Works Special Revenue Fund. (Re-enacted)	P.L.2009-31	11 MIRC Ch.5
3. Scrap Metal Dealer Inspection Act.	P.L.2009-14	20 MIRC Ch.8
4. Global Fund Act.	P.L.2009-18	11 MIRC Ch.19
5. Cancer Registry Act.	P.L.2009-19	7 MIRC Ch.18
6. Currency Declaration.	P.L.2009-29	17 MIRC Ch.2
<u>2010</u>		
7. Tax Information Exchange Agreement.	P.L.2010-34	48 MIRC Ch.4
8. Food Safety Act.	P.L.2010-37	7 MIRC Ch.19
9. Health Profession Licensing Act.	P.L.2010-38	19 MIRC Ch.6
10. Betelnut Prohibition Act, 2010	P.L.2010-39	7 MIRC Ch.20
11. Marshallese Language Orthography (Standard Spelling) Act, 2010	P.L.2010-45	39 MIRC Ch.8
<u>2011</u>		
12. Criminal Code Act.	P.L.2011-59	31 MIRC Ch.1
13. Domestic Violence Prevention and Protection Act.	P.L.2011-60	26 MIRC Ch.9
14. Shipping Vessels Maintenance Fund Act	P.L.2011-64	11 MIRC Ch.6
<u>Amended Laws</u>		
<u>2008</u>		
1. Public Land and Resources (Amendment) Act, 2008.	P.L.2008-2	9 MIRC Ch.1
2. Import Duties and Licenses (Amendment) Act, 2008.	P.L.2008-3	48 MIRC Ch.2
3. Import Duties and License (MEC Exemption) (Amendment) Act, 2008.	P.L.2008-5	48 MIRC Ch.2
4. Social Security (Technical) (Amendment) Act, 2008	P.L.2008-6	49 MIRC Ch.1
<u>2009</u>		
5. Limited Liability Company (Amendment) Act, 2009	P.L.2009-32	52 MIRC Part IV.
6. Merchant Seafarers (Amendment) Act, 2009	P.L.2009-33	47 MIRC Ch.8
7. Business Corporation (Amendment) Act, 2009	P.L.2009-15	52 MIRC Part I.
8. Marshall Islands Maritime (Amendment) Act, 2009	P.L.2009-16	47 MIRC Ch.1
9. Birth, Death and Marriage Registration (Amendment) Act, 2009	P.L.2009-17	26 MIRC Ch.4
10. Banking (Amendment) Act, 2009	P.L.2009-20	17 MIRC Ch.1
11. Tax Collection (Kwajalein Special Accounts)(Amendment) Act, 2009	P.L.2009-21	48 MIRC Ch.3

12.	Foreign Affairs (Amendment) Act, 2009	P.L.2009-22	43 MIRC Ch.6
13.	Non-residence Workers (Fees) (Amendment) Act, 2009	P.L.2009-23	16 MIRC Ch.2
14.	Labor Non-resident Workers (Amendment) Act, 2009	P.L.2009-24	16 MIRC Ch.1
15.	Citizenship (Amendment) Act, 2009	P.L.2009-25	43 MIRC Ch.4
16.	Birth, Death and Marriage Registration (Amendment) Act, 2009	P.L.2009-26	26 MIRC Ch.4
17.	Enforcement of Judgment (Amendment) Act, 2009	P.L.2009-27	30 MIRC Ch.1
18.	Procurement (Amendment) Act, 2009	P.L.2009-28	44 MIRC Ch.1

2010

19.	Business Corporation (Amendment) Act, 2010	P.L.2010-35	52 MIRC Part I.
20.	Communicable Disease Prevention and Control (Amendment) Act, 2010	P.L.2010-36	7 MIRC Ch.15
21.	Citizenship (Amendment) Act, 2010	P.L.2010-40	43 MIRC Ch.4
22.	Trust (Amendment) Act, 2010	P.L.2010-41	50 MIRC Ch.1
23.	Tobolar Copra Processing Authority (Amendment) Act, 2010	P.L.2010-42	10 MIRC Ch.13
24.	Tax Collection (Majuro Special Account) (Amendment) Act, 2010	P.L.2010-44	48 MIRC Ch.3
25.	Motor Traffic (Amendment) Act, 2010	P.L.2010-46	13 MIRC Ch.1
26.	Judiciary (Amendment) Act, 2010	P.L.2010-47	27 MIRC Ch.1
27.	Judicial Compensation (Amendment) Act, 2010	P.L.2010-48	27 MIRC Ch.4
28.	Ministry of Justice Special Revenue Fund (Amendment) Act, 2010	P.L.2010-49	11 MIRC Ch.8

2011

29.	Motor Traffic (Amendment) Act, 2011	P.L.2011-50	13 MIRC Ch.1
30.	Proceeds of Crime (Amendment) Act, 2011	P.L.2011-51	31 MIRC Ch.2
31.	Import Duties (RE & EE)(Amendment) Act, 2011	P.L.2011-52	48 MIRC Ch.2
32.	Motor Traffic (Amendment)(No.2) Act, 2011	P.L.2011-53	13 MIRC Ch.1
33.	Import Duties (Amendment) Act, 2011	P.L.2011-54	48 MIRC Ch.2
34.	Marshall Islands Youth Advisory Board (Amendment) Act, 2011	P.L.2011-55	10 MIRC Ch.4
35.	Ministry of Justice Special Revenue Fund (Amendment) Act, 2011	P.L.2011-56	11 MIRC Ch.8
36.	Banking (Amendment) Act, 2011	P.L.2011-57	17 MIRC Ch.1
37.	Mutual Assistance in Criminal Matters (Amendment) Act, 2011	P.L.2011-61	32 MIRC Ch.4
38.	Weapons Control (Amendment) Act, 2011	P.L.2011-62	7 MIRC Ch.13
39.	Marshall Islands Marines Resources (Amendments to different Chapters)	P.L.2011-63	51 MIRC Chs.1, 2, 4 & 5
40.	Judicial Compensation (Amendment) Act	P.L.2011-65	27 MIRC Ch.4

Repealed Laws

Public Law

Location in the Code.

2008

1.	Government Maintenance Fund (Repealed) Act, 2008	P.L.2008-7	[previously codified as 11 MIRC Ch.2]
2.	Seaport Charges (Repealed) Act, 2008	P.L.2008-8	[previously codified as 34 MIRC Ch.3]

3.	Transportation Services Fund (Repealed) Act, 2008	P.L.2008-9	[previously codified as 11 MIRC Ch.6]
4.	Rehabilitation (Repealed) Act, 2008	P.L.2008-10	[previously codified as 7 MIRC Ch.5]
5.	Public Works Fund (Repealed) Act, 2008	P.L.2008-11	[re-enacted by P.L.2009-31]
6.	Outer Islands Copra Boat Building Fund (Repealed) Act, 2008	P.L.2008-12	[previously codified as 11 MIRC Ch.15]
7.	Alternative Energy Fund (Repealed) Act	P.L.2008-13	[previously codified as 11 MIRC Ch.17]
<u>2011</u>			
8.	Criminal Code of TTC 1996 (P.L.2005-31)	P.L.2011-59	[repealed and re-enacted by P.L.2011-59]
9.	Anti-Prostitution Act of 2001	P.L.2011-59	[repealed and re-enacted by P.L.2011-59, with same provisions enacted in the new Criminal Code]

Acts re-organized and re-codified in other locations in the Code.

The 2012 Revision also re-organized and re-codified several existing Chapters under other Titles of the Code which are deemed appropriate for the subject matter of the Act. The following Acts have been re-organized and re-codified:

1. Industries Development (formerly 10 MIRC 3); re-codified as 14 MIRC 6, and newly cited as the National Training Council Act.
2. Foreign Investment License (formerly 10 MIRC 5); re-codified as 36 MIRC 2.
3. Investment Incentive Agreement (formerly 10 MIRC 12); re-codified as 36 MIRC 3
4. Securities and Investment (formerly 18 MIRC 1); re-codified as 36 MIRC 1
5. Republic Resident Representative (formerly 3 MIRC 13); re-codified as 43 MIRC 9.
6. Motorcycle and School Bus Safety (formerly 7 MIRC 6); re-codified as 13 MIRC 6.

New Title

The only Title that is re-codified during the 2012 Revision is **Title 36-** This Title was “Reserved” during the 2004 Revision, it has now been assigned the new subject matter of Securities and Investment and relevant Chapters are recodified under the Title.