

**NITIJELA OF THE MARSHALL ISLANDS**

**24<sup>th</sup> CONSTITUTIONAL REGULAR SESSION, 2003**

**BILL NO. 125 ND1**

P.L. 2003-73

**AN ACT**

to provide;

(a) in accordance with Article VIII, Section 8 of the Constitution for a Supplemental Appropriation, from the Marshall Islands General Fund, from funds obtained as Asian Development Bank loans in the total amount of ten million dollars (\$10,000,000) and funds provided as grants by the European Union in the amount of four million, six hundred thousand Euros (Eu 4,600,000); to meet certain special appropriations and capital expenditures of the Government as set out in Schedules 1 and 2 below.

(b) for delegation of approved expenditure under Section 5 of Article VIII of the Constitution; and

(c) for controls on reprogramming and transfer of funds within program areas.

**BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:**

**Section 1. Short Title.**

This Act may be cited as the Financial Year 2003 Supplemental Appropriation Act, 2003.

**Section 2. Statement of National Objective.**

It is the intention of the Government of the Republic of the Marshall Islands to hereby enact and implement a supplemental appropriation, to authorize certain special appropriations and capital expenditures over and above that authorized by the P.L. 2002-60, in the manner set out in Schedules 1 and 2 below.

**Section 3. Interpretation.**

In this Act unless the context otherwise requires;

(1) “program area” means the program areas set out in Schedule 1 below.

**Section 4.      Appropriation from the Marshall Islands General Fund.**

The sum of ten million dollars (\$10,000,000), being the total amount of loan proceeds from the Asian Development Bank, and the sum of Four million, six hundred thousand Euros (Eu 4,600,000) being the amount of grants from the European Union, are hereby appropriated and may be withdrawn from the Marshall Islands General Fund pursuant to Article VIII of the Constitution, as special appropriations and capital expenditures for the projects and program areas as set out in Schedules 1 and 2 below.

**Section 5.      Lapsing of Funds**

The appropriations made under Section 4 herein shall not lapse at the end of the Financial year 2003 but shall continue until either;

(a) the purposes of the appropriation are satisfied, or

(b) the funds are expended,

whichever occurs first, as set out in Schedules 1 and 2 below.

**Section 6.      Delegation of Authority.**

(1) For the purpose of Article VIII, Section 5(1) of the Constitution, the authority to approve expenditure in a program area in accordance with Schedule 1, is hereby delegated to:-

(a) the member of Cabinet primarily responsible for that program area; and

(b) if the responsible member of Cabinet so directs by instrument in writing, and

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subject to any limitations imposed by the instrument and to general control by the member, the appropriate person, authority, or agency, subject in either case to any limitations imposed by the Cabinet.

(2) Any expenditure otherwise than in accordance with Schedules 1 and 2 below shall require the approval of the Cabinet in accordance with Article VIII, Section 5 of the Constitution.

**Section 7. Budget Estimates.**

Budget estimates for expenditures for the relevant program areas are as set forth in Schedules 1 and 2 below.

**Section 8. Reprogramming and Transfers**

No funds may be reprogrammed or transferred to any other program areas or disbursed in any other manner except as set out in Schedules 1 and 2 below.

**Section 9. Effective Date.**

This Act shall come into effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

**CERTIFICATE**

I hereby certify:

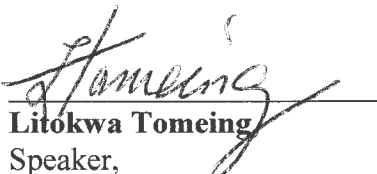
(1) that Nitijela Bill No. 125 ND was passed by the Nitijela of the Marshall Islands on the 27<sup>th</sup> day of February, 2003; and

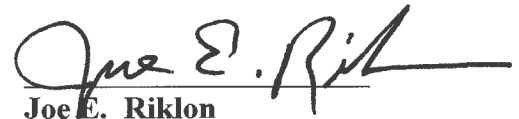
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(2) that I am satisfied that Nitijela Bill No. 125ND was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 6<sup>th</sup> day of March , 2003.

Attest:

  
**Litokwa Tomeing**  
Speaker,  
Nitijela of the Marshall Islands

  
**Joe E. Riklon**  
Clerk,  
Nitijela of the Marshall Islands

P.L. 2003-73**SCHEDULE 1**

Appropriations from the proceeds from the Asian Development Bank Loan in the total amount of ten million dollars (US\$10,000,000).

**PROGRAM AREA****ESTIMATED  
EXPENDITURES****1.1 SPECIAL APPROPRIATIONS FROM ADB LOAN****US\$10,000,000****22. Ministry of Transport and Communications Outer Islands infrastructure Projects**

The total amount of Asian Development Loan Proceeds is hereby appropriated to the Ministry of Transport and Communications Outer Islands Infrastructure Projects, to be expended over a period of four financial years, in accordance with the following Project Schedule and Project Base Cost Allocations.

**1.2 PROJECT SCHEDULE**

Financial Year 2003	US\$ 750,000
Financial Year 2004	US\$ 4,000,000
Financial Year 2005	US\$ 4,000,000
Financial Year 2006	US\$ 1,250,000

**1.3 PROJECT COST ALLOCATION****(a) Base Costs**

Docks & Navigation Aids	US\$ 3,590,000
Warehouses Channels & Airstrips	US\$ 1,540,000
Mobilization (Establishment) Costs	US\$ 2,050,000
Site Investigation	US\$ 200,000
Consulting Services	US\$ 1,000,000

P.L. 2003-73**(b) Contingencies**

Physical	US\$ 770,000
Price	US\$ 760,000

**(c) Interest During Construction**

Interest	US\$ 100,000
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**1.4 SOURCE OF FUNDS**

Total Asian Development Bank Loan Proceeds	US\$ 10,000,000
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**SCHEDULE 2**

Appropriations funded by proceeds from European Union grants in the amount four million, six hundred thousand Euros (Eu 4,600,000)

**PROGRAM AREA****ESTIMATED  
EXPENDITURES****2.1 SPECIAL APPROPRIATIONS FROM THE EUROPEAN UNION****Eu 4,600,000**

The Grants from the European Union, in the total amount of four million and six hundred thousand Euros (Eu 4,600,000) is hereby appropriated to the following Ministries to be expended over a period of three financial years, in accordance with the following Schedule and Project Allocations, below.

**2.1 PROJECT SCHEDULE**

Year 1	Eu 1,350,000
Year 2	Eu 1,300,000

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Year 3

Eu 850,000

**2.2 PROJECTS ALLOCATION****20 Ministry of Education**

Human Resources Development (HRD) Outer Islands Schools

Eu 700,00

**23 Ministry of Resources & Development**

Re-newable Energy

Eu 2,300,000

**24 Ministry of Internal Affairs**

Non-Governmental Organizations (HRD)

Eu 500,000

**2.3 EMERGENCY OR UNFORSEEN NEEDS**

Unforeseen or Emergency Needs and Assistance

Eu 1,100,000

**2.4 SOURCE OF FUNDS**

Total European Union Grants

Eu 4,600,000