

**TITLE 6 – PUBLIC PROCEEDINGS AND RECORDS**  
**CHAPTER 1 - ADMINISTRATIVE PROCEDURE ACT**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**MARSHALL ISLANDS ADMINISTRATIVE PROCEDURE**  
**ACT 1979**

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AN ACT to regulate the rule-making procedures of administrative agencies of the Government of the Marshall Islands.

<i>Commencement:</i>	<i>December 19, 1979</i>
<i>Source:</i>	<i>M.1. Code (1975)</i>
<i>Amended By:</i>	<i>P.L. 1979-23    P.L. 1980-15</i>

**§101. Short Title.**

This Chapter may be cited as the “Marshall Islands Administrative Procedure Act 1979”. [P.L. 1979-23, §1.]

**§102. Interpretation.**

As used in this Chapter :

- (a) **“agency”** means each board, commission, department, or officer of the Government of the Marshall Islands authorized by law to make rules or to determine contested cases, except the Nitijela, the judiciary and local government council;
- (b) **“contested case”** means an adjudicatory proceeding, including rate-making and licensing, in which the legal rights of a party are asserted by the party to have been directly and adversely affected by an agency rule or action;
- (c) **“license”** includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of

- permission required by law, except that it does not include a license required solely for revenue accountability;
- (d) **“licensing”** includes the agency process of grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;
  - (e) **“party”** means each person or agency named or admitted as a party, or properly seeking and entitled, as a matter of right, to be admitted as a party;
  - (f) **“person”** means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;
  - (g) **“rule”** means each agency statement of general applicability that implements, interprets, or regulates conduct or action, prescribes policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include a statement exclusively concerned with the internal management of any agency not affecting private rights or procedures available to the public, nor declaratory rulings issued pursuant to Section 109 of this Chapter, nor intra-agency memoranda. [M.I. Code (1975), §2.401; P.L. 1979-23, §2.]

**§103. Public information; adoption of rules; availability of rules and orders.**

- (1) In addition to other rule-making requirements imposed by law, each agency will:
  - (a) adopt a rule describing its organization, stating the general course and method of its operations, and setting out the procedures whereby the public may obtain information from the agency or make submissions or requests to the agency;
  - (b) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions of general application used by the agency;
  - (c) make available for public inspection all rules and all other written statements of policy or interpretations formulated,

adopted, or used by the agency in the discharge of its functions; and

- (d) make available for public inspection all final orders, decisions, and opinions of general applicability or effect upon the public.
- (2) Any agency rule, order, or decision which fails to comply with Section 104, 105, or 107 of this Chapter shall remain in full force and effect notwithstanding that failure, and if a court determines that any of those Sections have not been complied with, relief shall be limited to an order compelling compliance. [M.I. Code (1975), §2.402; P.L. 1979-23, §2; amended by P.L. 1980-15, §2.]

#### **§104. Notice procedure for adoption of rules.**

Prior to adoption, amendment or repeal of any rule:

- (a) an agency shall give at least thirty (30) days notice of a proposed rule by posting notice of the rule in the office of the Chief Secretary, in the office of each department head of the Public Service, at the Public Administration Office, at the office of the Chief Secretary's Representative on Ebeye, at the Courthouse on Majuro Atoll and at the Council Buildings on Majuro Atoll and Ebeye Island, Kwajalein. The notice shall also be read over the radio broadcasting station at Majuro Atoll on five (5) consecutive calendar days within fifteen (15) days after it is posted. Such notice shall be in English and Marshallese and shall include:
  - (i) a statement of either the terms of substance of the proposed rule or a description of the subject and issues involved;
  - (ii) reference to the authority under which that rule is proposed;
  - (iii) the time when, the place where, and the manner in which interested persons may present their views thereon; and
  - (iv) the location where copies of the proposed rule will be available for reading or distribution to the public.
- (b) an agency shall make copies of each proposed rule available for reading at the Office of the Chief Secretary, the Office of the