



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER NO. 08-05

SUBJECT: Re-organization Plan No. 02 of 2008

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive Branch offices, agencies and instrumentalities of the Commonwealth Government be allocated among and within not more than fifteen principal departments, groups as far as practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies and instrumentalities, and in their functions and duties, as necessary for efficient administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch has been affirmed and upheld by the Superior Court of the Commonwealth of the Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case of *Marianas Visitors Bureau v. Commonwealth*, Civ. No. 94-0516 (Memorandum Decision and Judgment);

WHEREAS, the Commonwealth Ports Authority, through its inability to get a quorum at a number of its board of director meetings, has approached technical default on the March 1, 1998 indenture on the Commonwealth Ports Authority Airport Revenue Bonds; and

WHEREAS, such technical default will adversely effect the ability of the Commonwealth Ports Authority to maintain and manage the ports of the Commonwealth.

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED.

That Executive Order No. 08-03 promulgating Re-organization Plan No. 01 of 2008 is hereby superseded.

That the following provisions shall constitute Re-organization Plan No. 02 of 2008:

PART 1. COMMONWEALTH PORTS AUTHORITY

Section 101. Commonwealth Ports Authority. The Commonwealth Ports Authority is allocated to the Office of the Governor for a period of one hundred and twenty days upon the effective date of this Re-organization Plan.

PART 2. GENERAL PROVISIONS

Definition of Agency. As used in this part, the term "agency" means any office, division, bureau, board, commission, authority, corporation, instrumentality, or other entity or component of the Commonwealth Government, other than one within the Legislative or Judicial branches.

Section 202. Legal and Regulatory References. All references in law or regulation to any agency or official re-designated by this plan shall be deemed to be a reference to such agency or official as so re-designated. In addition, references to an agency and to the head of such agency are used interchangeably in this plan as regards the authority or a function thereof.

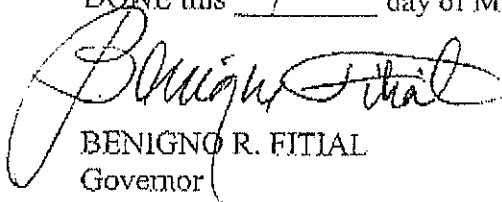
Section 203. Transfer of Records, Property, and Personnel. All records and property (including office equipment) of the various agencies, and all records and property used primarily in the administration of any function transferred by this plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including employees whose chief duties relate to such administration) are hereby transferred to the respective departments or other agencies concerned for use in the administration of the agencies and functions transferred by this plan.

Section 204. Transfer of Funds. So much of the unexpended balances of appropriations, allocations, allotments, or other funds available for the use of any agency in the exercise of any function transferred by this plan, or for the use of the head of any department or other agency in the exercise of any function so transferred, shall be transferred to the department or other agency concerned for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. The Governor may reprogram any portion of such balances not so transferred.

Section 205. Codification of Changes. The Law Revision Commission shall codify the designations, allocations, and changes in existing law affected by this plan.

Section 206. Effective Date. In accordance with Article III, Section 15 of the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided that in case it shall appear to the Governor that the interests of economy or management require that any transfer, consolidation, or abolishment be delayed beyond the date of this plan becomes effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

DONE this 13th day of May, 2008.



BENIGNO R. FITIAL
Governor