

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 2 : PORTS**

**§ 2122. Commonwealth Ports Authority: Powers and Duties.**

In addition to the powers and duties elsewhere conferred and imposed, the authority shall have the following powers and duties:

(a) To carry on the business of acquiring, establishing, developing, extending, maintaining, operating and managing ports, with all powers incident thereto.

(b) To have exclusive jurisdiction to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate and regulate the ports within the Commonwealth and to protect, police, and to establish minimum building codes and regulations for its sea and air ports.

(c) To purchase, lease, and sell real or personal property, supplies, goods, materials, and commodities and to furnish and supply services and utilities as incident to the operation of its properties.

(d) To procure insurance against liability or loss in connection with its operations hereunder in such amounts and from such insurers as it deems advisable.

(e) In operating any ports owned, leased or controlled by it, to enter into contracts, leases, and other arrangements with any persons for terms not exceeding 40 years, granting the privilege of using or improving such ports, or a portion thereof or space therein for any port-connected purposes and port-related operations.

(f) To confer the privilege of supplying goods, commodities, things, services, or facilities at such ports or of making available services to be furnished by the authority or its agents at such ports.

(g) To determine the charges or rentals for the use of any property under its management and control, and the terms and conditions under which the property may be used. Charges shall be reasonable and uniform for the same class of service, and established with due regard to the value of the property and improvements used and the expense of the operation of the authority. The authority shall have and may enforce liens to enforce the payment of any such charges through appropriate judicial proceedings. The right to levy charges or rental for the use of the property under its management shall be exclusively that of the authority and all such charges and rentals as well as other revenues of the authority shall be and remain revenues of the authority to be applied as herein set forth.

(h) To contract with any person, firm or corporation for the planning, supervision, financing, construction, operation and maintenance of, or to itself construct or otherwise acquire, operate, and maintain all structures or improvements which, in its judgment, are useful, desirable or convenient in efficiently operating and maintaining its ports and facilities relating thereto.

(i) To enter into agreements with the government, its departments and agencies, for the rendering of services performed by such departments and agencies to the ports controlled by the authority, including but not limited to the rendering of the police, fire, maintenance, planning, and the purchasing services.

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(j) To adopt and enforce rules and regulations for the orderly, safe, and sanitary operation of its ports. Public safety officers of the Commonwealth shall have the power to make arrests when necessary to prevent or abate the commission of any offense against any rule or regulation of the authority or against the laws of the Commonwealth when any such offense or threatened offense occurs upon any lands within ports operated by the authority.

(k) To have the free use of government pouch mails and other government communication facilities.

(l) To apply for, accept, expend and repay the United States or the Commonwealth for all monies made available by grant, loan, or both, to plan or accomplish, in whole or in part, any of the purposes of this law. Unless otherwise prescribed by the agency from which such monies were received, the chief financial officer of the authority shall deposit all monies received pursuant to this subsection in separate denominated accounts.

(m) To maintain those records, libraries, research materials, administrative or office materials and other property, real or personal, necessary to enable the authority to carry out the purposes of this chapter. On request of the executive director, departments of the government may be assigned by the Governor to assist the authority to carry out activities of the authority as set forth herein. Any expenses shall be reimbursed by the authority.

(n) To employ agents, employees, or contract for the services of a qualified executive director, specialists or experts, as individuals or as organizations, to advise and assist the authority and its employees. They shall be exempt from the application of the Commonwealth Civil Service Act [[1 CMC §§ 8101 et seq.](#)]. The authority may set its own compensation, wage and salary scales. Except for the compensation of the executive director and other specialists for which no comparable positions exist in the Commonwealth, the wage and salary scales shall be commensurate with those paid by the Commonwealth requiring comparable education, training, or experience.

(o) To issue general or special revenue bonds pursuant to article 7 of this chapter [[2 CMC §§ 2171 et seq.](#)] for purposes it deems necessary.

(p) To apply for, accept and use in the name of the authority, any lands now controlled by the United States which may be made available to the Commonwealth for the purposes of the authority. Any land received shall be held in the name of the authority.

(q) To prepare a detailed statement of its proposed budget for each ensuing fiscal year, to be adopted by a two-thirds vote of the members of the board of directors at a meeting called for that purpose. No expenditures shall be made for a purpose not included in the adopted budget, and no debt, obligation, or liability shall be incurred or created in any period for which the budget was adopted, in excess of the amounts specified therein for each purpose named unless with the express approval of the board.

(r) To license and regulate persons engaged in the bulk quantity marine fueling business within the waters of the Commonwealth and in the vicinity of

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the ports of the Commonwealth, including the ocean bottom, the vertical water column and the water surface. The authority may not license such an operation unless a finding has been made that the proposed activity is in the public interest and consistent with other Commonwealth policies, goals, and objectives, including navigational safety, conservation, economic development, self-sufficiency, and environmental quality. No person may engage in the operation of a bulk quantity marine fueling business which is located in the waters of the Northern Mariana Islands, except persons licensed to do so by the Commonwealth Ports Authority. The authority may restrict, limit or exclude ships or vessels from the use of territorial waters under its jurisdiction, if the authority determines pursuant to its rule-making powers or pursuant to other powers conferred by law, that such restrictions, limitations or exclusions are necessary for safety, navigation and management purposes.

(s) To administer port concessions as set forth in 4 CMC Division 2 Chapter 2 and make determinations related thereto on behalf of the Commonwealth.

(t) The enumeration of specific powers and duties in this section shall not be deemed to be exclusive.

**Source:** [PL 2-48](#), § 5, modified; amended by [PL 19-76](#) § 4 (Jan. 12, 2017); (e) amended by [PL 20-01](#) § 3 (Mar. 9, 2017).

**Commission Comment:** The authority's powers were expanded (effective January 25, 1984) to include licensing and regulation of persons engaged in bulk quantity marine fueling business in Commonwealth waters. [PL 3-102](#), §§ 3, 4 and 7. For other provisions relating to this activity, see [2 CMC §§ 2321 et seq.](#)