

**ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE**

*PUBLIC LAW NO. 11-109*  
**SENATE BILL**  
**NO. 11-155**

**FOURTH REGULAR SESSION, 1999**

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**AN ACT**

To vacate all provisions and impact of Executive Order 94-3 relative to the Commonwealth Ports Authority and Coastal Resources management program and reestablish each as the same existed, and under the provisions of law then in effect, immediately prior to the effective date of Executive Order 94-3; and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

Section 1. Findings. The Legislature finds that the reorganization of the government pursuant to Executive Order 94-3 ("E.O. 94-3") unnecessarily and arguably unconstitutionally reallocated functions and duties of previously autonomous or independent agencies of government into executive branch departments. One such autonomous agency is the Commonwealth Ports Authority ("CPA") which was allocated for the purposes of administration and coordination to the Department of Public Works; another such independent agency is the Coastal Resources management Council and Coastal Resources Management Office ("CRM") which was transferred to the Department of Lands and Natural Resources. The Legislature further finds that the reorganization of these entities pursuant to E.O. 94-3 is inconsistent with their respective mission and duties.

It is the purpose of this Act to return CPA, and CRM to the state in which they existed prior to August 23, 1994, the effective date of E.O. 94-3 and to reenact, to the extent necessary, all provisions of law concerning CPA and CRM, affected E.O. 94-3. Therefore, the Legislature intends that this Act vacate each every provision or application of E.O. 94-3 which affects in any manner whatsoever the functions, locations, and duties of CPA, and CRM.

Section 2. Repealer.

- (a) Section 206 of Executive Order 94-3 is hereby vacated in its entirety.
- (b) Section 304(a) of Executive Order 94-3 is hereby vacated in its entirety.

Section 3. Coastal Resources Management Program. All provisions of Public Law 3-47 and Public Law 7-3 in effect immediately prior to the effective date of Executive Order 94-3 are to the extent affected by said executive order hereby restored to effect as they existed immediately prior to the effective date of said executive order. Chapter 5 of Division 1 of Title 2 of the Commonwealth Code is hereby reenacted in its entirety to restore any and all provisions of said chapter affected by Executive Order 94-3. Any functions, records, funds, property or personnel transferred pursuant to Sections 503, 504, and/or 505 of Executive Order 94-3 are hereby transferred back and returned to the Coastal Resources Management Office and Coastal Resources Management Advisory Council, as appropriate.

Section 4. Commonwealth Ports Authority. Chapter 1 of Division 2 of Title 2 of the Commonwealth Code is hereby reenacted in its entirety to restore any and all provisions of said chapter affected by Executive Order 94-3. Any functions, records, funds, property or personnel transferred pursuant to Sections 503, 504, and/or 505 of Executive Order 94-3 are hereby transferred back and returned to the Commonwealth Ports Authority.

Section 5. Reactivation. Subject to other requirements or provisions of law, any agencies requiring reactivation as a result of this Act shall be reactivated in the manner described by the Governor in his approval letter for Public Law 11-47.

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED BY:**

/s/ Paul A. Manglona  
PAUL A. MANGLONA  
PRESIDENT OF THE SENATE

/s/ Edward U. Maratita  
EDWARD U. MARATITA  
SENATE LEGISLATIVE SECRETARY

Approved this 21<sup>st</sup> day of December, 1999.

/s/ Pedro P. Tenorio  
PEDRO P. TENORIO  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS