



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO
Governor

JESUS C. BORJA
Lt. Governor

JUL 6 1997

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The Honorable Jesus R. Sablan
President of the Senate
Tenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

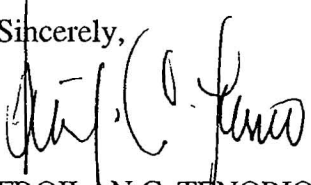
The Honorable Diego T. Benavente
Speaker, House of Representatives
Tenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

Enclosed is a copy of Executive Order 97-2, which changes the name of the Division of Parks and Recreation to the Division of Parks and Grounds.

Since this Order does not affect existing law, the Legislature's approval is not required. However, I am providing you with copies for your reference and convenience.

The Order will go into effect at once.

Sincerely,

FROILAN C. TENORIO

EXECUTIVE ORDER NO. 97-2

SUBJECT: Re-naming the Division of Parks and Recreation

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, the Commonwealth Division of Parks and Recreation is responsible for the care and maintenance of the Commonwealth's public parks; and,

WHEREAS, the Division of Parks and Recreation does not have any recreational responsibilities; and,

WHEREAS, there already exists a Division of Sports and Recreation, which is part of the Department of Community and Cultural Affairs, and which has primary responsibility for government-funded recreational activities in the Commonwealth; and

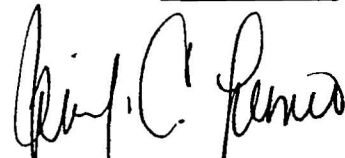
WHEREAS, it would be reasonable and appropriate to re-name the Division of Parks and Recreation, to prevent confusion, and to accurately reflect that Division's true duties; and,

WHEREAS, this reorganization does not affect existing law, and so does not have to be sent to the Legislature for approval or modification;

NOW, THEREFORE, it is hereby **ORDERED**:

That effective immediately, the Division of Parks and Recreation shall be renamed the Division of Parks and Grounds, and shall be known as the Division of Parks and Grounds thereafter.

DONE this 9th day of July, 1997.


FROILAN C. TENORIO
Governor

EXECUTIVE ORDER NO. 97 - 02

SUBJECT: Transfer of Registrar of Corporations to Department of Commerce

AUTHORITY: Constitution, Article III, Section 15

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

WHEREAS, such changes may affect existing law; and

WHEREAS, the continued existence of the Office of Registrar of Corporations within the Office of the Attorney General requires that those corporations seeking to do business in the CNMI, including newly established corporations, must go "back-and-forth" and deal with both the Registrar of Corporations in the Attorney General's Office for corporate related matters and the Department of Commerce for related matters such as business licensing which requirement is inefficient and may very well discourage those desiring to start a business from establishing a corporation in the CNMI; and

WHEREAS, since the major purpose of the Registrar of Corporations and the Business License Office of the Department of Commerce are substantially similar, the transferring of the responsibility of registering and maintaining corporate records from the Office of the Attorney General to the Department of Commerce will simplify and integrate the process of establishing new businesses in the CNMI and thereby encourage and expedite private sector development; and

WHEREAS, the power of the Governor to re-organize 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, et al. v. CNMI.

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration of government:

IT IS HEREBY ORDERED: That the responsibility of the Attorney General set forth at 1 CMC §2153(c) "to register corporations and businesses" and the related duties and responsibilities of the Registrar of Corporations as set forth in 4 CMC §§4201-4204 are hereby transferred to the Department of Commerce created pursuant to Section 302 of Executive Order No. 94-3 "The Reorganization Plan No. 2 of 1994", (EO 94-3); and

IT IS FURTHER ORDERED: That in order to achieve the objective of this Executive Order any and all other duties and responsibilities of the Registrar of Corporations not directly related to the registering of corporations and businesses shall remain the responsibility of the Office of the Attorney General; and

IT IS FURTHER ORDERED: That in order to achieve the objectives of this Executive Order, 1 CMC §2153 shall be amended by deleting therefrom the following: (b) "To register corporations and businesses;" with such language being added as a "new" Section 302(e) to EO 94-3 when that Executive Order is codified by the Law Revision Commission.

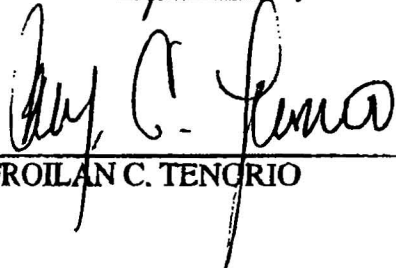
IT IS FURTHER ORDERED: That the Law Revision Commission shall codify all designations, allocations or changes to existing law affected by implementation of this Executive Order including, for purposes of illustration only and not limitation, in addition to the amendment of 1 CMC §2153 and Section 302 of Executive Order No. 94-3 as herein above set forth the following:

- (1) 4 CMC, Div. 4, (4 CMC §§4201-4204 inclusive) where, pursuant to EO 94-3 Section 207 "Corporate Charters", each and every reference to the "Governor" contained therein should be deleted and where the designation "Governor" appears the designation "Attorney General" should be substituted therefore. Thereafter, 4 CMC, Div. 4 (4 CMC §§4201-4204 inclusive) shall be amended by substituting the designation "Secretary of the Department of Commerce" each place the designation "Attorney General" appears therein; and
- (2) 6 CMC, Div. 3 (6 CMC §§3161-3166 inclusive) by substituting the designation "Attorney General", wherever the designation of either "Registrar of Corporations" or "Registrar" appears; and
- (3) 1 CMC, Div. 9 (1 CMC §§9101-9115 inclusive) by substituting the designation "Attorney General", wherever the designation of either "Registrar of Corporations" or "Registrar" appears; and
- (4) 1 CMC §2453 shall be amended by adding thereto a new subsection adding to the "Powers and Duties" of the Department of Commerce "To administer laws regarding the registration of corporations and businesses and maintenance all records and documents related thereto."

IT IS FURTHER ORDERED: That the Attorney General and Secretary of the Department of Commerce shall enter into a written Memorandum of Understanding (MOU) to implement this Executive Order. The MOU shall set forth procedures which will be undertaken to transfer any and all records and documents relating to the registration of corporations and businesses to the Department of Commerce. The MOU shall also set forth the amount of any unexpended balances, appropriations, allocations, allotments or funds related to the salary and benefits of any employee or employees who may be transferred from the Office of the Attorney General to the Department of Commerce pursuant to this Executive Order and shall then provide that, with the written approval of the Governor and the concurrence of the Special Assistant for Management and Budget, such funds be transferred from the Office of the Attorney General to the Department of Commerce to continue to pay appropriate salary and benefits to such employee or employees transferred pursuant to this Executive Order.

IT IS FURTHER ORDERED: That in accordance with the Constitution this plan shall be come 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, efficiency or management require that any transfer, consolidation, or abolishment be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date, therefor, and he may for like cause further defer such date from time to time.

Dated this 13th day of November, 1997.



FROILAN C. TENORIO