



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

Diego T. Benavente
Lieutenant Governor

MAR 10 2003

Honorable Paul A. Manglona
Senate President
Thirteenth Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Honorable Heinz S. Hofschneider
Speaker, House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

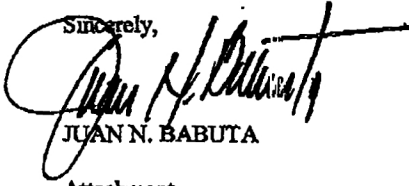
I am pleased to transmit herewith Executive Order 03-02, the Department of Lands and Natural Resources Reorganization Plan of 2003. The plan will transfer the duties and responsibilities of the Saipan the Field Operations Division, Marianas Visitors Authority to the Division of Parks and Recreation within the Department of Lands and Natural Resources.

The purpose of the plan is to promote efficiency in government operations. The current arrangement by which the Fields Operations Division of MVA is responsible for the beautification and maintenance of selected tourist sites while the Division of Parks and recreation is responsible for beautification and maintenance of all other public parks is duplicative and wasteful. It is therefore imperative that these functions be centralized in one office - the Division of Parks and Recreation, within the Department of Lands and Natural Resources.

It is also the intent of this executive order to relieve the Marianas Visitors Authority of the duty of maintaining tourist sites, so that the Authority may better concentrate its fiscal and personnel resources on its core function of promoting tourism and attracting tourists to the CNMI.

This executive order is issued under the authority of the Governor to reorganize the government pursuant to Article III, Section 15 of the Commonwealth Constitution and unless rejected or modified by a vote of each house of the Legislature will become law in sixty (60) days.

Sincerely,

A handwritten signature in black ink, appearing to read "Juan N. Babuta", written over a horizontal line.

JUAN N. BABUTA

Attachment

EXECUTIVE ORDER NO. 03-02

SUBJECT: Reorganization of Department of Lands and Natural Resources

AUTHORITY: NMI Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution of the Commonwealth of the Northern Mariana Islands ("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, pursuant to his reorganization power under Article III, Section 15 of the Commonwealth Constitution; and

WHEREAS, such changes may affect existing law if set forth in executive orders and submitted to the legislature pursuant to the constitutional mandate; 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. CMI;

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

That the following provisions shall constitute the Department of Lands and Natural Resources Plan of 2003:

PART I. DEPARTMENT OF LANDS AND NATURAL RESOURCES

Section 101. Field Operations Division, Marianas Visitors Authority.

The Field Operations Division in Saipan of the Marianas Visitors Authority is transferred to the Division of Parks and Recreation within the Department of Lands and Natural Resources. The Division of Parks and Recreation's duties as set forth in 1 CMC §2703 shall hereafter extend to tourist sites as well as parks and recreation facilities. Further, the Division of Parks and Recreation shall immediately assume responsibility for the

planning, constructing; and maintaining of reception booths and other tourist facilities in Saipan.

- a) The Field Management Division of the Marianas Visitors Authority shall continue to perform its duties for the First and Second Senatorial Districts
- b) The Department of Lands and Natural Resources and Marianas Visitors Authority shall enter into a Memorandum of Understanding providing:
 - 1) a listing of all tourist sites on Saipan that are currently maintained by MVA
 - 2) the procedure for coordinating use of DLNR personnel for MVA events;
 - 3) the procedure for reimbursement of overtime salaries by MVA to DLNR for manpower during events specified in the MOU; and
 - 4) the procedure for utilizing any restricted accounts dedicated for enhancement and maintenance of tourist sites on Saipan in keeping with the purposes stated for the use of such funds.

PART II. GENERAL AND TRANSITIONAL PROVISIONS

Section 201. Transfer of Records, Property and Personnel

- a) As used in this section, "agency" shall mean any office or program of the Field Operation Division for Saipan within the Marianas Visitors Authority, whose duties and functions are transferred to a gaining agency by this Executive Order. As used in this section, "gaining agency" shall mean the Division of Parks and Recreation within the Department of Lands and Natural Resources to which an agency or any of its functions are transferred by this Executive Order.
- b) All records and property including office equipment and supplies in the various agencies including all records and property used primarily in the administration of any function transferred by this plan, and all the personnel used in the administration of such agencies and functions are hereby transferred to the gaining agencies for use in the administration of the agencies and functions transferred by this Executive Order.

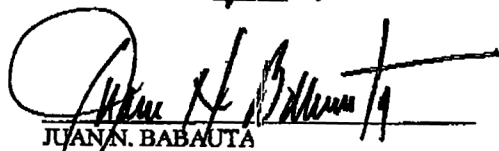
Section 202. Transfer of Funds. So much of the unexpended balances of appropriations, allocations, allotments, or other funds available for the use of any agency

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, as the Special Assistant for Management and Budget with the approval of the Governor shall determine, shall be transferred to the gaining agency 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 203. Codification of Changes. The Commonwealth Law Revision Commission shall codify the designations, allocations, and changes in existing law affected by this Order.

Section 204. Effective Date. In accordance with Article III, Section 15 of the Commonwealth 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.

Done this 10th day of March, 2003.



JUANN. BABAUTA
Governor