



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER NO. 08-08

SUBJECT: Re-organization Plan No. 03 of 2008 — Amendment to
Re-organization Plan No. 02 of 2006 (Executive Order 2006-4)

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); and

WHEREAS, the Commonwealth Utilities Corporation (CUC) was reorganized under Re-organization Plan No. 02 of 2006 (Executive Order 2006-4) issued Friday, May 5, 2006 and received by the 15th Commonwealth Legislature on Monday, May 8, 2006, becoming effective 60 days thereafter in the absence of modification or disapproval by a majority of the members of each house of the Legislature; and

WHEREAS, Section 8123(c) of Re-organization Plan No. 02 of 2006 (Executive Order 2006-4), *codified at* 1 CMC § 8123(c), requires that any CUC borrowing in excess of \$500,000 be “approved by law specifically authorizing such borrowing”.

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

ORDERED:

That the following shall constitute Re-organization Plan No. 03 of 2008:

1. Amendment of Prior Executive Order. Executive Order No. 2006-04 promulgating Re-organization Plan No. 02 of 2006 is amended upon the effective date of this Executive Order.
2. Provisions of the Executive Order. The provisions of the Executive Order amend Title One of the Commonwealth Code, Subsection 8123(e), deleting the \$500,000 debt ceiling “provided” clause to read as follows:

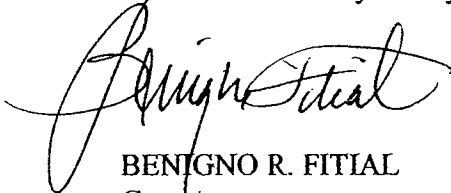
§ 8123. Commonwealth Utilities Corporation: Powers.

* * *

(e) To borrow money from any private or public source, either within the Commonwealth or the United States or in any country, and to give security in connection with such borrowing.

3. Codification of Changes. The Law Revision Commission shall codify the changes in existing law affected by this plan.
4. 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 the event it is approved by one house of the Legislature it shall become effective immediately upon such approval.

DONE this 25th day of July, 2008.



BENIGNO R. FITIAL
Governor