



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Timothy P. Villagomez**  
Lieutenant Governor

EXECUTIVE ORDER NO. 08-09

**SUBJECT:** Re-organization Plan No. 04 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(e) of Re-organization Plan No. 02 of 2006 (Executive Order 2006-4), *codified at* 4 CMC § 8123(e), 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. 04 of 2008:

1. Withdrawal and Rescission of Prior Executive Order. Executive Order No. 08-08 promulgating Re-organization Plan No. 03 of 2008, transmitted to the 16th Commonwealth Legislature on Friday, July 25, 2008 and not yet acted upon, is withdrawn and rescinded effective immediately.
2. 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.
3. Provisions of the Executive Order. The provisions of the Executive Order correct a typographic error in paragraph 4 of Executive Order No. 2006-04, in that "1 CMC Section 8111" is hereby changed to "4 CMC Section 8111", and amend Title Four of the Commonwealth Code, Subsection 8123(e), to increase the debt ceiling from \$500,000 to \$5,000,000, causing this subsection 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; provided that any such borrowing that is in excess of \$5,000,000 is approved by law specifically authorizing such borrowing.

4. Codification of Changes. The Law Revision Commission shall codify the changes in existing law affected by this plan.
5. 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.

DONE this 30th day of July, 2008.



BENIGNO R. FITIAL  
Governor