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MISAE L. Ogo
NOTA

FIRST NORTHERN MARIANA ISLANDS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 1978

J60

HOUSE BILL NO. 1-16

A BILL FOR AN ACT

Establishing the organization of the Executive Branch of the Commonwealth of the Northern Mariana Islands; requiring the appointment of officials of the Executive Branch with the advice and consent of the Senate of the Northern Mariana Islands Commonwealth Legislature; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANA ISLANDS LEGISLATURE:

Section 1. Short Title. This act shall be known and may be cited as the Executive Branch Organization Act of 1978.

Section 2. Office of Governor.

(a) There is established the office of governor of the Northern Mariana Islands that shall consist of the immediate office of the governor and the executive office of the governor. The lieutenant governor, the executive assistant for Carolinian affairs, and the governor's council shall be within the office of the governor.

(b) The immediate office of the governor shall consist of the governor, a private secretary, and an assistant to the governor. The governor shall appoint the private secretary and assistant.

(c) The executive office of the governor shall consist of the following:

(1) An office of the chief administrative officer, to be headed by a chief administrative officer appointed by the governor with the advice and consent of the senate; a deputy chief administrative officer appointed by the governor with the advice and consent of the Senate who shall have such duties and responsibilities as may be assigned to him by the chief administrative officer and, in addition, shall facilitate the delivery of government services on Rota, Tinian and the islands north of Saipan; and such other specialists and assistants who may be authorized pursuant to budgetary appropriations and who shall be within the civil service. There is established within the office of the chief administrative officer a training unit to be headed by a training officer who shall be appointed by the governor upon recommendation of

the chief administrative officer. The training officer and other personnel of the training unit shall be within the civil service;

(2) A planning-budgeting office, to be headed by a planning-budgeting officer who may have such other title as may be specified by the governor, who shall be appointed by the governor with the advice and consent of the senate and such other specialists and assistants as may be authorized pursuant to budgetary appropriations and who shall be within the civil service. A principal planner, budget officer, and federal program coordinator shall be appointed to head units within the planning-budgeting office by the governor upon recommendation of the planning-budgeting officer and who shall be within the civil service;

(3) An office of assistant to the governor for program and legislative review to be appointed by the governor with the advice and consent of the senate; and,

(4) A public information and protocol office to be comprised of a single individual who shall be appointed by the governor with the advice and consent of the Senate.

(d) The governor shall receive official visitors and conduct official ceremonies of the commonwealth and he may delegate such duties and responsibilities to the lieutenant governor and to elected or appointed officials of the commonwealth.

Section 3. Office of Attorney General.

(a) There is established the office of attorney general, which shall be an executive branch department. No person shall be appointed as attorney general unless the person has:

(1) Been graduated from an accredited law school in the United States and who at the time of appointment has been admitted to practice before the bar of the Northern Mariana Islands, or the bar of a state, territory or possession of the United States and who is eligible for admission to the bar of the Northern Mariana Islands or the bar of

the Trust Territory of the Pacific Islands;

(2) Practiced for a minimum of five years as a trial attorney or for a minimum of two years as a judge of a court of record which has jurisdiction comparable to the civil or the criminal jurisdiction of the commonwealth trial court or who has a combination of legal practice, legal or related research, court administration, or law school teaching for a total of at least ten years; and,

(3) Not been convicted of a felony in the commonwealth or in any area under the jurisdiction of the United States.

Assistant attorneys general and other staff of the office of attorney general shall be appointed within the civil service and within budgetary appropriations. No person shall be appointed as an assistant attorney general who has not been graduated from an accredited law school and is admitted to practice or, at the time of his appointment is eligible to be admitted to practice, before the bar of the Northern Mariana Islands or of the Trust Territory of the Pacific Islands. An assistant attorney general at the discretion of the attorney general may perform any duty and responsibility vested in the attorney general.

(b) In addition to his constitutional duties and responsibilities, the attorney general shall maintain the seal of the commonwealth and authenticate official actions and documents of the commonwealth, register business, educational, and not-for-profit corporations, appoint or certify the appointment of notaries public, issue notarial certificates, perform the functions of immigration, emigration and naturalization, handle any matter pertaining to alien property, be responsible for the publication of laws and compilation of the code of the commonwealth and compilations of rules, regulations and executive orders of the governor and of agencies of the commonwealth.

(c) The attorney general shall review and approve as to the form and legal capacity all proposed contracts, bonds, or other evidence of contractual obligation of the commonwealth, its branches, departments,

agencies and instrumentalities, including public corporations.

(d) The attorney general shall act as a counsel to all branches, departments and agencies of the commonwealth including public corporations other than the Marianas Public Land Corporation and the Marianas Public Land Trust; the attorney general may act as counsel to the Corporation or Trust at their request. It is the intent of this subsection that there be a single legal office of the commonwealth and that the employemnt of separate legal staff of agencies, including public corporations, be disallowed except in unusual circumstances. With the consent of the attorney general and within budgetary appropriations, a branch, department, agency or public corporation of the commonwealth may employ or retain special legal counsel for particular matters.

(e) There is established in the office of the attorney general an office of immigration and naturalization to be headed by a director of immigration and naturalization appointed by the governor on the nomination of the attorney general.

(f) Unless otherwise provided by law, the attorney general shall be responsible for the administration of any code of conduct or ethics that may be enacted into law pertaining to the legislative or executive branches of the commonwealth. The attorney general shall assign an attorney in his office as commonwealth ethics officer who shall assist any board of ethics that may be established.

Section 4. Public Defender. There is established within the executive branch the office of public defender to be headed by the public defender appointed by the governor with the advice and consent of the senate. No person shall be appointed to the position of public defender who does not meet the qualifications of an attorney general pursuant to section 3 of this act.

Section 5. Board of Parole.

(a) There is established the board of parole to consist of three members who shall serve terms of six years to be appointed by the

governor with the advice and consent of the senate. Of the members first appointed one shall be for a term of two years, one shall be for a term of four years, and one shall be for a term of six years. At least one of the members of the board shall be an attorney admitted to practice before the bar of the Northern Mariana Islands or the Trust Territory of the Pacific Islands.

(b) Members of the board of parole shall not be paid for their services on the board but shall be reimbursed for actual and necessary expenses in connection with their duties and responsibilities on the board within budgetary appropriations.

(c) The board of parole shall be located in the office of attorney general. The attorney general shall provide clerical and other support to the board of parole and make available data on applications that come before the board. The department of emergency services and other departments and agencies shall cooperate with the board of parole in providing additional data to enable the board to make sound judgments in determining applications for parole.

(d) In addition to its other duties and responsibilities, the board of parole shall receive and may approve applications for parole by persons who have been convicted of crimes in the commonwealth. Parole shall be granted in a manner consistent with provisions of law on sentencing. Members of the board of parole shall supervise or authorize supervision of persons who are on parole. The board of parole may revoke the granting of parole when in its judgment the conditions of parole have been violated.

Section 6. Civil Service Commission; Personnel Office.

(a) There is established the civil service commission to consist of three members to be appointed by the governor with the advice and consent of the senate for six-year terms. Of the members first appointed, one shall be for two years, one shall be for four years, and one shall be for six years. No member of the commission shall serve for

more than the total of two full terms or one full term plus any term that is less than a full term. No member shall be appointed or serve as a member of the civil service commission who is actively involved as an officer of a political party or who within a period of one year prior to his or her appointment has been an elected official of the commonwealth or a person serving under appointment of the governor.

(b) There is established within the civil service commission a personnel office to implement the personnel plans and policies of the commission and to conduct day-by-day commonwealth personnel management functions, including classification and recruitment, appointment, promotion and discipline, payroll administration, other than payroll matters handled by the department of financial administration, labor relations and related functions. The personnel office may perform personnel training functions at the request of the chief administrative officer.

(c) The civil service commission shall prepare a comprehensive personnel management plan for the commonwealth and submit copies of such plan, including proposed personnel policies, to be governor and legislature. The plan and proposed policies shall include consideration of a career management service of technical, professional, management, administrative and supervisory personnel to meet the managerial needs of the commonwealth. The commission shall establish a system of appointment and promotion for persons within the civil service based on merit and fitness demonstrated by examination or by other evidence of competence and shall establish systems of written or oral examination or evidence of competence.

(d) The personnel office shall be headed by a personnel officer appointed by the civil service commission. The personnel officer shall serve as secretary of the civil service commission. No person shall be appointed personnel officer who does not have professional qualifications for that position in personnel administration and management. The commission shall establish and publish the professional qualifications

for the position of personnel officer and either constitute itself a search committee or appoint a search committee to locate suitable candidates.

(e) The civil service commission shall be the personnel board of the commonwealth for the purpose of hearing and determining any appeals from any decision made by the personnel office with respect to a matter within the jurisdiction of the civil service commission.

(f) The civil service commission, consonant with the constitution and provisions of law, shall establish full employment opportunity programs within the commonwealth and adopt policies and regulations with respect to the administration of such programs. The commission in its annual report shall contain a summary of equal opportunity employment activities in the public service of the commonwealth and make recommendations for improvement or any legislation that may be needed for the governor and legislature.

Section 7. Board of Professional Licensing.

(a) There is established a board of professional licensing to be composed of six members, including the superintendent of education ex officio, director of public works ex officio, and personnel officer ex officio, and three citizen members to be appointed by the governor with the advice and consent of the senate for six-year terms. Of the three citizen members first appointed one shall be appointed for a two-year term, one for a four-year term, and one for a six-year term. No member of the board shall receive any salary for service on the board but shall be reimbursed for actual and necessary expenses in connection with service on the board within budgetary appropriations.

(b) The board of professional licensing shall be located in the civil service commission. The personnel officer shall serve as secretary of the board and administer any testing or credentializing activities of the board. The personnel officer shall assign staff to the service of the board within budgetary appropriations.

(c) The board shall license or establish the requisite credentials

of persons who seek to practice in the following professions or trades: architects, engineers, surveyors, land surveyors, plumbers, electricians, carpenters, ship's officers, barbers and beauticians, and such other professions and trades as may be within the jurisdiction of the board of professional licensing pursuant to law. It shall not have jurisdiction over the admission to the bar or the disciplining of attorneys, the licensing or certification of teachers, or the licensing, certification or credentializing of persons in the healing arts.

(d) The board shall determine those professional or trade organizations whose credentialing certifications it will accept as the basis for approving applications to practice a profession or trade within the jurisdiction of the board. The board may accept the license or certification issued by an agency of the United States government or a state or political subdivision of a state or of a territory or profession of the United States. The board may require that an applicant successfully complete a written examination, an oral examination, a medical examination, or provide evidence of competence which the board itself administers. The board may require that an applicant take an examination administered by an appropriate professional organization. The board may contract for the purchase or other acquisition, use, scoring, and validation of professional tests.

(e) The board shall issue regulations establishing the criteria and standards for licensing or authorization to practice a profession or trade within the jurisdiction of the board.

Section 8. Public Auditor.

(a) There is established as an independent agency the office of public audit to be headed by the public auditor. No person shall be appointed as public auditor who is not a certified public accountant with at least three years of experience in governmental accounting or finance. The public auditor shall be appointed for a term of six years and no person shall serve as public auditor for more than two consecutive

full six-year terms or the balance of an unexpired term plus two full six-year terms.

(b) There shall be in the office of public audit a deputy public auditor to be appointed in the same manner as the public auditor and have the qualifications of public auditor and who shall have such duties and responsibilities as may be assigned by the public auditor.

(c) The public auditor shall review the system of accounts proposed to be established by the department of financial administration or by or for any other branch, department, agency or instrument of the commonwealth including public corporations.

(d) The audit duties and responsibilities of the public auditor shall extend to persons or corporations having contracts with the commonwealth with respect to the books and accounts arising from such contracts. In the event that a contractor fails to make his books or accounts respecting any government contract with the commonwealth available to the public auditor or to his representative, the contract shall be cancelled immediately by the contracting authority of the commonwealth or by the attorney general. No contract shall be executed on behalf of the commonwealth unless it contains provision acceptable to the attorney general and the public auditor authorizing the audit of the books and accounts of the contractor by the public auditor with respect to the government contract.

(e) In addition to his other duties and responsibilities, the public auditor shall prepare annually and at such other times as he may determine a report or reports on the cash and financial accounts of the commonwealth, including pension, trust funds, obligations, outstanding indebtedness, special federal accounts that are required to be maintained, and the investment of idle cash. In such report or reports the public auditor may make recommendations of a legislative or administrative nature.

Section 9. Department of Community Affairs.

(a) There is established as an executive branch department the department of community affairs to be headed by a director of community affairs appointed by the governor, with the advice and consent of the senate.

(b) The department of community affairs shall be responsible for commonwealth functions and activities in the areas of social services, consumer protection, regulation of retail establishments not otherwise within the jurisdiction of the department of economic development, broadcasting, and alcoholic beverage control. Unless otherwise specified, by this act or other law the department shall be responsible for commonwealth programs and activities pertaining to improvement of local communities and villages, community development and community action programs, services to programs for children, young people and adults, and the elderly, local registration and licensing formerly exercised by the chartered municipalities on Saipan, Rota and Tinian, regulation and licensing of dogs, cats and other household pets, welfare assistance to the disadvantaged, local public recreation programs not otherwise provided by any other department, licensing of restaurants and other eating establishments, licensing of privately owned or operated public recreation or sports activities, including cock pits, motion picture houses, bars and nightclubs, issuance and regulation of permits related to fishweir, regulation and licensing of taxicabs and other for-hire or rental motor vehicle businesses, and any authorized consumer protection activities not within the jurisdiction of any other department or agency.

Section 10. Department of Economic Development.

(a) There is established as an executive branch department the department of economic development to be headed by a director of economic development appointed by the governor with the advice and consent of the senate.

(b) The department of economic development shall be responsible for the stimulation and encouragement of the private economy of the

commonwealth and shall conduct studies and promotional activities, not otherwise vested in any other department, agency or instrumentality of the commonwealth, to achieve such objectives. The department shall be responsible for administration of provisions of law affecting foreign labor; broadening of employment opportunities in the commonwealth; growth of commercial fishing and maritime industry; and licensing of business construction and businesses that are not otherwise regulated or licensed by any other department or agency of the commonwealth. The department shall be responsible for encouragement of harmonious labor relations in the private sector, other than matters pertaining to employees of the commonwealth.

(c) The department shall have the responsibilities formerly vested in the foreign investment board. Unless otherwise provided by law, the organization of the Marianas Visitors Bureau pursuant to the Mariana Islands Visitors Bureau Act of 1976 (Mariana Islands District Legislative Act, November 21, 1976) shall be located institutionally within the department of economic development. Unless otherwise provided by law, the department of economic development shall be responsible for development and promulgation of regulations pertaining to the maritime industry.

Section 11. Board and Department of Education.

(a) There is established the Northern Marianas board of education to consist of five members. Of the members first appointed, two shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, and one shall serve for a term of four years. Vacancies shall be filled for the balance of the unexpired term. Of the five members at least one shall be a resident of Tinian, one a resident of Rota, and two shall be residents of Saipan. No person shall be appointed as a member of the board who is not a qualified voter in the Northern Mariana Islands or who is an elected official. At least two members of the board shall be parents of children enrolled in the

public schools. A chairman and a vice-chairman shall be chosen from among the members of the board of education to serve for two-year terms.

(b) There is established as an executive branch the department of education to be responsible for public elementary, secondary and higher education in the commonwealth; the awarding and organization of all publicly funded scholarships and related aid programs in education and higher education; provision of adult educational and special skills education and training. The department shall administer provisions of law respecting regulation of privately provided education in the commonwealth; and it shall review and approve all applications for incorporation or establishment of educational institutions in the commonwealth.

(c) The department of education shall be responsible for provision of public library services and museums that may be established in the commonwealth and it may administer funds from private foundations, philanthropic or other sources with respect to libraries, museums and cultural institutions and activities. Unless otherwise provided by law or by any article of incorporation of a public entity within the jurisdiction of the department of education pursuant to this subsection, the governing policy board for public libraries and museums is the Northern Marianas board of education. Except as otherwise provided by law, the department of education shall be responsible for adult basic education, standards of attendance and enforcement of laws pertaining to compulsory attendance, bilingual education, literacy training program, inspection and compliance activities respecting non-public educational facilities, special on-the-job training activities including those pertaining to youth employment as an educational activity, organization and servicing of a commonwealth research and reference library including special collections to service the judiciary and legislature, oversight of educational programs funded in whole or in part through the department of education at overseas locations, academic, commercial, vocational and special skills education and training, and special seminars and

programs of cultural interest to the community at large.

(d) The board of education shall establish and promulgate professional qualifications for the position of superintendent of education and shall constitute itself or appoint a search committee to locate candidates for the position of superintendent of education. The board shall not appoint a person or enter into an appointment contract with a person or superintendent of education for a period of more than three years but such term may be renewed for like periods. The board shall not remove the superintendent prior to the expiration of his or her term except for cause and after notice of the charges against the superintendent and an opportunity is presented to the superintendent to be heard in his or her own defense. The salary of the superintendent of education shall be not less than the salary established for directors of executive branch departments.

(e) In the exercise of the duties and responsibilities of the board of education to formulate policy over the public school system, the board shall adopt written policies in a manner consistent with the administrative procedures act. Any member of the board of education or any committee of the board itself may inspect any public school facility at any time and shall receive the full cooperation in doing so from the superintendent of education and all employees of the department of education, but shall take no remedial action. The board from time to time may advise the superintendent of education of any deficiency in the public school system relating to physical facilities, quality of instructions, conduct of teachers and students, or any other matter, but it shall not take any direct remedial action on its own other than changes in policy. The board shall issue an annual report on the state of education in the commonwealth.

(f) Unless otherwise provided by law the licensing or certification of teachers and any teacher's aides as educational specialists in the Northern Mariana Islands shall be the responsibility

of the board of education administered through the superintendent of education.

(g) No diploma, certificate, or degree shall be granted by an educational institution other than the department of education unless the program and the awarding of such diploma, certification or degree has been approved pursuant to policies and regulations established by the board of education. No correspondent educational program, whether or not it involves awarding or issuing of a diploma, certificate, or degree shall be conducted in the Northern Mariana Islands unless the program and curricula have been approved and licensed by the board of education through the superintendent of education.

Section 12. Department of Emergency Services.

(a) There is established the department of emergency services as an executive branch department to be headed by a director of emergency services appointed by the governor with the advice and consent of the senate. The department of emergency services shall consist of a police force, a fire service, and a corrections and probation agency.

(b) The police force shall be headed by a police chief. The fire service shall be headed by a fire chief. The corrections and probation agency shall be headed by a corrections and probation officer. The governor shall appoint the police chief, the fire chief and the corrections and probation officer. These positions shall be within the civil service.

(c) The department of emergency services shall be responsible for law enforcement, fire protection, corrections, juvenile rehabilitation, traffic regulation and enforcement, motor vehicle registration and inspection, civil defense but, unless otherwise specified, not disaster relief, protection and security guard services of public buildings, provision of police and security for public ceremonies and official meetings, control of stray animals and their disposition in a manner consonant with the public health and humane considerations, assistance in compliance enforcement of regulatory activities of other departments and

agencies of the commonwealth including public corporations and independent agencies, assistance in tax collection, enforcement of public environmental health, buildings and code inspections, and related activities, probation services for adult and juvenile offenders, rehabilitation services for young adults and adults, and criminal justice planning, improvement and public information related to the areas of law enforcement, criminal justice, fire prevention, and related matters. The director of emergency services may establish within the department one or more units of administration that will provide common services to the police force, the fire service, and the corrections and probation agency. It is the intent of this subsection to reduce operating costs to the maximum extent feasible and to maximize personnel utilization.

(d) In the event that the governor declares a state of emergency pursuant to article III, section 10 of the constitution, the director of emergency services shall act as the principal official responsible for mobilization of resources and the meeting of emergency conditions unless another designation is made by the governor or pursuant to law.

Section 13. Department of Financial Administration.

(a) There is established as an executive branch department the department of financial administration to be headed by a director of financial administration appointed by the governor with the advice and consent of the senate. No person shall be appointed as director of financial administration who does not possess professional qualifications including at least a masters degree in an appropriate academic discipline or who is a certified public accountant; and in addition has at least five years of progressively increasing experience in governmental finance and accounting or equivalent private-sector experience.

(b) The department shall have responsibility for collecting and depositing all locally raised revenues, from any source, including taxes, customs duties, excise tax revenues, license fees, payments for services, receiving and depositing all funds from federal government,

establishing and maintaining bank accounts, maintaining the books of accounts of the commonwealth, managing trust and retirement funds of the commonwealth and related receipts, and establishing and maintaining special revenue accounts on behalf of any public corporation, unless otherwise directed by law selecting the banks in which commonwealth funds will be deposited, disbursing funds pursuant to authority of law, providing financial data to the governor, legislature and departments, agencies and instrumentalities of the commonwealth, and conducting all related financial management activities of the commonwealth other than the preparation of the budget of the commonwealth and post-audit functions. It shall have responsibility for customs and baggage inspection. Nothing contained in this subsection shall prevent a department, agency or instrument of the commonwealth from collecting revenues with the approval of the director of financial administration and with all receipts transmitted promptly to the department of financial administration. The department with the concurrence of the public auditor shall establish a uniform system of accounts. An accrual method of accounting shall be maintained that meets generally accepted principles of governmental accounting.

(c) At least annually the director of financial administration shall issue a detailed report on financial affairs of the commonwealth and submit copies to the governor, legislature, and public auditor, and such report shall be promptly published.

(d) There is established within the department of financial administration the commonwealth treasury to be headed by the commonwealth treasurer to be appointed by the governor with the advice and consent of the senate on the nomination of the director of financial administration. No person shall be appointed commonwealth treasurer who does not possess professional qualifications established for that position by the governor.

(e) The director of financial administration, the commonwealth treasurer, and other officials designated by the director or by the commonwealth treasurer shall be bonded.

Section 14. Department of Health.

(a) There is established as an executive branch department the department of health to be headed by a director of health appointed by the governor with the advice and consent of the senate. No person shall be appointed director of health who does not possess professional qualifications. Prior to making his appointment, the governor shall appoint a search committee to enumerate the qualifications for the position. Upon approval of such a qualifications statement by the governor the committee shall conduct a search for suitable candidates and make its recommendations to the governor.

(b) The department of health shall be responsible for provision of health and medical care services, dental health, mental health services, and environmental health services. It shall set and enforce standards of public environmental health protection including animal health standards, standards of pure water quality, and standards of sanitary engineering. This department shall be the depository of vital statistics for the commonwealth and shall issue birth, fetal death, and death certificates, and marriage licenses.

(c) There is established within the department of health an office of medical examiner to be headed by a medical examiner to be appointed by the director of health who shall be within the civil service.

(d) There is established in the department of health a board of health and environmental quality to consist of seven members appointed by the governor with the advice and consent of the senate. The members shall be appointed for terms of five years. Of the persons first appointed two shall serve a term of one year, two shall serve a term of two years, one shall serve a term of three years, one shall serve a term of four years, and one shall serve a term of five years. The board shall adopt regulations governing public health and environmental quality and may include within such regulations all matters affecting health within the commonwealth and within the functional jurisdiction of the

department of health pursuant to this section. The board in its regulations may establish a system of compliance and enforcement, including imposition of fines and imprisonment not to exceed fines in the amount of \$500 for each violation of a regulation or imprisonment not to exceed one year for each violation of a regulation; and a system of self inspection, preliminary determinations of violations, hearings, compliance orders and related enforcement mechanisms. The attorney general shall prosecute violations in a court of competent jurisdiction and the department of emergency services shall assist in compliance and enforcement and inspectional activities. The department of health shall be responsible for implementation and other administrative actions pursuant to the regulations of the board of health and environmental quality. The board shall act as an appeals body for any decision or administrative determination by the director of health with respect to any matter pertaining to the regulations of the board. Unless otherwise provided, the board may act as a representative body with respect to federal health planning requirements.

(e) The governor may establish one or more consumer, practitioner, or other bodies to serve as health planning or environmental quality planning instrumentalities in order to meet eligibility requirements for federal grant and assistance programs. For the purpose of complying with federal requirements the board of health is a state health planning agency unless another department or another agency, board of commission, is so designated by the governor or by law.

Section 15. Department of Natural Resources.

(a) There is established as an executive branch department the department of natural resources to be headed by a director of natural resources appointed by the governor with the advice and consent of the senate.

(b) The department shall be responsible for protection and enhancement of the natural resources of the islands including the marine

environment, management and disposition of submerged lands, management of public lands transferred or assigned to it pursuant to article XI of the constitution and within the comprehensive land-use plan adopted by the Marianas Public Land Corporation, conduct land surveys, perform maintenance and effective use of the animal and marine resources of the commonwealth, agricultural, fishing, plant, marketing, aquaculture and related programs, agricultural extension programs, establishment and operation of public recreation facilities and programs, inspection and compliance activities of meat and meat products that are not otherwise within the compliance activities of the department of health. It is the intent of this section that the department of natural resources be the principal active land survey and land management agency respecting public programs for agricultural, forestry, and natural resource, landscaping and beautification programs, and recreation matters not otherwise within the jurisdiction of the Marianas Public Land Corporation. It is the intent of this act that the department of natural resources work closely with and in cooperation with the Marianas Public Land Corporation to assure consonance of purpose.

(c) The department shall be responsible for historic and landmarks conservation and preservation. The department shall have principal commonwealth responsibility to meet constitutional requirements respecting Chamorro and Carolinian heritages and traditions, and protection of wildlife resources. It shall be responsible for the productive use of land made available by the Marianas Public Land Corporation for agricultural homesteads and it shall be responsible for programs affecting recovery of minerals on submerged lands.

(d) The governor by executive order may establish and appoint the members of appropriate historic and landmark preservation commissions or boards to enable the commonwealth to be eligible to receive federal funds.

(e) The jurisdiction of the department of natural resources

shall not extend, unless specifically authorized by law, to the construction, repair or maintenance of public recreation and other sites. It is the intent of this section that all public works activities of the commonwealth, including construction and repair, be within the responsibility of the department of public works.

(f) The Marianas Fishing Authority is dissolved and its duties and responsibilities are the responsibility of the departments of natural resources and economic development as determined by the governor.

Section 16. Department of Public Works.

(a) There is established as an executive branch department the department of public works to be headed by a director of public works appointed by the governor with the advice and consent of the senate.

(b) The department of public works shall be responsible for all public works and roads and other construction and maintenance activities of the commonwealth and for all branches, departments, agencies and instrumentalities of the commonwealth, including public corporations. It is the intent of this section that there be a consolidated public works agency. Unless otherwise provided by law, the department of public works shall be responsible for transportation functions other than those vested by law in a public corporation, harbor facilities and docks, all utilities including water supply, sewage disposal and power, utilities services and facilities, erection and maintenance of public signs and traffic signals, provision and maintenance of public boats, supervision and maintenance of public buildings, provision of office space and upkeep of public buildings and the areas, parking lots and other approaches to public buildings, acquisition, maintenance and repair of heavy equipment and supply and procurement. The department shall assume responsibility for and integrate among the functions of the department street sanitation, solid waste collection and disposal, and other public works functions formerly performed by the chartered municipalities of Saipan, Rota and Tinian.

(c) The department of public works in cooperation with the

department of financial administration shall institute systems to assure effective cost accounting methods in order to identify the actual direct and indirect costs for proprietary and utility functions performed by the department of public works, including heavy equipment and central repair, utility services, and supply and procurement.

Section 17. Public Services in Rota and Tinian.

(a) Subject to the approval of the governor, the mayors of Rota and Tinian in addition to their constitutional duties and responsibilities shall be the administrative head for the delivery of public services in which the mayors where elected and shall have all the powers and perform all the duties of an administrative nature.

(b) The mayors of Rota and Tinian shall be responsible for the proper administration of the affairs in their respective islands. In addition, the mayor shall:

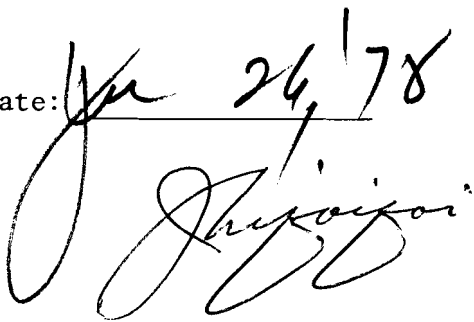
(1) provide for the execution of all commonwealth laws.

(2) appoint an administrative officer qualified by education and experience who shall be responsible for the orderly and efficient coordination of the various departments.

Section 18. Severability. If any provision of this act, or application thereof to any person or circumstances is held invalid, the invalidity does not affect other provision on applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 19. Effective Date. This act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Date:

Jan 26, 1978


Introduced by:

Miguel L. Torres
