

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

SESSION, 2011

H. B. No. 17-244

A BILL FOR AN ACT

To transfer the responsibility for the administration and operation of the Historic Preservation Office, and Chamorro-Carolinian Language Policy Commission from the Department of Community and Cultural Affairs to the Office of the Resident Executive for Indigenous Affairs.

**BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The legislature finds that an organizational
2 review of the Department of Community and Cultural Affairs was conducted to make
3 recommendations of its operations to ensure efficiency. The review determined that
4 transferring certain agencies and programs within Department of Community and
5 Cultural Affairs to the Office of the Resident Executive for Indigenous Affairs is proper
6 to align the programs under an office constitutionally designated to oversee the very same
7 programs and missions that is currently duplicative within the Department of Community
8 and Cultural Affairs. This transfer is beneficial not only to realign offices under an
9 officer performing the same duties, but also to consolidate support functions where
10 possible. Consolidating support functions will reduce the cost to the government of
11 maintaining these programs. Therefore, it is the purpose of this act to transfer the
12 Historic Preservation Office, and the Chamorro-Carolinian Language Policy Commission
13 from the Department of Community and Cultural Affairs to the Office of the Resident
14 Executive for Indigenous Affairs. In order to effectuate this purpose it is necessary to
15 transfer the Office of the Resident Executive for Indigenous affairs back to the Office of
16 the Governor.

17 The review also made reference to the Commonwealth Counsel for Arts and
18 Culture, a private nonprofit organization, as being under the Department of Community
19 and Cultural affairs. This confusion is caused by a reference in Executive Order 94-3,

1 Section 308(c) to the Commonwealth Counsel for Arts and Culture being allocated to the
2 Department of Community and Cultural Affairs. This reference in Executive Order 94-3
3 should be eliminated.

4 **Section 2. Repeal.** In order to place the Office of the Resident Executive for
5 Indigenous Affairs under the Office of the Governor, Executive Order 94-3, Part 2,
6 Section 204(a)(3) is repealed.

7 **Section 3. Amendment:** Historic Preservation Office.

8 (a) Title 1, Division 2, Part 1, Chapter 7, Article 3, Section 2381(a) is amended as
9 follows:

10 “(a) There is in the Office of the Governor, Office of the Resident Executive
11 for Indigenous Affairs, Department of Community and Cultural Affairs—a
12 Historic Preservation Office, to be headed by a Historic Preservation Officer.
13 The Historic Preservation Officer shall be within the civil service and shall be
14 qualified either by training, experience, or education to carry out the purposes
15 of this article.”

16 (b) Executive order 94-3, Part 3, Section 308(f) is amended as follows:

17 “ Historic Preservation Review Board. The Historic Preservation Review
18 Board is abolished and its functions transferred to the Historic Preservation
19 Office in the Office of the Governor, Office of the Resident Executive for
20 Indigenous Affairs, Department of Community and Cultural Affairs.

21 **Section 4. Amendment.** Chamorro-Carolinian Language Policy Commission.

22 Title 3, Division 1, Chapter 2, Section 1202 is amended as follows:

23 “There is in the Office of the Governor, Office of the Resident Executive
24 for Indigenous Affairs Commonwealth government—a Chamorro-Carolinian
25 Language Policy Commission composed of 12 members, six Chamorros and
26 six Carolinians, to be appointed by the Governor from nominations submitted
27 by the Director of the Chamorro Bilingual-Bicultural Program, the Director of
28 the Carolinian Bilingual-Bicultural Program, and the Executive Assistant for
29 Carolinian Affairs.”

30 **Section 5. Repeal.** Executive Order 94-3, Part 3, Section 308(c) and(d) is hereby
31 repealed.

1 **Section 6. Transition:** All records and property (including office equipment) of
2 the Historic Preservation Office and the Chamorro-Carolinian Language Policy
3 Commission used primarily in the administration of these agencies, all the personnel used
4 in the administration of these agencies (including employees whose chief duties related to
5 such administration) are hereby transferred to the Office of the Governor, Office of the
6 Resident Executive for Indigenous Affairs. All personnel transferred pursuant to this act
7 shall maintain their current positions and status in the classified civil service or in the
8 excepted service as the case may be. The Office of Personnel Management shall ensure
9 the orderly transfer of personnel.

10 **Section 7. Severability.** If any provision of this Act or the application of any
11 such provision to any person or circumstance should be held invalid by a court of
12 competent jurisdiction, the remainder of this Act or the application of its provisions to
13 persons or circumstances other than those to which it is held invalid shall not be affected
14 thereby.

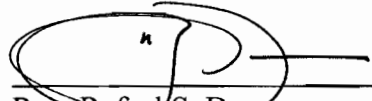
15 **Section 8. Savings Clause.** This Act and any repealer contained herein shall not
16 be construed as affecting any existing right acquired under contract or acquired under
17 statutes repealed or under any rule, regulation, or order adopted under the statutes.
18 Repealers contained in this Act shall not affect any proceeding instituted under or
19 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
20 or in any way modifying, any liability, civil or criminal, which shall already be in
21 existence on the date this Act becomes effective.

22 **Section 9. Effective Date.** This Act shall take effect upon its approval by the
23 Governor or becoming law without such approval.

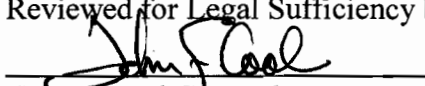
Prefiled: 11/28/11

Date: 11/28/11

Introduced By:


Rep. Rafael S. Demapan

Reviewed for Legal Sufficiency by:


House Legal Counsel