

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2081. Coastal Resources Management Office.

(a) There is in the office of the Governor a Coastal Resources Management Office, to be administered by the Coastal Resources Management Program Administrator, an appointee of the Governor.

(b) The Coastal Resources Management Office shall have the powers, functions and duties set forth in 2 CMC § 1512.

Source: PL 3-47, §§ 2, 4, modified.

Commission Comment: PL 3-47, the “Coastal Resources Management Act of 1983,” took effect February 11, 1983. See also 2 CMC § 1501 et seq.

PL 11-109 vacated all provisions and impact of Executive Order 94-3 relative to the Coastal Resources management program and reestablished the same existed, and under the provisions of law then in effect, immediately prior to the effective date of Executive Order 94-3. PL 11-109 took effect December 21, 1999. The pertinent provisions of PL 11-109 are as follows:

Section 1. Findings. The Legislature finds that the reorganization of the government pursuant to Executive Order 94-3 (“E.O. 94-3”) unnecessarily and arguably unconstitutionally reallocated functions and duties of previously autonomous or independent agencies of government into executive branch departments. One such autonomous agency is the Commonwealth Ports Authority (“CPA”) which was allocated for the purposes of administration and coordination to the Department of Public Works; another such independent agency is the Coastal Resources management Council and Coastal Resources Management Office (“CRM”) which was transferred to the Department of Lands and Natural Resources. The Legislature further finds that the reorganization of these entities pursuant to E.O. 94-3 is inconsistent with their respective mission and duties.

It is the purpose of this Act to return CPA, and CRM to the state in which they existed prior to August 23, 1994, the effective date of E.O. 94-3 and to reenact, to the extent necessary, all provisions of law concerning CPA and CRM, affected E.O. 94-3. Therefore, the Legislature intends that this Act vacate each every provision or application of E.O. 94-3 which affects in any manner whatsoever the functions, locations, and duties of CPA, and CRM.

Section 2. Repealer.

(a) Section 206 of Executive Order 94-3 is hereby vacated in its entirety.

(b) Section 304(a) of Executive Order 94-3 is hereby vacated in its entirety.

Section 3. Coastal Resources Management Program. All provisions of Public Law 3-47 and Public Law 7-3 in effect immediately prior to the effective date of Executive Order 94-3 are to the extent affected by said executive order hereby restored to effect as they existed immediately prior to the effective date of said executive order. Chapter 5 of Division 1 of Title 2 of the Commonwealth Code is hereby reenacted in its entirety to restore any and all provisions of said chapter affected by Executive Order 94-3. Any functions, records, funds, property or personnel

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transferred pursuant to Sections 503, 504, and/or 505 of Executive Order 94-3 are hereby transferred back and returned to the Coastal Resources Management Office and Coastal Resources Management Advisory Council, as appropriate.

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Section 5. Reactivation. Subject to other requirements or provisions of law, any agencies requiring reactivation as a result of this Act shall be reactivated in the manner described by the Governor in his approval letter for Public Law 11-47

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Executive Order 94-3, the "Second Reorganization Plan of 1994" (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, §§ 206 and 402:

Section 206. Coastal Resources Management. [This section 206 VACATED by PL 11-109, § 2(a)]

(a) The Coastal Resources Management Office is transferred to the Department of Lands and Natural Resources.

(b) The Coastal Advisory Council is abolished and its functions transferred to the Development Advisory Council established by Section 402 of this plan.

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Section 402. Development Advisory Council.

(a) There is hereby established a Development Advisory council consisting of nine members, including five from Saipan, two from Rota and two from Tinian, who shall be appointed by and serve at the pleasure of the Governor. The Council is allocated to the Department of Lands and Natural Resources for purposes of administration and coordination. The Council shall advise the governor, the head of any agency involved in the development process, the Development Appeals Board (including the Board of Zoning Appeals), the Zoning Board of Rota, the mayors, the Legislature, and the respective delegations regarding the effect of government policies and actions on private sector development in the Commonwealth. The Council may comment upon or intervene in any application for or hearing, appeal, or other proceeding concerning any permit or approval required for development.

(b) To the extent that the Zoning Advisory Council has not fully disbanded as required by 2 CMC § 7223(d), it is abolished and its records, property, facilities, equipment, and supplies transferred to the Development Advisory Council.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.