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§ 20141. Definitions.

For the purpose of this chapter, the terms:

(a) “All Hazard Incident or Event” means a hazard incident or event that needs an organized response by a public, private, and/or government entity to protect life, public health and safety, values to be protected, and to minimize any disruption of governmental, social, and economic services. The all hazard incident or event may be natural or man-made caused.

(b) “Governors Authorized Representative (GAR)” means an individual empowered by the Governor to:

(1) execute all necessary documents for disaster assistance on behalf of the State, including certification of applications for public assistance;

(2) represent the Governor of the impacted State in the Unified Coordination Group, when required;

(3) coordinate and supervise the State disaster assistance program to include serving as its grant administrator; and

(4) identify, in coordination with the State Coordinating Officer, the State’s critical information needs for incorporation into a list of Essential Elements

(c) “State Coordinating Officer” means the individual appointed by the Governor to coordinate State disaster assistance efforts with those of the Federal Government.

(d) “State” means to any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States. *See* Section 2 (14), Homeland Security Act of 2002, P.L. 107-296, 116 Stat. 2135 (2002).

(e) “Major Disaster” has the meaning given in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(f) “Major Disaster” shall also cover chemical, biological, radiological, or nuclear attacks or accidents, and significant computer attack or cyberterrorism.

(g) “Significant Emergency” shall cover an all hazard incident or event approach to active shooter incident, chemical, biological, radiological, or nuclear incident or a disruption of critical infrastructure or key resources, or a significant computer attack or cyberterrorism, or the general loss/threat of loss/damage of life/property.

(h) “Computer attack” means actions directed against computer systems to disrupt equipment operations, change processing control, or corrupt stored data.

(i) “Cyberterrorism” or Computer Network Attack (CNA) means to disrupt the integrity or authenticity of data, usually through malicious code that alters program logic that controls data, leading to errors in output.

(j) “Intentional Hazard” means a source of harm, duress, or difficulty created by a deliberate action or a planned course of action.

(k) “Network” means a group of components that share information or interact with each other in order to perform a function.

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(l) “Redundancy” means additional or alternative systems, sub-systems, assets, or processes that maintain a degree of overall functionality in case of loss or failure of another system, sub-system, asset, or process.

(m) “Resilience” means:

(1) an ability of systems, infrastructure, government, business, and citizenry to resist, absorb, recover from, or adapt to adverse occurrence that may cause harm, destruction, or loss of national significance.

(2) a capacity of an organization to recognize threats and hazards and make adjustments that will improve future protection efforts and risk reduction measures.

(n) “Subject Matter Experts” means an individual with in-depth knowledge in a specific area or field.

(o) “Threat” means a natural or man-made occurrence, individual, entity, or action that has or indicates the potential to harm life, information, operations, the environment and/or property.

(p) “Natural Hazard” means a source of harm or difficulty created by a meteorological, environmental, or geological phenomenon or combination of phenomena.

(q) “Terrorism” means any activity that:

(1) involves an act that:

(i) is dangerous to human life or potentially destructive of critical infrastructure or key resources; and

(ii) is a violation of the criminal laws of the United States or any State or other subdivision of the United States; and

(2) appears to be intended:

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion;

or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.

(r) “Federal On-Scene Coordinator” has the meaning given in section 5142 (d) of the CNMI Article 4 to 3 CMC, Division 5, Chapter 1.

(s) “State (CNMI) On-Scene Coordinator” has the meaning given in section 5142 (c) of the CNMI Article 4 to 3 CMC, Division 5, Chapter 1.

(t) “Hazardous Material” has the meaning given in section 5142 (e) of the CNMI Article 4 to 3 CMC, Division 5, Chapter 1.

Source: PL 14-63, § 3, modified; (c) amended by PL 17-1 § 3(A) (March 22, 2010); ; repealed and reenacted by PL 18-4 § 5 (§ 101) (March 15, 2013), modified.*

Commission Comment: The Commission corrected the spelling of “possess” by adding an “s” to “posses” in the original text of the above subsection (e) pursuant to the authority granted by 1 CMC § 3806(g). PL 14-42 was enact-

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ed on April 25, 2005, and contained a short title, findings and purpose, severability, and savings clause provisions. Pertinent sections of PL 14-42 stated:

Section 1. Short Title. This Act shall be known as and may be cited as the “Homeland Security Act of 2004”.

Section 2. Findings and Purpose. The Legislature finds that the Commonwealth of the Northern Mariana Islands is committed to protecting the lives and property of citizens and visitors to our islands; that the threat of terrorism committed by domestic and international individuals and groups affects the well-being of all our citizens and the United States Government has taken steps to organize federal agencies to plan, train and respond to terrorist threats and events. The Legislature further finds that the United State Congress has appropriated funding to allow state, regional and local agencies to prepare for and respond to such crisis and that there is a dire need for a centralized coordination and communication between response entities at the state, regional and local levels are paramount to ensuring the safety for our citizens. It is therefore the purpose of this act to establish an Office of Homeland Security in the Governor’s Office.

It is also the intent of this Act to provide for a mechanism in the Office of the Homeland Security in identifying, coordinating, and designating the applications of available federal grants.

The CNMI Attorney General issued an opinion regarding PL 14-63. The opinion was published in the Commonwealth Register at 27 Com. Reg. 25156 (Oct. 24, 2005).

*PL 17-1 (approved by the Governor on March 22, 2010) contains an effective date provision (§ 12) which provides that the law “shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.” For more information regarding PL 17-1, see comment to 3 CMC § 4511.

The Commission corrected minor typographical errors and renumbered subsections pursuant to 1 CMC § 3806(a) and (g). The Commission corrected the phrase “man-mage” in subsection (o) to “man-made” pursuant to 1 CMC § 3806(g). In addition to severability and savings clauses, PL 18-4 also contained the following:

Section 1. Short Title. This Act shall be known as and may be cited as the “Homeland Security and Emergency Management Act of 2013.”

Section 2. Findings. The Legislature finds that the Commonwealth of the Northern Mariana Islands (CNMI) is committed to protecting the lives, environment and property of citizens and visitors to our islands; that the threat from “All Hazards” from various incidents be it a Natural or Man-made disaster or incident that may affect the well-being of all our citizens and the United States Government has taken steps to organize federal agencies to, plan and respond to All Hazards Incident or All Threat including terrorist threats and events.

The Legislature further finds that the United States Congress has appropriated funding to allow regional, state and local agencies to plan,

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prepare, respond, recover and mitigate from such crisis, the protection of our Critical Infrastructures and Key Resources, and that there is a need for a centralized coordination and the purpose of this act to establish the CNMI Homeland Security and Emergency Management (HSEM) in the Office of the Governor. Communication between response entities at the federal, state and local levels are paramount to ensuring the safety for our citizens.

Section 3. Purpose. The purpose of this Act is:

(a) To authorize the CNMI Homeland Security and Emergency Management to manage, implement and be the principal authority under this Act.

(b) To authorize the CNMI Homeland Security and Emergency Management as the primary state agency responsible for response coordination of significant emergencies and major disasters within the CNMI.

(c) To develop a comprehensive CNMI All-Hazard Emergency Operations Plan (EOP) to provide for a state level coordination, and appropriate EOP to respond to events or incidents of state or national significance.

(d) To authorize the collection and reporting of data and records, the management of response assets, the protection of the community and critical infrastructures and key resources.

(e) To authorize in coordination with the Department of Public Safety the development, coordination and management of an All Hazard Response Program including the protocols, procedures, policies and certification in emergency vehicle operations course and to allow the use of emergency lights and siren for task force responders.

(f) To authorize the development, coordination and management of the State-Wide (CNMI) Interoperability Communications program.

(g) To facilitate the development, coordination and management of necessary response training and exercise to ensure that the appropriate agencies are afforded the necessary skills and knowledge to perform their duties.

(h) To facilitate the early warning system and to allow for immediate notification of emergency alerts or warning.

(i) To grant the CNMI Government and local officials the authority to use appropriate resources for the prevention and protection of the community

(j) To provide the CNMI Government and local officials with the ability to prevent, detect, deter, respond, manage, coordinate, recover and mitigate from an All Hazard Incident or All Threat.

Section 4. Repealer. The following are hereby repealed:

(a) 1 CMC Sections 2531, 2532 and 2533;

(b) 3 CMC Sections 5101 through 5134; and

(c) Executive order 94-3, Section 216.

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§ 20142. Organization.

There shall be in the Office of the Governor, an office the “CNMI Homeland Security and Emergency Management.”

(a) The CNMI Special Assistant Homeland Security and Emergency Management (HSEM) shall be the executive head of the CNMI Homeland Security and Emergency Management Agency. The Special Assistant, shall be appointed and serve at the pleasure of the Governor, shall be responsible for carrying out the programs for the homeland security and emergency preparedness for the CNMI. The Special Assistant shall coordinate the activities of all agencies and organizations for homeland security and emergency preparedness within the CNMI and shall maintain liaison with and cooperate with homeland security and emergency preparedness agencies and organizations of other state, territories and of the federal government. The Special Assistant shall also serve as the Homeland Security Advisor (HSA) and State Coordinating Officer (SCO). The appointee for the Special Assistant of Homeland Security and Emergency Management shall possess the following minimum qualifications shall also serve as the Homeland Security Advisor (HSA) and the State Coordinating Officer (SCO). The appointee for the Special Assistant for Homeland Security and Emergency Management shall possess the following qualifications:

(1) Bachelor’s Degree from regionally accredited university. Advanced degree in accounting, management, law, or business/public administration highly preferred with a five year homeland security or emergency management experiences; or

(2) Ten years of experience in management in law enforcement, fire service, or emergency management; and

(3) Meets the minimum requirements or credentials to pass a U.S. Department of Homeland Security “Secret” Clearance.

(4) Meets the minimum FEMA National Incident Management System (NIMS) Certification or the Incident Command System (ICS).

(b) The Deputy Special Assistant for Homeland Security and Emergency Management (HSEM) shall be the deputy executive head of the CNMI Homeland Security and Emergency Management Agency. The Deputy Special Assistant, shall be appointed and serve at the pleasure of the Governor, shall be responsible in assisting in carrying out the programs for the homeland security and emergency preparedness for the CNMI. The Deputy Special Assistant shall serve as the Deputy State Coordinating Officer (DSCO). The Deputy Special Assistant shall coordinate the activities of all agencies and organizations for homeland security and emergency preparedness within the CNMI and shall maintain liaison with and cooperate with homeland security and emergency preparedness agencies and organizations of other state, territories and of the federal government. The appointee for the Deputy Special Assistant for Homeland Security and Emergency Management shall possess the following qualifications:

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(1) Bachelor's Degree from regionally accredited university. Advanced degree in accounting, management, law, or business/public administration highly preferred with a one year homeland security or emergency management experiences; or

(2) Five years of experience in management in law enforcement, fire service, or emergency management; and

(3) Meets the minimum requirements or credentials to pass a U.S. Department of Homeland Security "Secret" Clearance.

(4) Meets the minimum FEMA National Incident Management System (NIMS).

(c) The CNMI Homeland Security and Emergency Management shall be staffed with sufficient operational and support staff to ensure an efficient and effective operation.

Source: PL 14-63, § 4; repealed and reenacted by PL 18-4 § 5 (§ 102) (March 15, 2013).

Commission Comment: Pursuant to 1 CMC § 3806(e) and (g), the Commission corrected manifest typographical errors and struck figures that were repetitions of written words. The Commission corrected the phrase "shall be shall be" in subsection (a) to "shall be" pursuant to 1 CMC § 3806(g).

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§ 20143. Duties and Responsibilities.

(a) The CNMI Homeland Security and Emergency Management shall seek appropriate input and coordination from federal agencies within the United States Department of Homeland Security; such as the Federal Emergency Management Agency, U.S. Coast Guard, U.S. Customs and Border Protection, U.S. Transportation Security Administration, U.S. Secret Service, Office of Infrastructure Protection, Cyber Security Program, Office of Domestic Preparedness and the Center for Disease Control and Prevention. CNMI Homeland Security and Emergency Management shall seek further input from agencies within the United States Department of Justice; such as the Office of the U.S. Attorney General, the Federal Bureau of Investigation, Office of Justice Program, and the Office of the U.S. Marshall; and shall seek additional counsel from local agencies.

(b) The CNMI Homeland Security and Emergency Management shall be responsible for, as the State Coordinating Official (SCO) in coordination with the Governor's Authorized Representative (GAR) upon consultation with the Governor during a major disaster to request for Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(c) The CNMI Homeland Security and Emergency Management shall be responsible for response coordination of significant emergencies and major disasters with public safety, first responders, non-governmental, volunteer organizations and/or private sectors.

(d) The CNMI Homeland Security and Emergency Management shall be responsible for developing and implementing appropriate training of regional, state and local responders who may be involved in responding to a terrorist incident that could include conventional, chemical, biological, and explosive or nuclear weapons.

(e) The CNMI Homeland Security and Emergency Management shall be responsible for establishing Specialized Task Forces to ensure that the CNMI has the capability to respond to All Hazard Incidents or Events including terrorism.

(f) The CNMI Homeland Security and Emergency Management shall be responsible in coordinating Specialized Task Forces to be deployed to all domestic terrorism threats or events, assist local responders and coordinate additional state resources that may be needed. The CNMI Homeland Security and Emergency Management shall coordinate appropriate protocol, staffing, training and equipment guidelines for such a team.

(g) The CNMI Homeland Security and Emergency Management shall be responsible to coordinate with the Department of Public Safety in the development, coordination and management of an All Hazard Response Program including the protocols, procedures, policies and certification in emergency vehicle operations course and to allow the use of blue and red emergency lights (combo lighting) for task force responders.

(h) The CNMI Homeland Security and Emergency Management shall be responsible for developing and establishing Memorandum of Understanding

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(MOU) or Memorandum of Agreement (MOA) as needed to accomplish their established objectives with various CNMI government agencies, non-governmental organizations or private sectors.

(i) The CNMI Homeland Security and Emergency Management shall be responsible for identifying any needed changes in CNMI State Laws or the CNMI All Hazard Emergency Operations Plan to accomplish their established objectives.

(j) The CNMI Homeland Security and Emergency Management shall serve as the clearing house to identify and designate all federal grants related and pertaining to Homeland Security and shall be responsible for assisting and coordinating in the application for relevant federal grants that has been identified by the CNMI Homeland Security and Emergency Management.

(k) The CNMI Homeland Security and Emergency Management shall be responsible for developing, coordinating and managing the State-Wide (CNMI) Interoperability Communications program.

(l) The Special Assistant of Homeland Security and Emergency Management shall present an annual report to the Governor and the Legislature on the status of the CNMI's Homeland Security and Emergency Management. Such report shall be presented no later than January 30th of each year.

Source: PL 14-63, § 5; repealed and reenacted by PL 18-4 § 5 (§ 103) (March 15, 2013).

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§ 20144. Declaring a State of Major Disaster or a State Significant Emergency.

The Governor upon the occurrence of a major disaster or a state significant emergency shall declare a state of major disaster or a state significant emergency. Prior to making this declaration, the Governor shall consult with the CNMI Homeland Security and Emergency Management authority and may consult with any additional homeland security or emergency management and other experts as needed. The Governor may act to declare a major disaster or a state significant emergency without this consultation if the circumstances require more expeditious action.

(a) *Content of Declaration.* A state of major disaster or a state significant emergency shall be declared by an executive order that specifies:

- (1) The nature of the emergency;
- (2) Any political subdivision(s) or geographic area(s) subject to the declaration;
- (3) The conditions that have brought about the emergency; and
- (4) The primary Homeland Security and Emergency Management authority responding to the emergency.

(b) *Effect of Declaration.* The declaration of the state of major disaster or a state significant emergency shall activate the disaster response and recovery aspects of the CNMI All Hazard Emergency Operations Plan. The declaration shall authorize the deployment and use of any forces to which the plans apply and the use or distribution of any supplies, equipment, materials, facilities and personnel to be made available pursuant to this Article.

(c) *Emergency Powers.* During a state of major disaster or a state significant emergency, the Governor may:

- (1) Suspend the provision of any administrative regulation prescribing procedures for conducting Commonwealth business or the other order, rules and administrative regulations of any other Commonwealth agency if strict compliance would prevent, hinder, or delay necessary actions, including the making of emergency purchases, by the CNMI Homeland Security and Emergency Management authority to respond to the major disaster or a state significant emergency, or if strict compliance would increase the threat to the community, environment, critical infrastructures and/ or key resources;
- (2) Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the major disaster or a state significant emergency;
- (3) Transfer the direction, personnel, or functions of departments and agencies to perform or facilitate response and recovery programs regarding the major disaster or a state significant emergency;
- (4) Mobilize all or any part of the organized militia into service. An executive order directing the organized militia to report for active duty shall state the purpose for which it is mobilized and the objective to be accomplished;

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(5) Provide aid to and seek aid from the federal government in accordance with any emergency compact made with the Commonwealth Government;

(6) Seek aid from the federal government in accordance with federal programs or requirements.

(d) *Coordination.* The Special Assistant for CNMI Homeland Security and Emergency Management shall coordinate all matters pertaining to the major disaster or a state significant emergency response of the CNMI. The Special Assistant for CNMI Homeland Security and Emergency Management shall have primary jurisdiction, responsibility, and authority for:

(1) Planning and executing major disaster or a state significant emergency assessments, mitigations, preparedness response, and recovery for the CNMI.

(2) Coordinating major disaster or a state significant emergency response between Federal and Local authorities;

(3) Collaborating with relevant federal government authorities, private or non-governmental organizations or companies;

(4) Coordinating recovery operations and mitigation initiatives subsequent to major disaster or a state significant emergency; and

(5) Organizing and coordinating public information activities regarding major disaster or a state significant emergency response operation.

(e) *Identification.* After the declaration of a state of major disaster or a state significant emergency, special identification for all CNMI Homeland Security and Emergency Management or its authorized personnel working during the emergency shall be issued as soon as possible. The identification shall indicate the authority of the bearer to exercise major disaster or a state significant emergency functions and emergency power during the state of major disaster or a state significant emergency. The CNMI Homeland Security and Emergency Management or its authorized personnel shall wear the identification in plain view.

(f) *Enforcement.* During a state of major disaster or a state significant emergency, the Special Assistant for Homeland Security and Emergency Management may request assistance in enforcing orders pursuant to this Article from the public safety authority. The DPS Commissioner may request assistance from the organized militia in enforcing the orders of the Special Assistant for Homeland Security and Emergency Management.

(g) *Termination of Declaration.*

(1) Executive Order. The Governor shall terminate the declaration of a state of major disaster or a state significant emergency by executive order upon finding that the occurrence of the disaster condition that caused the emergency no longer poses any threat to the community, environment, critical infrastructures and/or key resources.

(2) Automatic Termination. Notwithstanding any other provision this Article, the declaration of a major disaster or a state significant emergency shall be terminated automatically after thirty days unless renewed by the Governor

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under the same standards and procedures set forth in this Article. Any such renewal shall also be terminated automatically after thirty days unless renewed by the Governor under the same standards and procedures set forth in this Article.

(h) *Access to and control of facilities and property.* The Special Assistant for Homeland Security and Emergency Management in consultation with the Department of Public Safety, Department of Public Works, Department of Public Health and the Division of Environmental Quality, may exercise, for such period as the state of major disaster or a state significant emergency exists, the following powers concerning facilities, materials, roads, or public areas.

(1) Use of materials and facilities. To procure, by condemnation or otherwise, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to respond to the major disaster or a state significant emergency, with the right to take immediate possession thereof. Such materials and facilities including, but are not limited to, communications devices, carriers, real estate, fuels and food.

(2) Use of government facilities. To require government facility to provide services of the use of its facility if such services or use are reasonable and necessary to respond to the major disaster or a state significant emergency as a condition of licensure, authorization or the ability to continue its operation and support.

(3) Control of materials. To inspect, control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocations, or other means, the use, sale, dispensing, distribution, or transportation of food, fuel, and other commodities, as may be reasonable and necessary to respond to the major disaster or a state significant emergency.

(4) Control of roads and public areas.

(i) To prescribe routes, modes of transportation, and destinations in consultation with public safety authorities or the provision of emergency services.

(ii) To control or limit ingress and egress to and from any stricken or threatened public area, the movement of persons within the area, and the occupancy of premises therein, if such action is reasonable and necessary to respond to the major disaster or a state.

Source: PL 18-4 § 5 (§ 104) (March 15, 2013).

Commission Comment: Pursuant to 1 CMC § 3806(d), (e) and (g), the Commission changed substituted “Article” for “Act,” deleted repetitious numbers and fixed typographical errors.

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§ 20145. Advisory Commission and Task Force.

(a) In the CNMI Homeland Security and Emergency Management, there shall be a CNMI Homeland Security and Emergency Management Advisory Committee to be chaired by the Special Assistant for Homeland Security and Emergency Management and shall comprise of the Deputy Special Assistant of Homeland Security and Emergency Management, the Secretary of the Commonwealth Healthcare Corporations, the Secretary of the Department of Finance, the Attorney General, the Commissioner of the Department of Public Safety, the Executive Director of the Commonwealth Ports Authority, Executive Director of the Commonwealth Utilities Corporation, a representative of the Mayor of each senatorial district, and the Executive Director of the CNMI Chapter of the American Red Cross.

(b) In the CNMI Homeland Security and Emergency Management, there shall also be a CNMI Terrorism Task Force. The task force shall consist of two (consisting of a primary and alternate) representative (appointed by the head of the department/agency) from the CNMI Homeland Security and Emergency Management and shall serve as the Chairman, Department of Public Safety Police and as the Co-Chairman, Department of Public Safety Fire Division, Division of Environmental Quality, Commonwealth Ports Authority Police and Airport Rescue and Firefighter, Commonwealth Health Corporation-Public Health Emergency Preparedness Program and Hospital Emergency Preparedness Program, Department of Finance Division of Customs, Department of Labor and an Assistant Attorney General from the Attorney General's Office. Each representative must be US Citizens and undergo Department of Homeland Security "Secret" Clearance.

Source: PL 18-4 § 5 (§ 105) (March 15, 2013).

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§ 20146. Funding and Compensation.

(a) The compensation for the Special Assistant of Homeland Security and Emergency Management shall not exceed a base salary of \$60,000.00 per annum. The compensation for the Deputy Special Assistant of Homeland Security and Emergency Management shall not exceed a base salary of \$50,000.00 per annum.

(b) The CNMI Homeland Security and Emergency Management shall be funded from local appropriation and the indirect cost received by the Department of Finance for administering all federal grants designated by the CNMI Homeland Security and Emergency Management. All federal grants relating or pertaining to Department of Homeland Security (DHS), National Oceanic Atmospheric Administration (NOAA) Storm Ready and Tsunami Ready Program, and U.S. Geological Survey (USGS) Seismic Monitoring shall be assessed the authorized indirect cost charge to fund personnel and operational cost of the CNMI Homeland Security and Emergency Management. The Secretary of the Department of Finance shall establish an account for the CNMI Homeland Security and Emergency Management for this purpose.

Source: PL 18-4 § 5 (§ 106) (March 15, 2013).

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§ 20147. Rules and Regulations.

The Special Assistant of Homeland Security and Emergency Management and other affected agencies are authorized to promulgate and implement such rules and regulations as are reasonable and necessary to implement and effectuate the provisions of this Article. The Special Assistant of Homeland Security and Emergency Management and other affected agencies shall have the power to enforce the provisions of this Article through the imposition of fines and penalties, the issuance of orders and such other remedies as provided by law, but nothing in this Section shall be construed to limit specific enforcement power enumerated in this Article.

Source: PL 18-4 § 5 (§ 107) (March 15, 2013).

Commission Comment: Pursuant to 1 CMC § 3806(d), “article” was substituted for “act.”

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§ 20148. Commonwealth Emergency Management Assistance Compact Act of 2019.

The Legislature, hereby authorizes the Governor of the Commonwealth Northern Mariana Islands, to enter into a compact on behalf of the Commonwealth of the Northern Mariana Islands with any other state or territories legally joining therein, in the form substantially as follows:

Section 1. Congressional Consent

The Congress consents to the Emergency Management Assistance Compact entered into by Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia. The compact reads substantially as follows:

Emergency Management Assistance Compact.

Article I. Purpose and Authorities

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, the term 'states' is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency disaster that is duly declared by the Governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Article II. General Implementation

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further

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recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the Governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

Article III. Party State Responsibilities

(A) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack;

(2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

(4) Assist in warning communities adjacent to or crossing the state boundaries;

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material;

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(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

(B) The authorized representative of a party state may request assistance to another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed; and

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(C) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article IV. Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which

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they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

Article V. License and Permits

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the Governor of the requesting state may prescribe by executive order or otherwise.

Article VI. Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

Article VII. Supplementary Agreements

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility,

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reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

Article VIII. Compensation

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

Article IX. Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

Article X. Evacuation

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines, and medical care, and like items. Such

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expenditures shall be reimbursed as agreed by the party state from which the evacuees come.

After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

Article XI. Implementation

(A) This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.

(B) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days after the Governor of the withdrawing state has given notice in writing of such withdrawal to the Governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(C) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

Article XII. Validity

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected.

Article XIII. Additional Provisions

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Sec. 1385 of Title 18 of the United States Code.

Section 2. Right to Alter, Amend, or Repeal

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall—

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(1) not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the subject of the compact;

(2) not be construed as consent to the National Guard Mutual Assistance Compact;

(3) be construed as understanding that the first paragraph of Article II of the compact provides that emergencies will require procedures to provide immediate access to existing resources to make a prompt and effective response;

(4) not be construed as providing authority in Article III A.7. that does not otherwise exist for the suspension of statutes or ordinances;

(5) be construed as understanding that Article III C. does not impose any affirmative obligation to exchange information, plans, and resource records on the United States or any party which has not entered into the compact; and

(6) be construed as understanding that Article XIII does not affect the authority of the President over the National Guard provided by Article I of the Constitution and Title 10 of the United States Code.

Section 3. Construction and Severability

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

Source: PL 21-7, § 3 (Sept. 3, 2019).

Commission Comment: The Congressional consent in the text of this section refers to the United States Congress, which gave its consent to the Emergency Management Assistance Compact in U.S. Public Law No. 104-321, 110 Stat. 3877 (1996). In addition to severability and savings clause sections, PL 21-7 included the following Title and Findings and Purposes sections:

Section 1. Title. This Act shall be cited as the “Commonwealth Emergency Management Assistance Compact Act of 2019 (CNMI EMAC 2019).”

Section 2. Findings and Purposes. The Legislature finds that the Emergency Management Assistance Compact (EMAC) is a compact that is made and entered into by and between the participating member states and U.S. territories which enact this compact. EMAC is a compact that provides mutual assistance between the states and U.S. territories entering into this compact in managing any emergency disaster that is duly declared by the Governor of the affected state or U.S. territories,

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whether arising from natural disasters, technological hazards, man-made disasters, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack. Furthermore, EMAC also provides for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies.