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Commonwealth of the Northern Mariana Islands Emergency Management and Homeland Security Statutory Authorities Summaries

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Summary

Key emergency management and homeland security statutes include the Commonwealth Disaster Relief Act and the Commonwealth Disaster Price Freeze Act. Continuity of government operations provisions provide for filling vacancies in the positions of governor and lieutenant governor. A statute provides for studies to reduce the impact of future disasters.

This report is one of a series that profiles the emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and three territories (American Samoa, Guam, and the U.S. Virgin Islands). Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor may issue executive orders and regulations and amend or rescind them, and has charge of all forces and personnel during a “disaster emergency,” but can assign command authority. During an emergency the governor may suspend statutes, use all available resources, transfer department personnel and functions to assist with emergency services, use private property (with compensation), direct evacuation and provide routes, mode of transportation and destination, control ingress and egress, limit sale of alcohol, firearms, explosives, combustibles, and provide temporary housing. (N.M.I. Comm. Code tit. 3 §5121).

Adjutant General: The adjutant general serves as executive head of the militia, and may serve as the executive head of any agency or department that the governor deems appropriate, consistent with duties and responsibilities of adjutant general. The adjutant general supervises all forces making up the military component of the commonwealth and is responsible for training and recruiting and the distribution of troops and supplies. He is also authorized to confer powers of police officers (arrest powers) on national guard members serving as security guards and conducts and annual inventory of all military stores, property and funds (P.L. 13-32, 2002).

Disaster Control Office: This office, within the Department of Public Safety, is supervised by the disaster control officer who participates in the development and revision of local disaster plans. The head of the office seeks the advice of local government, business, industry, agriculture, volunteer organizations and community leaders in developing local disaster plans. He or she also is authorized to: determine the need for clothing, food and shelter; pre-position supplies; promulgate standards for local disaster plans; review plans; provide mobile support units; establish and operate training and public information programs; survey industries, resources, facilities to carry out plan; plan to use private facilities and services and provide payment for their use; establish registries of persons with training and skills and mobile and construction equipment and temporary housing; prepare orders for the governor; and, cooperate with the U.S. government (N.M.I. Comm. Code tit. 1 §§2521, 2524, 2525, 2527).

Disaster control officer: The disaster control officer coordinates activities with the director of public safety; prepares and maintains a disaster plan for the prevention and minimization of injury and damage to provide prompt response to disaster and emergency relief; identifies areas most vulnerable to disaster; provides recommendations for zoning, building codes, land use controls and safety measures to mitigate disasters; provides assistance to local officials to design local plans; erects temporary works; prepares and distributes catalogs of assistance programs; organizes manpower and the chain of command; coordinates with federal and local disaster activities, and coordinates the commonwealth plan with federal disaster plans (N.M.I. Comm. Code tit. 1 §§2522, 2523).

Office of Military Liaison and Veteran Affairs: The executive officer administers the office and has authority over all military and veterans’ affairs of the U.S. armed forces in matters not within the exclusive jurisdiction of the U.S. government. The duties of the office include encouraging the use of the commonwealth, especially the Northern Islands, as training grounds, and acting as liaison with U.S. armed forces on matters relating to the use of the commonwealth’s land, sea and airspace for military purposes (P.L. 13-34, 2002).

Office of Civil Defense: The Office is led by the civil defense coordinator who prepares civil defense and emergency plans; procures radiological equipment, materials and facilities for civil defense; delegates authority to mayors; provides means of communications; and, provides financial assistance and temporary relief of civilians injured by civil defense emergency. The coordinator submits an annual report to the governor, the president of the senate, and the speaker of the house of representatives (N.M.I. Comm. Code tit. 3 §5201, 5202, 5208).

Departments: Commonwealth departments must cooperate with the coordinator of civil defense (N.M.I. Comm. Code tit. 3 §5203).

Mayors: Local mayors must prepare and keep disaster emergency plans current and serve as principal local officials to coordinate activities with the disaster control office to mobilize resources and meet emergency conditions (N.M.I. Comm. Code tit. 3 §5122, 5123 (c)).

Preparedness

The Commonwealth disaster plan is incorporated into regulations. (N.M.I. Comm. Code tit. 1 §2526).

The governor determines which political subdivisions need disaster agencies of their own and requires establishment and maintenance in those jurisdictions. The governor's determination is based on localities' vulnerability to disasters and capability to respond. Mayors may establish joint agencies with contiguous political subdivisions, and must both notify disaster control office of how political subdivisions are providing disaster planning and emergency services, and identify agency heads (N.M.I. Comm. Code tit. 3 §5122).

The disaster control office is responsible for developing communications system for emergencies (N.M.I. Comm. Code tit. 3 §5133).

Declaration Procedures

The governor may declare a state of emergency in the case of invasion, civil disturbance, natural disaster, or other calamity as provided by law, and may mobilize available resources to respond to that emergency (N.M.I. Const. Art. III §10).

The governor is authorized to issue an executive order declaring that an emergency has occurred or that occurrence or the threat is imminent. A declaration remains in force for a maximum of 30 days unless renewed. The state of disaster emergency remains in effect until the threat has passed or the danger has been addressed. A state of emergency may be terminated by executive order, which must be filed with the commonwealth disaster control office and attorney general's office and disseminated to the general public (N.M.I. Comm. Code tit. 3 §5121 (c)).

A local disaster emergency may be declared by the governor or mayor for a maximum period of seven days. The order is given general publicity and filed with the disaster control office and the attorney general's office (N.M.I. Comm. Code tit. 3 §5123 (a)).

Types of Assistance

The governor's executive order activates disaster response and recovery aspects of commonwealth, local and inter-jurisdictional disaster emergency plans, the deployment and use of forces, and the distribution of supplies, equipment, materials and facilities (N.M.I. Comm. Code tit. 3 §5121 (d)).

A local disaster emergency declaration activates response and recovery aspects of local disaster emergency plans (N.M.I. Comm. Code tit. 3 §5123 (b)).

Mutual Aid

Mutual aid provisions related to emergency management or homeland security are not specified in the statutes.

Funding

Funding provisions related to emergency management or homeland security are not specified in the statutes.

Hazard Mitigation

The governor shall consider steps that could be taken to prevent or reduce the effects of disasters. Agencies responsible for floodplain management, stream encroachment, weather modification, fire prevention, air quality, public works, land use, and construction standards must make disaster prevention studies. The governor must make recommendations to the legislature, local governments, and public and private entities to prevent or reduce the impacts of disasters. The Mariana Public Land Corporation coordinates activities with the Disaster Control Office, keeps land use and structure construction under study, and identifies areas susceptible to land shifting, subsidence, or flood. If the Office believes an area is susceptible to disaster, changes are recommended to the governor. The governor may request administrative or legislative changes to reduce impact of disaster (N.M.I. Comm. Code tit. 3 §5131).

The Disaster Control Office monitors weather conditions and is authorized to direct the agency that issues weather modification permits to suspend issuance. No permits may be issued until the office determines the danger has passed (N.M.I. Comm. Code tit. 3 §5134).

Continuity of Government Operations

No continuity of government operations measures are specified, but the statute does provide for a line of succession for the office of governor (N.M.I. Const. Art. III § 7).

Other

Compensation is provided for property taken during emergency pursuant to compensation statutes. Applicants must file claims with the attorney general within one year of the event unless negotiated previously. Losses are calculated at fair market value

by three adjusters. (N.M.I. Comm. Code tit. 3 §5132) Compensation is provided for property used by the Office of Civil Defense (N.M.I. Comm. Code tit. 3 §5207).

The statute provides an exemption from civil service for positions related to relief, repair or rehabilitation resulting from disaster (N.M.I. Comm. Code tit. 1 §8131 (a) (3)).

The Commonwealth Disaster Price Freeze Act of 1996 provides that if the governor declares a typhoon, tropical storm or state of emergency, the governor also may declare a price freeze for a maximum period of five days, with one renewal authorized per disaster. The price freeze applies to fuel, food, clothing, lighting, electrical equipment, food-related appliances, home repair and construction tools, and bedding (N.M.I. tit. 4 §5141 *et seq.*).

The statute provides immunity from liability for civil defense workers (N.M.I. Comm. Code tit. 3 §5206).

The Administrative Leave for Disaster Service Volunteers Act provides agency employees who are Red Cross volunteers with administrative leave, up to a 15 day maximum in a 12 month period, without loss of pay or seniority. Compensation is paid at the regular rate of pay. Leave must be taken for a disaster within the Commonwealth. Volunteers are not considered employees for the purposes of the Commonwealth Tort Claims Act while on leave (N.M.I. Comm. Code tit. 1 §8261 *et seq.*).

The disaster office cannot interfere with the dissemination of news, the activities of firefighters or the armed forces, or with a labor dispute (N.M.I. Comm. Code tit. 3 §5113).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in CNMI Statutes, with Citations

Terms	Citations
Disaster	N.M.I. Comm. Code tit. 3, §5114 (a)
Emergency	N.M.I. Comm. Code tit. 3 §5114 (b)
Local disaster emergency	N.M.I. Comm. Code tit. 3 §5114 (d)
Major disaster	N.M.I. Comm. Code tit. 3 §5114 (c)

For Further Research

The citations to public laws noted above for the Commonwealth of the Northern Mariana Islands may be searched at: [<http://cnmilaw.org/>]. The Commonwealth code is available in CD format from the Law Review Commission for CNMI.