

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 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.

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

(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-

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

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,

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

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.