



Commonwealth of the Northern Mariana Islands

Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan

FEB. 04 1980

The Honorable Pedro P. Tenorio
President, The Senate

and

The Honorable Joaquin I. Pangelinan
Speaker
House of Representatives
Second Northern Marianas
Commonwealth Legislature
Saipan, CM 96950

Dear President Tenorio and Speaker Pangelinan:

I am pleased to inform you that I have approved this date the following Act passed by the First Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1979 as follow:

Senate Bill No. 1-87, S.D.2, entitled:
"An Act establishing the Office of Civil Defense Coordinator of the Commonwealth of the Northern Mariana Islands and to authorize the Civil Defense Coordinator to prepare, adopt, execute and enforce plans and procedures providing for a system of civil defense to protect life and property; and for other purposes", as Public Law No. 1-44.

Please note the following comments for your consideration.

Section 5 - Functions and Duties
appropriately tracks the requirements of the Federal Acts; however (f) should be amended to report directly to the Governor, especially during the time of emergency authority.

Section 8 is reasonable except (e) should delete "with the concurrence of the Director of Public Safety" since the delegation of authority from the Secretary of Defense is through the Director of Defense Civil Preparedness Agency (DCPA) and requires no concurrence of a non-related department head. The CDC during emergencies should report directly to the Governor during times of emergency authority.

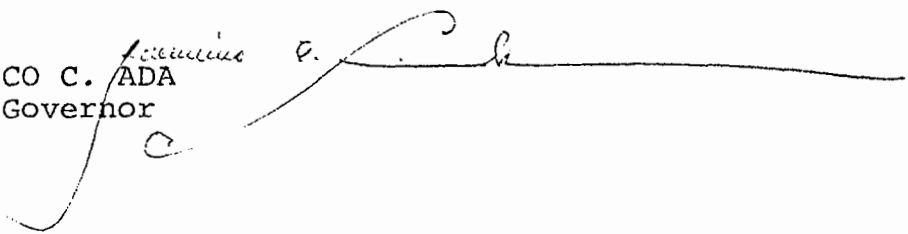
President Tenorio & Speaker Pangelinan
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Certified copy of the said Act bearing my signature
is forwarded herewith for your file.

Hafa Adai,

FRANCISCO C. ADA
Acting Governor

A handwritten signature in dark ink, appearing to read 'Francisco C. Ada', is written over a horizontal line. The signature is stylized with a large initial 'F' and a long, sweeping tail that extends to the right. Below the signature, there is a small, handwritten letter 'C'.

FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Fourth Regular Session, 1979

AN ACT

Establishing the Office of Civil Defense Coordinator of the Commonwealth of the Northern Mariana Islands and to authorize the Civil Defense Coordinator to prepare, adopt, execute and enforce plans and procedures providing for a system of civil defense to protect life and property; and for other purposes.

Offered by Senators Joseph S. Inos, Hilario F. Diaz,

Julian S. Calvo, Benjamin T. Manglona, Serafin M. Dela Cruz

and Pedro P. Tenorio

Date: January 25, 1979

Senate Action

Referred to : Committee on Judiciary, Government & Law

Standing Committee Report No. 1-233

First Reading : July 9, 1979

Second Reading : July 17, 1979

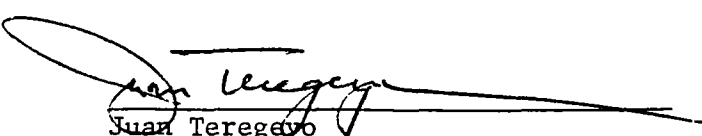
House Action

Referred to : Committee on Judiciary & Governmental Operations

Standing Committee Report No. - 1-231

First Reading : November 28, 1979

Second Reading : November 29, 1979


Juan Teregayo
Senate Clerk

AN ACT

Establishing the Office of Civil Defense Coordinator of the Commonwealth of the Northern Mariana Islands and to authorize the Civil Defense Coordinator to prepare, adopt, execute, and enforce plans and procedures providing for a system of civil defense to protect life and property; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Office of Civil Defense Coordinator. There is
2 established within the Department of Public Safety an Office of Civil
3 Defense to be headed by a Civil Defense Coordinator.

4 Section 2. Civil Defense Coordinator; Appointment. The Civil
5 Defense Coordinator shall be in the Civil Service System.

6 Section 3. Staff. The Coordinator may employ such staff as is
7 required to assist him in his duties, pursuant to budgetary
8 appropriations; such staff shall be within the Civil Service.

9 Section 4. Purpose. It is hereby declared to be the purpose and
10 intent of this Act that it is in the best interest of the people of the
11 Commonwealth, in this thermonuclear age, to provide a system of civil
12 defense for the protection of life and property from attack, invasion,
13 civil disturbance, natural disaster or other emergency and to establish
14 procedures and plans to mobilize and utilize all available resources to
15 respond to that emergency.

16 Section 5. Functions and Duties. In order to carry out the
17 above-mentioned purpose, the Civil Defense Coordinator is authorized to:

18 a. Prepare and adopt an administrative plan for the civil
19 defense and emergency needs of the Commonwealth of the Northern Mariana
20 Islands which will comply with the Federal Civil Defense Act of 1950, as
21 amended, U.S. Public Law 920-81st U.S. Congress, 50 U.S.C.A., Sections

1 2251-2297, Code of Federal Regulations (35CFR, Chapter XVIII), and
2 all applicable Federal laws, and shall include but not be limited to
3 the following:

4 (1) That it will be in effect throughout the insular
5 areas of the Commonwealth of the Northern Mariana Islands and
6 administered and supervised by the single Office of Civil Defense
7 Coordinator.

8 (2) Provides for the development of Civil Defense
9 operational plans pursuant to standards approved by the Coordinator.

10 (3) The Coordinator shall be a full-time classified
11 employee of the Commonwealth of the Northern Mariana Islands.

12 (4) The establishment and maintenance of personnel
13 standards in accordance with the federally prescribed standards.

14 (5) Submission of an annual program paper and such
15 other reports that may be required by the U.S. Civil Defense
16 Preparedness Agency (U.S.C.D.P.A.) Regional Director.

17 (6) Retain and make available to the U.S.C.D.P.A.
18 Director, the U.S. comptroller General and the Commonwealth Public
19 Auditor all books, records and papers pertinent to the program for
20 audit purposes.

21 (7) Establish and maintain a financial management,
22 monitoring and performance reporting system for federal grant
23 supported activities.

24 (8) Establish and maintain property management
25 systems and systems for the procurement of supplies, equipment,

1 construction and other services in accordance with federally
2 prescribed standards.

3 (9) Provide for the disbursement of federal funds of
4 an appropriate share to subgrantees.

5 (10) Provide for the Commonwealth Government's
6 supervision and review.

7 (b) The Coordinator shall adopt methods of administration
8 which shall be followed in order to conduct the Civil Defense Program
9 in accordance with Title VI of the Civil Rights Act of 1964,
10 U.S.C.D.P.A. regulations and U.S. Department of Defense regulations
11 concerning equal employment.

12 (c) The Coordinator shall delegate to the mayors and various
13 departments and agencies of the Commonwealth Government appropriate
14 civil defense responsibilities, and review and coordinate their
15 activities with each other and with the territories, states and the
16 Federal Government. In the event the Governor declares a state of
17 emergency pursuant to Article III, Section 10, of the Constitution
18 of the Commonwealth of the Northern Mariana Islands, the several
19 mayors shall act as the principal local officials responsible for
20 the mobilization of resources, and meeting emergency conditions in
21 their respective constituencies.

22 (d) The Coordinator shall make appropriate provision for
23 necessary civil defense communications and for the dissemination of
24 information, warnings of enemy attacks or emergencies to the people
25 of the Commonwealth of the Northern Mariana Islands.

1 (e) The Coordinator shall study and develop civil defense
2 measures and conduct, arrange or contract for training programs for
3 the instructions of civil defense officials and other persons in the
4 organization, operation and techniques of civil defense. If any
5 consultants or consulting firms are required to be employed, preference
6 shall be given to those registered or doing business in the Commonwealth
7 of the Northern Mariana Islands.

8 (f) The Civil Defense Coordinator shall directly report to
9 the Director of Public Safety.

10 Section 6. All departments and agencies of the Commonwealth of
11 the Northern Mariana Islands are required and directed to cooperate
12 with the Coordinator, and to the extent permitted by law, shall
13 furnish the Coordinator such information and assistance as he may
14 require in the performance of his functions and duties under this Act.
15 The Coordinator shall, to the extent practicable, utilize existing
16 facilities and services of the departments and agencies of the
17 Commonwealth of the Northern Mariana Islands. The Coordinator shall
18 review the Commonwealth's departments' activities and promote the
19 coordinator of these activities with one another and with the
20 comprehensive Federal plans and programs.

21 Section 7. Insignia and Penalty. The Coordinator may prescribe
22 insignia, armbands, and other distinctive articles which may be obtained
23 by, manufactured for, possessed or worn by persons engaged in civil
24 defense activities pursuant to rules and regulations established by the
25 Coordinator. No person shall manufacture, possess or wear any such

1 insignia, armband or other distinctive article without the authorization
2 of the Coordinator and in accordance with such rules and regulations.
3 Any violation of this Section shall be punished by a fine of not more
4 than One Thousand Dollars (\$1,000.00) or imprisonment of not more than
5 six (6) months or both.

6 Section 8. Emergency Authority. The provisions of this Section
7 shall be operative only during the existence of a state of emergency
8 proclaimed by the President of the United States of America or the
9 Governor of the Commonwealth of the Northern Mariana Islands. The Civil
10 Defense Coordinator shall have the same authority and ability to utilize
11 federal and Commonwealth property, departments, facilities, agencies,
12 personnel, immunity from suit and waiver of federal and Commonwealth
13 Administrative Procedure Acts as may be so provided or delegated by the
14 Administrator of the Federal Civil Defense Administration by Title III,
15 Sections 301-306, of the Federal Civil Defense Act of 1950, as amended,
16 including but not limited to: preservation of life and property, for
17 clearing debris and wreckage, and for making emergency repairs to
18 and temporary replacement of, communication, hospitals, utilities,
19 transportation facilities or public facilities damaged or destroyed.

20 a. Procure and maintain radiological instruments and
21 detection devices, protective masks and gas detection kits, and
22 distribute the same under such terms and conditions as the Civil
23 Defense Coordinator shall prescribe.

24 b. Procure by condemnation or otherwise construct, lease,
25 transport, store, maintain, renovate or distribute materials and

1 facilities for civil defense, with the right to take immediate
2 possession thereof without regard to the limitation of any existing
3 law including the provisions of Title 10, Trust Territory Code,
4 Sections 1 to 59 inclusive and Title 17, Trust Territory Code,
5 Sections 1 to 15 inclusive.

6 c. Sell, lease, lend, transfer, or deliver materials
7 or perform services for civil defense purposes on such terms and
8 conditions as the Civil Defense Coordinator shall prescribe and
9 without regard to the limitations of existing law. Any funds received
10 from the sale or other disposition of materials or for services shall
11 be deposited to the credit of appropriations currently available and
12 made pursuant to this Act and shall be available for expenditure for
13 the purposes of such appropriations.

14 d. Provide financial assistance for the temporary relief or
15 aid of any civilian injured or in want as the result of any civil
16 defense emergency.

17 e. To extent necessary to carry out the provisions of this
18 Act, with the concurrence of the Director of Public Safety, the
19 Coordinator is authorized to employ civilian personnel for duty in the
20 Commonwealth of the Northern Mariana Islands; to fix the compensation
21 of such personnel in accordance with the Civil Service Act; and to make
22 provisions for supplies, facilities and services.

23 f. The provisions of this Section shall terminate immediately
24 upon the termination of the state of emergency.

25

1 Section 9. Immunity From Suit. The Commonwealth Government shall
2 not be liable for any damage to property or for any death or personal
3 injury occurring directly or indirectly as a result of the exercise or
4 performance of, or failure to exercise or perform, any function or duty,
5 by any Commonwealth agency or employee, in carrying out the provisions
6 of this Act during the period of any civil defense emergency. Nothing
7 in this Section shall affect the right of any person to receive any
8 benefit or compensation to which he might otherwise be entitled under
9 any contract of employment, workmen's compensation law or any other law
10 providing for any pension, retirement, accident or health insurance.

11 Section 10. Compensation for Non-Governmental Property Acquired.
12 In the event that any property is used or acquired, pursuant to this
13 Act, during a civil defense emergency, the Civil Defense Coordinator
14 shall determine the amount of the compensation to be paid within a
15 reasonable time. Each such determination shall be made as of the time
16 it is acquired in accordance with the provisions for just compensation
17 in the fifth amendment to the Constitution of the United States of
18 America and Section 5 of Article I of the Constitution of the
19 Commonwealth of the Northern Mariana Islands. If the person entitled to
20 receive the amount so determined by the Coordinator as just compensation
21 is unwilling to accept the same as full and complete compensation for
22 such property or the use thereof, that person shall be paid seventy-five
23 percent (75%) of such amount and shall be entitled to recover from the
24 Commonwealth of the Northern Mariana Islands in a civil action brought
25 within two years after the date of the Coordinator's award in the

1 Commonwealth Trial Court or the United States District Court for the
2 Northern Mariana Islands depending on the amount claimed, such
3 additional amount, if any, which when added to the amount so paid by
4 the Coordinator, shall be just compensation. Whenever the Coordinator
5 determines that such property is no longer needed for the purposes of
6 this Act, the original owner shall have the right of first refusal to
7 match any offer to purchase or public sale bid.

8 Section 11. Reports. The Civil Defense Coordinator shall
9 annually submit a written report to the Governor, President of the
10 Senate and Speaker of the House of Representatives of the Commonwealth
11 of the Northern Mariana Islands detailing expenditures, contributions,
12 assets, work and accomplishments of the Office of Civil Defense
13 Coordinator pursuant to this Act, accompanied by such recommendations
14 as the Coordinator shall deem appropriate.

15 Section 12. Loyalty Oath. In accordance with Section 403 of
16 the Federal Civil Defense Act of 1950, as amended, the Civil Defense
17 Coordinator and any employee serving in this Civil Defense Program
18 shall take a written oath of loyalty to the Commonwealth of the
19 Northern Mariana Islands and the United States of America in a form
20 prescribed by the Civil Defense Coordinator similar to that provided
21 by said Section 403, prior to entering upon any civil defense duties.

22 Section 13. Rules and Regulations. The Civil Defense Coordinator
23 shall prescribe such rules and regulations as may be necessary and
24 proper to carry out the provisions of this Act.

25

Section 14. Severability. If any provision of this Act or the application of such provision to any persons or circumstances shall be held invalid, the remainder of this Act, and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 15. Effective Date. This Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval.

February 4, 1980

Francisco C. ADA
FRANCISCO C. ADA
Acting Governor
Commonwealth of the Northern Marianas