



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANA COMMONWEALTH LEGISLATURE
SECOND SPECIAL SESSION, 2004

PUBLIC LAW NO. 14-63
H. B. No. 14-15, HS1, HD2, SD1

AN ACT

To create and establish the Office of Homeland Security in the Governor's Office; and for other purposes.

**BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANA COMMONWEALTH
LEGISLATURE:**

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.

Section 3. Organization. There shall be in the Office of the Governor, an Office of Homeland Security.

(a) The Office of Homeland Security shall be administered by a Special Assistant for Homeland Security who will be appointed by the Governor and shall serve at the pleasure of the Governor. The appointee for Special Assistant for Homeland Security shall possess the following qualifications:

- (1) Bachelor's Degree in Criminal Justice; or
- (2) Ten years experience in management in law enforcement, fire service, or emergency management; and
- (3) Completed training in Incident Command System (ICS) or Responding to Domestic Terrorism.

(b) In the Office of Homeland Security, there will be a CNMI Terrorism Advisory Board to be chaired by the Special Assistant for Homeland Security and shall comprise of the Director of the CNMI Emergency Management Office, the Secretary of Public Health, the Secretary of Finance, the Attorney General, Commissioner of Public Safety, CPA Executive Director, CUC Director, a representative of the Mayor of each senatorial district, and the Executive Director of the CNMI Chapter of the American Red Cross.

(c) In the Office of Homeland Security, there will also be a Terrorism Task Force. The task force shall consist of one representative from the CNMI EMO, DPS Police Division, DPS Fire Division, Division of Environmental Quality, Commonwealth Ports Authority Police and Airport Fire Rescue, Department of Public Health, Division of Customs, CNMI Immigration, CNMI Labor and an Assistant Attorney General from the Attorney General's Office. Each representative shall be assigned to the Office Homeland Security by their respective Department and shall be under the direct supervision of the Special Assistant for Homeland Security or designee.

(d) The Special Assistant for Homeland Security shall have a Deputy Special Assistant for Homeland Security and shall be appointed by the Governor and

shall serve at the pleasure of the Governor. The appointee for Deputy Special Assistant for Homeland Security shall possess the following qualifications:

- (1) Bachelor's Degree in Criminal Justice; or
- (2) Five years experience in management in law enforcement, fire service, or emergency management; and
- (3) Completed training in Incident Command System (ICS) or Responding to Domestic Terrorism.

(e) The Governor shall appoint one Office of Homeland Security Representative for the First Senatorial District and one Representative for the Second Senatorial District. The representatives shall possess the same qualifications as the Deputy Special Assistant for Homeland Security. Both representatives shall report directly to the Special Assistant of the Office of Homeland Security.

(f) The Office of Homeland Security shall be staffed with sufficient operational and support staff to ensure of its smooth operation.

Section 4. Duties and Responsibilities.

(a) The CNMI Office of Homeland Security shall seek appropriate input from federal 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 Domestic Preparedness, and the Office of the U.S. Marshall. The CNMI Office of Homeland Security shall seek further input from agencies within U.S. Department of Homeland Security; such as the U.S. Coast Guard, the Federal Emergency Management Agency, the U.S. Secret Service, the Transportation Security Administration, and the Centers for Disease Control; and shall seek additional counsel from local agencies.

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

(c) The CNMI Office of Homeland Security shall be responsible in coordinating the rapid response force to be deployed to all domestic-terrorism threats

or events, assist local responders and coordinate additional state resources that may be needed. The CNMI Office of Homeland Security shall coordinate appropriate protocol, staffing, training and equipment guidelines for such a team.

(d) The CNMI Office of Homeland Security shall be responsible for identifying any needed changes in CNMI State Laws or the CNMI Emergency Operations Plan to accomplish their established objectives.

(e) The CNMI Office of Homeland Security 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 Office of Homeland Security.

(f) The CNMI Office of Homeland Security shall develop further recommendations to combat terrorism in the CNMI.

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

Section 5. Funding and Compensation.

(a) The compensation for the Special Assistant for Homeland Security shall not exceed a base salary of \$60,000 per annum. The compensation for the Deputy Special Assistant for Homeland Security shall not exceed a base salary of \$50,000 per annum. The compensation for the First and Second Senatorial Districts representatives shall not exceed a base salary of \$45,000.00. The Special Assistant, Deputy Special Assistant, and the representatives shall be authorized 20% Stand-by differential in addition to their annual base compensation.

(b) All personnel within or assigned to the Office of Homeland Security shall be compensated 20% stand-by differential. The stand-by differential shall be paid out of the Office of Homeland Security's annual budget.

(c) The Office of Homeland Security shall be funded from the indirect cost received by the Department of Finance for administering all federal grants designated by the Office of Homeland Security. All federal grants relating or pertaining to Homeland Security received by the government agencies, including

autonomous agencies, shall be assessed the authorized indirect cost charge to fund personnel and operational cost of the Office of the Homeland Security. The Director of Finance shall establish an account for the Office of Homeland Security for this purpose.

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.

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor, or becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/

EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 25th day of APRIL, 2005

/s/

JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS