

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 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.