

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 5: PUBLIC SAFETY**

**§ 5205. Civil Defense: Emergency Authority of Civil Defense Coordinator.**

The provisions of this section shall be operative only during the existence of a state of emergency proclaimed by the President of the United States of America or the Governor. The Civil Defense Coordinator shall have the same authority and ability to utilize federal and Commonwealth property, departments, facilities, agencies, personnel, immunity from suit and waiver of federal and Commonwealth Administrative Procedure [1 CMC § 9101 et seq.] acts as may be so provided or delegated by the Administrator of the Federal Civil Defense Administration by Title III, Sections 301-306 [50 U.S.C. Appx. § 2291 et seq.] of the Federal Civil Defense Act of 1950, as amended, including but not limited to: preservation of life and property, for clearing debris and wreckage, and for making emergency repairs to and temporary replacement of, communication, hospitals, utilities, transportation facilities or public facilities damaged or destroyed.

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

(b) Procure by condemnation or otherwise construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense, with the right to take immediate possession of them without regard to the limitation of any existing law including the provisions of the Administrative Procedure Act (1 CMC § 9101 et seq.) or the eminent domain law (1 CMC § 9211 et seq.).

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

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

(e) To extent necessary to carry out the provisions of this chapter, with the concurrence of the Director of Public Safety, the coordinator is authorized to employ civilian personnel for duty in the Commonwealth; to fix the compensation of such personnel in accordance with the Civil Service Act (1 CMC § 8101 et seq.); and to make provisions for supplies, facilities and services.

(f) The provisions of this section shall terminate immediately upon the termination of the state of emergency.

**Source:** PL 1-44, § 8.

**Commission Comment:** With respect to the reference to “Director of Public Safety,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.