

TITLE 3: HUMAN RESOURCES
DIVISION 5: PUBLIC SAFETY

§ 5207. Civil Defense: Compensation for Nongovernmental Property Acquired.

In the event that any property is used or acquired, pursuant to this chapter, during a civil defense emergency, the Civil Defense Coordinator shall determine the amount of the compensation to be paid within a reasonable time. Each such determination shall be made as of the time it is acquired in accordance with the provisions for just compensation in U.S. Const. amend. 5 and N.M.I. Const. art. I, § 5. If the person entitled to receive the amount so determined by the coordinator as just compensation is unwilling to accept the same as full and complete compensation for the property or its use, that person shall be paid 75 percent of such amount and shall be entitled to recover from the Commonwealth in a civil action brought within two years after the date of the coordinator's award in the Commonwealth Trial Court or the United States District Court for the Northern Mariana Islands depending on the amount claimed, such additional amount, if any, which when added to the amount so paid by the coordinator, shall be just compensation. Whenever the coordinator determines that the property is no longer needed for the purposes of this chapter, the original owner shall have the right of first refusal to match any offer to purchase or public sale bid.

Source: PL 1-44, § 10.

Commission Comment: With respect to the references to the "Civil Defense Coordinator," 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; see also 1 CMC § 2531 et seq.

Section 4 of PL 6-25, the "Commonwealth Judicial Reorganization Act of 1989," provides that "[w]herever the term 'Commonwealth Trial Court' appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court."