

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

**PUBLIC LAW NO. 10-17
H. B. NO. 10-249**

THIRD SPECIAL SESSION, 1996

AN ACT

To more clearly and firmly prohibit the raising of retail prices during a typhoon or similar natural disaster; to provide for penalties for doing so; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings. The Legislature finds that there is a serious and continuing problem with retail stores raising the prices of certain vital items during and immediately after typhoons and other similar natural disasters. The Legislature further finds that the only law concerning such actions at the present time is 4 CMC 5105(w), which is vaguely worded and is not strongly enforced. The Legislature finds that it is necessary to introduce stronger legislation to deal with this problem.

Because price freezes can have serious long-term economic effects, it is desirable that the price freezes should be kept to a carefully limited period of time, and should be restricted only to certain types of goods.

This Act is intended to be separate from the Consumer Protection Act (4 CMC Division 5, Chapter 1, Section 5101-5123), and bringing an action under this Act shall not exclude the possibility of bringing another action under Consumer Protection.

Section 2. Title. This bill shall be known as the Commonwealth Disaster Price Freeze Act of 1996.

Section 3. Price Freeze.

(a) Declaration. Upon the Governor's declaring that the Commonwealth is in Typhoon Condition Two, or Tropical Storm Condition One, or in case of the Governor's declaration of a state of emergency pursuant to his Constitutional power to do so, the Governor may declare a price freeze, which shall last for five (5) days or until the Governor declares that the disaster has passed, whichever comes first.

(b) Renewal. The Governor may, at his discretion, renew the price freeze once, for up to an additional five days, by a second declaration. The Governor may not renew the price freeze more than once for the same disaster.

(c) Effects. Upon the declaration of a price freeze, the price of the following items shall be frozen:

- 1) Gasoline, kerosene, diesel fuel, natural gas, and all other chemical fuels, whether in gaseous, liquid, or solid form;
- 2) All foods and foodstuffs, including water, bottled water, beverages, and ice;
- 3) All clothing;
- 4) Flashlights, lamps, lanterns, candles, light bulbs, and other means of illumination;
- 5) Generators, cables, wires, electrical batteries of every sort, and similar equipment for the generation and/or transmission of electrical power;
- 6) All appliances used in the storage and/or preparation of food, including, but not limited to, stoves, barbecue grilles, ovens, refrigerators, and coolers;
- 7) Tools typically used for construction, ground clearing, or home repairs, whether electrically powered, chemically powered, or manual, including, but not limited to, saws, machetes, hammers, drills, shovels, rakes, and brooms.
- 8) All bedding items, including pillows, futons and blankets.

d) Price increases illegal during duration of the freeze. While a price freeze is in effect, it shall be illegal to raise the price of any of the above listed items.

Section 4. Penalties. Any person who sells, or presents for sale, an item whose price has been raised while a price freeze was in effect, shall be guilty of a felony, and shall be subject to a penalty of not more than \$10,000 or one month of imprisonment.

Section 5. Not an Exclusive Remedy. Nothing in this law shall prevent the bringing of any action pursuant to the Commonwealth Consumer Protection Act (4 CMC Division 5, Chapter 1).

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 at the date this Act becomes effective.

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

CERTIFIED BY:

ATTESTED BY:

/s/ David M. Apatang
DAVID M. APATANG
Acting Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 21st day of June, 1996

/s/ Paul A. Manglona
~~FROILAN C. TENORIO~~ PAUL A. MANGLONA
Acting Governor
Commonwealth of the Northern Mariana Islands