



RALPH DLG. TORRES
Governor

ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

03 SEP 2019

The Honorable Blas Jonathan "BJ" T. Attao
Speaker, House of Representatives
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Victor B. Hocog
Senate President, The Senate
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 21-23, HD1** entitled, "To amend Title 1, Division 2, Part 1, Chapter 1, Article 8 of the Commonwealth Code by adding a new subsection to §20148 to implement the Emergency Management Assistance Compact; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-7**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Press Secretary; Attorney General's Office; Homeland Security and Emergency Management; Commonwealth Bureau of Military Affairs; Office of Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500586
SAIPAN, MP 96950

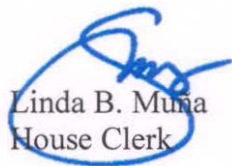
August 20, 2019

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 21-23, HD1**, entitled: "To amend Title 1, Division 2, Part 1, Chapter 1, Article 8 of the Commonwealth Code by adding a new subsection to §20148 to implement the Emergency Management Assistance Compact; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muna
House Clerk

Attachment



*Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

FEBRUARY 20, 2019

REPRESENTATIVE LUIS JOHN DLG. CASTRO of Saipan, Precinct 1 (*for himself*, Representatives Roman C. Benavente, Ivan A. Blanco, Lorenzo I. Deleon Guerrero, Joseph Leepan T. Guerrero, Edwin K. Propst, John Paul P. Sablan, and Ralph N. Yumul,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 21-23, HD1

AN ACT

TO AMEND TITLE 1, DIVISION 2, PART 1, CHAPTER 1, ARTICLE 8 OF THE COMMONWEALTH CODE BY ADDING A NEW SUBSECTION TO §20148 TO IMPLEMENT THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT; AND FOR OTHER PURPOSES.

The Bill was referred to the House Committee on Federal and Foreign Affairs, which submitted Standing Committee Report No. 21-4; adopted 4/12/19.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, APRIL 12, 2019;**
with amendments in the form of H. B. No. 21-23, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government & Law, which submitted Standing Committee Report No. 21-36; adopted 8/15/19.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 15, 2019;
without amendments and was returned to
THE HOUSE OF REPRESENTATIVES.

THE BILL WAS FINALLY PASSED ON APRIL 12, 2019.



Linda B. Muña, House Clerk



Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, FIRST SPECIAL SESSION

APRIL 12, 2019

H. B. No. 21-23, HD1

AN ACT

TO AMEND TITLE 1, DIVISION 2, PART 1, CHAPTER 1, ARTICLE 8 OF THE COMMONWEALTH CODE BY ADDING A NEW SUBSECTION TO §20148 TO IMPLEMENT THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Title.** This Act shall be cited as the “Commonwealth Emergency
2 Management Assistance Compact Act of 2019 (CNMI EMAC 2019).”

3 **Section 2. Findings and Purposes.** The Legislature finds that the
4 Emergency Management Assistance Compact (EMAC) is a compact that is made
5 and entered into by and between the participating member states and U.S.
6 territories which enact this compact. EMAC is a compact that provides mutual

HOUSE BILL 21-23, HD1

1 assistance between the states and U.S. territories entering into this compact in
2 managing any emergency disaster that is duly declared by the Governor of the
3 affected state or U.S. territories, whether arising from natural disasters,
4 technological hazards, man-made disasters, civil emergency aspects of resource
5 shortages, community disorders, insurgency, or enemy attack. Furthermore,
6 EMAC also provides for mutual cooperation in emergency-related exercises,
7 testing, or other training activities using equipment and personnel simulating
8 performance of any aspect of the giving and receiving of aid by party states or
9 subdivisions of party states during emergencies.

10 Therefore the purpose of this Act is to amend Title 1, Division 2, Part 1,
11 Chapter 1, Article 8 of the Commonwealth Code by adding a new subsection §
12 20148 and for other purposes.

13 **Section 3. Amendment.** Title 1 Division 2 Part 1 Chapter 1 Article 8 of
14 the Commonwealth Code by adding a new subsection to read as follows:

15 “§ 20148. Commonwealth Emergency Management Assistance
16 Compact Act of 2019.

17 The Legislature, hereby authorizes the Governor of the
18 Commonwealth Northern Mariana Islands, to enter into a compact on
19 behalf of the Commonwealth of the Northern Mariana Islands with any
20 other state or territories legally joining therein, in the form substantially
21 as follows:

HOUSE BILL 21-23, HD1

1 Section 1. Congressional Consent

2 The Congress consents to the Emergency Management Assistance
3 Compact entered into by Delaware, Florida, Georgia, Louisiana, Maryland,
4 Mississippi, Missouri, Oklahoma, South Carolina, South Dakota,
5 Tennessee, Virginia, and West Virginia. The compact reads substantially
6 as follows: Emergency Management Assistance Compact.

7 Article I. Purpose and Authorities

8 This compact is made and entered into by and between the
9 participating member states which enact this compact, hereinafter called
10 party states. For the purposes of this compact, the term 'states' is taken to
11 mean the several states, the Commonwealth of Puerto Rico, the District of
12 Columbia, the Commonwealth of the Northern Mariana Islands, and all
13 U. S. territorial possessions.

14 The purpose of this compact is to provide for mutual assistance
15 between the states entering into this compact in managing any emergency
16 disaster that is duly declared by the Governor of the affected state, whether
17 arising from natural disaster, technological hazard, man-made disaster,
18 civil emergency aspects of resources shortages, community disorders,
19 insurgency, or enemy attack.

20 This compact shall also provide for mutual cooperation in emergency-
21 related exercises, testing, or other training activities using equipment and

HOUSE BILL 21-23, HD1

1 personnel simulating performance of any aspect of the giving and receiving
2 of aid by party states or subdivisions of party states during emergencies,
3 such actions occurring outside actual declared emergency periods. Mutual
4 assistance in this compact may include the use of the states' National Guard
5 forces, either in accordance with the National Guard Mutual Assistance
6 Compact or by mutual agreement between states.

7 Article II. General Implementation

8 Each party state entering into this compact recognizes that many
9 emergencies transcend political jurisdictional boundaries and that
10 intergovernmental coordination is essential in managing these and other
11 emergencies under this compact. Each state further recognizes that there
12 will be emergencies which require immediate access and present procedures
13 to apply outside resources to make a prompt and effective response to such
14 an emergency. This is because few, if any, individual states have all the
15 resources they may need in all types of emergencies or the capability of
16 delivering resources to areas where emergencies exist.

17 The prompt, full, and effective utilization of resources of the
18 participating states, including any resources on hand or available from the
19 federal government or any other source, that are essential to the safety,
20 care, and welfare of the people in the event of any emergency or disaster

HOUSE BILL 21-23, HD1

1 declared by a party state, shall be the underlying principle on which all
2 articles of this compact shall be understood.

3 On behalf of the Governor of each state participating in the compact,
4 the legally designated state official who is assigned responsibility for
5 emergency management will be responsible for formulation of the
6 appropriate interstate mutual aid plans and procedures necessary to
7 implement this compact.

8 Article III. Party State Responsibilities

9 (A) It shall be the responsibility of each party state to formulate
10 procedural plans and programs for interstate cooperation in the
11 performance of the responsibilities listed in this article. In formulating such
12 plans, and in carrying them out, the party states, insofar as practical, shall:

13 (1) Review individual state hazards analyses and, to the extent
14 reasonably possible, determine all those potential emergencies the
15 party states might jointly suffer, whether due to natural disaster,
16 technological hazard, man-made disaster, emergency aspects of
17 resources shortages, civil disorders, insurgency, or enemy attack;

18 (2) Review party states' individual emergency plans and
19 develop a plan which will determine the mechanism for the interstate
20 management and provision of assistance concerning any potential
21 emergency;

HOUSE BILL 21-23, HD1

1 (3) Develop interstate procedures to fill any identified gaps
2 and to resolve any identified inconsistencies or overlaps in existing
3 or developed plans;

4 (4) Assist in warning communities adjacent to or crossing the
5 state boundaries;

6 (5) Protect and assure uninterrupted delivery of services,
7 medicines, water, food, energy and fuel, search and rescue, and
8 critical lifeline equipment, services, and resources, both human and
9 material;

10 (6) Inventory and set procedures for the interstate loan and
11 delivery of human and material resources, together with procedures
12 for reimbursement or forgiveness; and

13 (7) Provide, to the extent authorized by law, for temporary
14 suspension of any statutes or ordinances that restrict the
15 implementation of the above responsibilities.

16 (B) The authorized representative of a party state may request
17 assistance to another party state by contacting the authorized
18 representative of that state. The provisions of this compact shall only apply
19 to requests for assistance made by and to authorized representatives.
20 Requests may be verbal or in writing. If verbal, the request shall be

HOUSE BILL 21-23, HD1

1 confirmed in writing within thirty days of the verbal request. Requests
2 shall provide the following information:

3 (1) A description of the emergency service function for which
4 assistance is needed, including, but not limited to, fire services, law
5 enforcement, emergency medical, transportation, communications,
6 public works and engineering, building, inspection, planning and
7 information assistance, mass care, resource support, health and
8 medical services, and search and rescue;

9 (2) The amount and type of personnel, equipment, materials
10 and supplies needed, and a reasonable estimate of the length of time
11 they will be needed; and

12 (3) The specific place and time for staging of the assisting
13 party's response and a point of contact at that location.

14 (C) There shall be frequent consultation between state officials who
15 have assigned emergency management responsibilities and other
16 appropriate representatives of the party states with affected jurisdictions
17 and the United States Government, with free exchange of information,
18 plans, and resource records relating to emergency capabilities.

19 **Article IV. Limitations**

20 Any party state requested to render mutual aid or conduct exercises
21 and training for mutual aid shall take such action as is necessary to provide

HOUSE BILL 21-23, HD1

1 and make available the resources covered by this compact in accordance
2 with the terms hereof; provided that it is understood that the state
3 rendering aid may withhold resources to the extent necessary to provide
4 reasonable protection for such state.

5 Each party state shall afford to the emergency forces of any party
6 state, while operating within its state limits under the terms and conditions
7 of this compact, the same powers, except that of arrest unless specifically
8 authorized by the receiving state, duties, rights, and privileges as are
9 afforded forces of the state in which they are performing emergency
10 services. Emergency forces will continue under the command and control of
11 their regular leaders, but the organizational units will come under the
12 operational control of the emergency services authorities of the state
13 receiving assistance. These conditions may be activated, as needed, only
14 subsequent to a declaration of a state emergency or disaster by the governor
15 of the party state that is to receive assistance or upon commencement of
16 exercises or training for mutual aid and shall continue so long as the
17 exercises or training for mutual aid are in progress, the state of emergency
18 or disaster remains in effect, or loaned resources remain in the receiving
19 state, whichever is longer.

20 Article V. License and Permits

HOUSE BILL 21-23, HD1

1 Whenever any person holds a license, certificate, or other permit
2 issued by any state party to the compact evidencing the meeting of
3 qualifications for professional, mechanical, or other skills, and when such
4 assistance is requested by the receiving party state, such person shall be
5 deemed licensed, certified, or permitted by the state requesting assistance
6 to render aid involving such skill to meet a declared emergency or disaster,
7 subject to such limitations and conditions as the Governor of the requesting
8 state may prescribe by executive order or otherwise.

9 Article VI. Liability

10 Officers or employees of a party state rendering aid in another state
11 pursuant to this compact shall be considered agents of the requesting state
12 for tort liability and immunity purposes. No party state or its officers or
13 employees rendering aid in another state pursuant to this compact shall be
14 liable on account of any act or omission in good faith on the part of such
15 forces while so engaged or on account of the maintenance or use of any
16 equipment or supplies in connection therewith. Good faith in this article
17 shall not include willful misconduct, gross negligence, or recklessness.

18 Article VII. Supplementary Agreements

19 Inasmuch as it is probable that the pattern and detail of the
20 machinery for mutual aid among two or more states may differ from that
21 among the states that are party hereto, this compact contains elements of

HOUSE BILL 21-23, HD1

1 a broad base common to all states, and nothing herein shall preclude any
2 state entering into supplementary agreements with another state or affect
3 any other agreements already in force between states. Supplementary
4 agreements may comprehend, but shall not be limited to, provisions for
5 evacuation and reception of injured and other persons and the exchange of
6 medical, fire, police, public utility, reconnaissance, welfare, transportation
7 and communications personnel, and equipment and supplies.

8 Article VIII. Compensation

9 Each party state shall provide for the payment of compensation and
10 death benefits to injured members of the emergency forces of that state and
11 representatives of deceased members of such forces in case such members
12 sustain injuries or are killed while rendering aid pursuant to this compact,
13 in the same manner and on the same terms as if the injury or death were
14 sustained within their own state.

15 Article IX. Reimbursement

16 Any party state rendering aid in another state pursuant to this
17 compact shall be reimbursed by the party state receiving such aid for any
18 loss or damage to or expense incurred in the operation of any equipment
19 and the provision of any service in answering a request for aid and for the
20 costs incurred in connection with such requests; provided, that any aiding
21 party state may assume in whole or in part such loss, damage, expense, or

HOUSE BILL 21-23, HD1

1 other cost, or may loan such equipment or donate such services to the
2 receiving party state without charge or cost; and provided further, that any
3 two or more party states may enter into supplementary agreements
4 establishing a different allocation of costs among those states. Article VIII
5 expenses shall not be reimbursable under this article.

6 Article X. Evacuation

7 Plans for the orderly evacuation and interstate reception of portions
8 of the civilian population as the result of any emergency or disaster of
9 sufficient proportions to so warrant, shall be worked out and maintained
10 between the party states and the emergency management services directors
11 of the various jurisdictions where any type of incident requiring evacuations
12 might occur. Such plans shall be put into effect by request of the state from
13 which evacuees come and shall include the manner of transporting such
14 evacuees, the number of evacuees to be received in different areas, the
15 manner in which food, clothing, housing, and medical care will be provided,
16 the registration of the evacuees, the providing of facilities for the
17 notification of relatives or friends, and the forwarding of such evacuees to
18 other areas or the bringing in of additional materials, supplies, and all other
19 relevant factors. Such plans shall provide that the party state receiving
20 evacuees and the party state from which the evacuees come shall mutually
21 agree as to reimbursement of out-of-pocket expenses incurred in receiving

HOUSE BILL 21-23, HD1

1 and caring for such evacuees, for expenditures for transportation, food,
2 clothing, medicines, and medical care, and like items. Such expenditures
3 shall be reimbursed as agreed by the party state from which the evacuees
4 come.

5 After the termination of the emergency or disaster, the party state
6 from which the evacuees come shall assume the responsibility for the
7 ultimate support of repatriation of such evacuees.

8 Article XI. Implementation

9 (A) This compact shall become effective immediately upon its
10 enactment into law by any two states. Thereafter, this compact shall
11 become effective as to any other state upon enactment by such state.

12 (B) Any party state may withdraw from this compact by enacting a
13 statute repealing the same, but no such withdrawal shall take effect until
14 thirty days after the Governor of the withdrawing state has given notice in
15 writing of such withdrawal to the Governors of all other party states. Such
16 action shall not relieve the withdrawing state from obligations assumed
17 hereunder prior to the effective date of withdrawal.

18 (C) Duly authenticated copies of this compact and of such
19 supplementary agreements as may be entered into shall, at the time of their
20 approval, be deposited with each of the party states and with the Federal

HOUSE BILL 21-23, HD1

1 Emergency Management Agency and other appropriate agencies of the
2 United States Government.

3 Article XII. Validity

4 This compact shall be construed to effectuate the purposes stated in
5 Article I. If any provision of this compact is declared unconstitutional, or
6 the applicability thereof to any person or circumstances is held invalid, the
7 constitutionality of the remainder of this compact and the applicability
8 thereof to other persons and circumstances shall not be affected.

9 Article XIII. Additional Provisions

10 Nothing in this compact shall authorize or permit the use of military
11 force by the National Guard of a state at any place outside that state in any
12 emergency for which the President is authorized by law to call into federal
13 service the militia, or for any purpose for which the use of the Army or the
14 Air Force would in the absence of express statutory authorization be
15 prohibited under Sec. 1385 of Title 18 of the United States Code.

16 Section 2. Right to Alter, Amend, or Repeal

17 The right to alter, amend, or repeal this joint resolution is hereby
18 expressly reserved. The consent granted by this joint resolution shall—

19 (1) not be construed as impairing or in any manner affecting
20 any right or jurisdiction of the United States in and over the subject
21 of the compact;

HOUSE BILL 21-23, HD1

1 (2) not be construed as consent to the National Guard Mutual
2 Assistance Compact;

3 (3) be construed as understanding that the first paragraph of
4 Article II of the compact provides that emergencies will require
5 procedures to provide immediate access to existing resources to make
6 a prompt and effective response;

7 (4) not be construed as providing authority in Article III A.7.
8 that does not otherwise exist for the suspension of statutes or
9 ordinances;

10 (5) be construed as understanding that Article III C. does not
11 impose any affirmative obligation to exchange information, plans,
12 and resource records on the United States or any party which has not
13 entered into the compact; and

14 (6) be construed as understanding that Article XIII does not
15 affect the authority of the President over the National Guard
16 provided by Article I of the Constitution and Title 10 of the United
17 States Code.

18 Section 3. Construction and Severability

19 It is intended that the provisions of this compact shall be reasonably
20 and liberally construed to effectuate the purposes thereof. If any part or
21 application of this compact, or legislation enabling the compact, is held

HOUSE BILL 21-23, HD1

1 invalid, the remainder of the compact or its application to other situations
2 or persons shall not be affected.”

3 Section 4. Severability. If any provisions of this Act or the application of
4 any such provision to any person or circumstance should be held invalid by a court
5 of competent jurisdiction, the remainder of this Act or the application of its
6 provisions to persons or circumstances other than those to which it is held invalid
7 shall not be affected thereby.

8 Section 5. Savings Clause. This Act and any repealer contained herein
9 shall not be construed as affecting any existing right acquired under contract or
10 acquired under statutes repealed or under any rule, regulation, or order adopted
11 under the statutes. Repealers contained in this Act shall not affect any proceeding
12 instituted under or pursuant to prior law. The enactment of the Act shall not have
13 the effect of terminating, or in any way modifying, any liability, civil or criminal,
14 which shall already be in existence on the date this Act becomes effective.

HOUSE BILL 21-23, HD1

1 Section 6. Effective Date. This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

Attested to by:




Linda B. Muña, House Clerk

Certified by:



SPEAKER BLAS JONATHAN "BJ" T. ATTAO
House of Representatives
21st Northern Marianas Commonwealth Legislature

Approved this 3rd day of September, 2019



RALPH D.G. TORRES
Governor
Commonwealth of the Northern Mariana Islands