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
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,

[Signature]
Linda B. Muna
House Clerk

Attachment
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 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
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:

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

Section 2. Findings and Purposes. The Legislature finds that the Emergency Management Assistance Compact (EMAC) is a compact that is made and entered into by and between the participating member states and U.S. territories which enact this compact. EMAC is a compact that provides mutual
assistance between the states and U.S. territories entering into this compact in managing any emergency disaster that is duly declared by the Governor of the affected state or U.S. territories, whether arising from natural disasters, technological hazards, man-made disasters, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack. Furthermore, EMAC also provides for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies.

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

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


The Legislature, hereby authorizes the Governor of the Commonwealth Northern Mariana Islands, to enter into a compact on behalf of the Commonwealth of the Northern Mariana Islands with any other state or territories legally joining therein, in the form substantially as follows:
Section 1. Congressional Consent

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

Article I. Purpose and Authorities

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

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

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and
personnel simulating performance of any aspect of the giving and receiving
of aid by party states or subdivisions of party states during emergencies,
such actions occurring outside actual declared emergency periods. Mutual
assistance in this compact may include the use of the states' National Guard
forces, either in accordance with the National Guard Mutual Assistance
Compact or by mutual agreement between states.

Article II. General Implementation

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

The prompt, full, and effective utilization of resources of the
participating states, including any resources on hand or available from the
federal government or any other source, that are essential to the safety,
care, and welfare of the people in the event of any emergency or disaster
declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

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

Article III. Party State Responsibilities

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

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

(2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;
(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

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

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

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

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

(B) The authorized representative of a party state may request assistance to another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be
confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:

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

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

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

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

Article IV. Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide
and make available the resources covered by this compact in accordance
with the terms hereof; provided that it is understood that the state
rendering aid may withhold resources to the extent necessary to provide
reasonable protection for such state.

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

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

Article VI. Liability

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

Article VII. Supplementary Agreements

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of
a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

Article VIII. Compensation

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

Article IX. Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or
other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

Article X. Evacuation

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

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

Article XI. Implementation

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

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

(C) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal
Emergency Management Agency and other appropriate agencies of the United States Government.

Article XII. Validity

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

Article XIII. Additional Provisions

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

Section 2. Right to Alter, Amend, or Repeal

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

(1) not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the subject of the compact;
(2) not be construed as consent to the National Guard Mutual Assistance Compact;

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

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

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

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

Section 3. Construction and Severability

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held
invalid, the remainder of the compact or its application to other situations or persons shall not be affected.”

Section 4. **Severability.** If any provisions 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 5. **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 the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.
Section 6. Effective Date. This Act shall take effect upon its approval by 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

Approval this 3rd day of September, 2019

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