

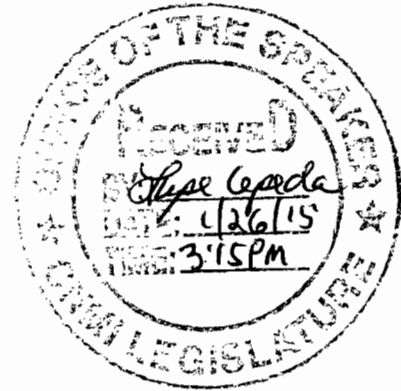


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR
PROGRAMS & LEGISLATIVE REVIEW OFFICE

Caller Box 10007 • Capitol Hill • Saipan, MP 96950 Telephone: (670) 237-2200 • Facsimile: (670) 664-2211

January 26, 2015

Honorable Victor B. Hocog
President of the Senate
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950



Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that Senate Bill No. 18-57, SD2, entitled, "To create a new Department of Fire and Emergency Medical Services within the Executive Branch of the Commonwealth Government; to transfer the Fire protection and EMS functions of the Department of Public Safety, Fire Division to the new department; to provide for the orderly transfer of records, programs, personnel, equipment, and property to the new department; and for other purposes," which was passed by the Eighteenth Northern Marianas Commonwealth Legislature and transmitted to the Governor on December 17, 2014, became law without the Governor's signature.

This bill became **Public Law No. 18-73**, on January 25, 2015.

Sincerely,

Victoria T. Guerrero
Special Assistant for Programs and Legislative Review

HOUSE CLERK'S OFFICE
RECEIVED BY
DATE 1/27/15 TIME 2:39pm

cc: Lt. Governor; Attorney General's Office; Acting Press Secretary; Department of Public Safety; Commonwealth Health Care Corporation; Special Assistant for Administration; Commonwealth Law Revision



THE SENATE
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 18-57, SD2

AN ACT

TO CREATE A NEW DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES WITHIN THE EXECUTIVE BRANCH OF THE COMMONWEALTH GOVERNMENT; TO TRANSFER THE FIRE PROTECTION AND EMS FUNCTIONS OF THE DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION TO THE NEW DEPARTMENT; TO PROVIDE FOR THE ORDERLY TRANSFER OF RECORDS, PROGRAMS, PERSONNEL, EQUIPMENT, AND PROPERTY TO THE NEW DEPARTMENT; AND FOR OTHER PURPOSES.

SENATE ACTION

Offered by Senator(s): Ralph DLG. Torres

Date: June 17, 2014

Referred to: Judiciary, Government and Law

Standing Committee Report No.: None

Final Reading: August 21, 2014

HOUSE ACTION

Referred to: Judiciary and Governmental Operations

Standing Committee Report No.: 18-130 Adopted 12/10/14

First and Final Reading: December 10, 2014

A handwritten signature in black ink, appearing to read "Dolores S. Bermudes", written over a horizontal line.

DOLORES S. BERMUDES
SENATE CLERK

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD SPECIAL SESSION, 2014

S. B. NO. 18-57, SD2

AN ACT

TO CREATE A NEW DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES WITHIN THE EXECUTIVE BRANCH OF THE COMMONWEALTH GOVERNMENT; TO TRANSFER THE FIRE PROTECTION AND EMS FUNCTIONS OF THE DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION TO THE NEW DEPARTMENT; TO PROVIDE FOR THE ORDERLY TRANSFER OF RECORDS, PROGRAMS, PERSONNEL, EQUIPMENT, AND PROPERTY TO THE NEW DEPARTMENT; AND FOR OTHER PURPOSES.

**BE IT ENACTED BY THE EIGHTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Title.** This Act may be cited as the “Department of Fire and Emergency
2 Medical Services Act.”

3 **Section 2. Findings and Purpose.** The Legislature finds that under the current law,
4 the Fire Division is within the Department of Public Safety (DPS) and under the general
5 supervision of the DPS Commissioner. As a result, the DPS Commissioner must balance
6 the limited available resources of the department and the competing needs of both the Police
7 Division and the Fire Division. This balancing of needs often leads to both divisions
8 receiving less than the required funds necessary to fully and properly operate each division.

9 The Legislature further finds that Fire Division is a National Incident Management
10 System (NIMS) compliant organization that performs multifaceted functions which extend
11 beyond traditional fire suppression and emergency medical services and responds to over
12 8,500 calls annually for emergency and non-emergency fire and emergency medical
13 services. Additionally, the Fire Division provides fire and emergency medical services to
14 numerous public events and conducts many public education and injury prevention
15 campaigns annually. The Legislature finds that the Fire Division’s operations has grown to

1 such an extent that providing specific focus to the division's mission of providing fire and
2 emergency medical services to the general public has become problematic under its current
3 government operational structure.

4 The Legislature finds that the Fire Division should be a separate department within
5 the Executive Branch. The new department, to be called the Department of Fire and
6 Emergency Medical Services, and may be referred to as "DFEMS"; is necessary to promote
7 a more independent and efficient administration of fire prevention, fire protection, fire
8 suppression, emergency medical services, search and rescue, hazardous materials response,
9 and wildland firefighting within the Commonwealth. Therefore, the purpose of this
10 legislation is to create a new Department of Fire and Emergency Medical Services within
11 the Executive Branch of the Commonwealth Government, to transfer the fire and EMS
12 functions of the Department of Public Safety, Fire Division, to the new Department of Fire
13 and Emergency Medical Services, and to provide for the orderly transfer of records,
14 programs, personnel, equipment, and property to the new Department of Fire and
15 Emergency Medical Services.

16 **Section 3. Enactment.** The following is hereby enacted subject to the codification
17 by the Law Revision Commission:

18
19 **"Chapter 1. DEPARTMENT OF FIRE AND EMERGENCY**
20 **MEDICAL SERVICES**

21 **Article 1.**

22 Section 101. Department of Fire and Emergency Medical Services. There is
23 established a Department of Fire and Emergency Medical Services within the
24 Executive Branch of the Commonwealth Government to be headed by the
25 Commissioner of Fire and Emergency Medical Services.

26 Section 102. Definitions. As used in this Chapter, the term:

27 (a) "Department" shall mean the "Department of Fire and Emergency
28 Medical Services";

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- 1 (b) "Commissioner" shall mean the Commissioner of Fire and Emergency
2 Medical Services;
- 3 (c) "Emergency Medical Services" shall mean EMS;
- 4 (d) "Emergency Medical Technician" shall mean EMT;
- 5 (e) "Cardiopulmonary resuscitation" shall mean CPR;
- 6 (f) "Emergency Medical Responder" shall mean EMR;
- 7 (g) "Basic life support prehospital provider" shall mean an EMR and EMT
8 performing duties in an out-of-hospital environment;
- 9 (h) "Advanced life support prehospital provider" shall mean an Advanced
10 EMT and Paramedic performing duties in an out-of-hospital environment;
- 11 (i) "EMS for Children" shall mean EMSC;
- 12 (j) "Traumatic Brain Injury" shall mean TBI;
- 13 (k) "National Fire Protection Association" shall mean NFPA;
- 14 (l) "U.S. Department of Transportation" shall mean U.S. DOT;
- 15 (m) "Emergency Vehicle Operators Course" shall mean EVOC;
- 16 (n) "American Heart Association" shall mean AHA; and
- 17 (o) "Fair Labor Standards Act" shall mean FLSA.

18 Section 103. Department of Fire and Emergency Medical Services:
19 Commissioner, Resident Deputy Commissioners, Appointment; Funding and
20 Compensation. The Department of Fire and EMS shall be administered by a
21 qualified Commissioner of Fire and EMS who shall be appointed by and serve at the
22 pleasure of the Governor with the advice and consent of the Senate. The Department
23 of Fire and EMS in the islands of Rota and Tinian shall be administered by a
24 qualified Resident Deputy Commissioner who shall be appointed by the Mayor with
25 the advice and consent of the Municipal Council members from those respective
26 islands. The compensation for the Commissioner of Fire and EMS shall receive no
27 less than and not exceed a base salary of \$54,000 per annum. The compensation for
28 the Resident Deputy Commissioner for the islands of Rota and Tinian shall not
29 exceed a base salary of \$42,000 per annum. The Commissioner is the chief

1 executive officer of the Department of Fire and EMS with respect to the
2 administration, operation, and enforcement of the all provisions of this Chapter.

3 Section 104. Department of Fire and Emergency Medical Services: Duties;
4 Divisions.

5 (a) The Department of Fire and EMS shall be responsible for the following:

6 (1) To provide effective fire prevention, fire protection, fire
7 suppression, and special operations such as hazardous materials,
8 search and rescue, wildland firefighting, to persons and property in
9 the Commonwealth;

10 (2) To provide emergency and non-emergency basic and advanced
11 life support EMS to persons in the Commonwealth;

12 (3) To prevent and reduce the risk of fire through effective public
13 education and injury prevention, conduct fire safety code inspections
14 and enforcement programs;

15 (4) To conduct arson investigations and make arrests pertaining to
16 such matters;

17 (5) To enforce "CNMI Fire Safety Code Act of 1998", adopt the
18 International Fire Code and National Fire Protection Association
19 standards;

20 (6) To ensure representation, active membership and participation in
21 the International Association of Fire Chiefs, Western Fire Chiefs
22 Association, Western Pacific Islands Association of Fire Chiefs;
23 International Association of Firefighters, National Association of
24 State EMS Officials, National Association of EMTs, National
25 Organization of State Offices of Rural Health, National Association
26 of EMS Educators, National Association of EMS Physicians,
27 International Association of Arson Investigators, National Association
28 for Search and Rescue, International Academies of Emergency
29 Dispatch, CNMI Fire and EMS Association;

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(7) To regulate and issue burning permits;

(8) To establish and participate in training and certification, professional development, and educational programs relating to fire science, EMS, and other related matters;

(9) To regulate educational or training institutions, non-profit organizations, businesses, and other government agencies conducting and performing life safety programs and functions;

(10) To provide and receive mutual aid to and from the Commonwealth Ports Authority and Aircraft Rescue Firefighting inclusive of the seaport; and receive appropriate local and federal funding to provide for such aid; and

(11) To provide these protections at acceptable and effective costs within available resources.

(b) Establish and manage the Fire Safety Code Revolving Fund for each Senatorial District which shall be expended continuously without further appropriations for the specific purpose of regulating and enforcing the provisions of the Department of Fire and EMS to ensure uninterrupted emergency services to the community;

(c) Enforce and manage the “CNMI Ambulance Fee Act of 2000”, for each Senatorial District which shall be expended continuously without further appropriations for the specific purpose of regulating and enforcing the provisions of the Department of Fire and EMS to ensure uninterrupted emergency services to the community;

(d) The Department of Fire and EMS is considered essential services and in order to perform its mandate and uninterrupted emergency services to the community;

(e) The Department of Fire and EMS shall consist of five divisions as follows: Division of Emergency Services, Division of Fire Prevention and Arson

1 Investigation, Division of Emergency Medical Services, Division of Logistics and
2 Support, and the Division of Administration.

3 Section 105. Department of Fire and Emergency Medical Services: Staff. As
4 set forth herein and subject to budgetary appropriation, the Commissioner of Fire and
5 EMS shall employ qualified staff as required to assist in performing the department's
6 duties and responsibilities. Except as provided herein, all such staff shall be civil
7 service employees.

8 Section 106. Rulemaking Authority. The Commissioner shall prescribe and
9 promulgate reasonably necessary rules and regulations to implement and enforce the
10 provisions of this Chapter for the entire Department including all of its divisions.

11 **Article 2. Division of Emergency Services**

12 Section 201. Division of Emergency Services: Deputy Commissioner;
13 Appointment, Funding and Compensation. The Division of Emergency Services
14 shall be headed by a qualified Deputy Commissioner of the Division of Emergency
15 Services. The compensation for the Deputy Commissioner shall receive no less than
16 and not exceed a base salary of \$42,000 per annum.

17 Section 202. Division of Emergency Services: Duties and Responsibilities.
18 The Division of Emergency Services shall have the following duties and
19 responsibilities:
20

21 (a) To engage in the prevention, control, and extinguishment of fires and
22 respond to emergency situations where life, property, or the environment is at risk
23 that meets or exceeds NFPA 1710: Standard for the Organization and Deployment of
24 Fire Suppression Operations, Emergency Medical Operations, and Special
25 Operations to the Public by Career Fire Departments;

26 (b) To provide basic and advanced life support emergency medical services;

27 (c) To provide special operation services including search and rescue (land,
28 air, sea), hazardous materials to include Chemical, Biological, Radiological, Nuclear,
29 Explosives, and wildland and marine firefighting;

1 (d) To conduct the Fire Academy;

2 (e) To conduct training and professional development that meets or exceeds
3 current standards from NFPA 1001/1002/472/1021/1031/1041, National EMS
4 Education Standards (2009) for the EMT, Advanced EMT, and Paramedic; AHA
5 Emergency Cardiovascular Care Guidelines Basic Life Support for Healthcare
6 Providers (2010), and U.S. DOT EVOC-Ambulance (1995);

7 (f) To establish tour of duty schedules based on rotating 24-hour shifts; and

8 (g) To receive and manage all applicable federal grants.

9 Section 203. Division of Emergency Services: Staff. Subject to budgetary
10 appropriation, the Deputy Commissioner of the Division of Emergency Services,
11 with the approval of the Commissioner of Fire and EMS, shall employ qualified staff
12 as necessary to perform the duties and responsibilities of the division. All such staff
13 shall be sworn civil service employees.

14
15 **Article 3. Division of Fire Prevention and Arson Investigation.**

16 Section 301. Division of Fire Prevention and Arson Investigation: Deputy
17 Commissioner; Appointment, Funding and Compensation. The Division of Fire
18 Prevention and Arson Investigation shall be headed by a qualified Deputy
19 Commissioner of the Division of Fire Prevention and Arson. The Deputy
20 Commissioner of the Division of Fire Prevention and Arson Investigation is hereby
21 designated as the "CNMI Fire Marshal". The compensation for the Deputy
22 Commissioner shall receive no less than and not exceed a base salary of \$42,000 per
23 annum.

24 Section 302. Division of Fire Prevention and Arson Investigation: Duties and
25 Responsibilities. The Division of Fire Prevention and Arson Investigation shall have
26 the following duties and responsibilities:

27 (a) To enforce the CNMI Fire Safety Code Act, International Fire Code and
28 National Fire Protection Association standards;

1 (b) To provide and approve fire plan review in conjunction with building
2 safety codes and fire hydrant water distribution systems for fire protection, and
3 approve occupancy loads for commercial structures;

4 (c) To regulate the installation of smoke detectors, fire extinguishers, fire
5 sprinkler systems, and fire hydrants for commercial and industrial use;

6 (d) To conduct arson investigations and make arrests pertaining to such
7 matters;

8 (e) To regulate, and prohibit as deemed necessary, the sale and purchase of
9 firefighting vehicles, firefighting equipment and tools by government agencies,
10 commercial businesses, or individuals;

11 (f) To regulate, and prohibit as deemed necessary, government agencies,
12 commercial businesses, or individuals from obtaining water from fire hydrants;

13 (g) To regulate and issue permits for open burning, sale and purchase of
14 fireworks, fire code building safety inspections, storage and handling of hazardous
15 materials [any type of chemicals, explosives, fuel and fuel products], and establish
16 fees and fines for such;

17 (h) To enforce and collect applicable fees and fines for fire prevention,
18 protection, and suppression;

19 (i) To manage the Fire Safety Code Revolving Fund where all fees collected
20 shall be deposited into for the specific purpose of regulating and enforcing the
21 provisions of the Department of Fire and EMS and shall not be reprogrammed for
22 any other purpose or to any other agency;

23 (j) All fines collected by the department shall be deposited into the CNMI
24 Government General Fund;

25 (k) To provide operational support to emergency services by engaging in the
26 prevention, control, and extinguishment of fires and responding to emergency
27 situations where life, property, or the environment is at risk;

28 (l) To establish tour of duty schedules based on rotating 24-hour shifts; and

29 (m) To receive and manage all applicable federal grants.

1 Section 303. Division of Fire Prevention and Arson Investigation: Staff.
2 Subject to budgetary appropriation, the Deputy Commissioner of the Division of Fire
3 Prevention and Arson Investigation, with the approval of the Commissioner of Fire
4 and EMS, shall employ qualified staff as necessary to perform the duties and
5 responsibilities of the division. All such staff shall be sworn civil service employees.
6

7 **Article 4. Division of Emergency Medical Services.**

8 Section 401. Division of Emergency Medical Services: Deputy
9 Commissioner; Appointment, Funding and Compensation. The Division of EMS
10 shall be headed by a qualified Deputy Commissioner of the Division of EMS. The
11 compensation for the Deputy Commissioner shall receive no less than and not
12 exceed a base salary of \$42,000 per annum.

13 Section 402. Division of Emergency Medical Services: Duties and
14 Responsibilities. The Division of Emergency Medical Services is hereby designated
15 as the “CNMI Office of EMS”, “CNMI Office of Rural Health”, “Lead Agency for
16 TBI” and shall have the following duties and responsibilities:

17 (a) To regulate the provision of EMS in the Commonwealth including but not
18 limited to the following components: EMSC, EMS highway traffic safety, TBI,
19 bioterrorism EMS, rural health EMS, and other related EMS programs;

20 (b) To provide emergency medical services training from EMR, EMT,
21 Advanced EMT, and Paramedic; certification through the National Registry of
22 EMTs; and license all CPR/First Aid, first responders, basic and advanced life
23 support prehospital providers;

24 (c) To provide public education and injury prevention programs;

25 (d) To provide emergency medical services during special events;

26 (e) To provide EMS medical direction, field treatment and transport
27 protocols, and quality improvement programs specific to adult and pediatric patients;

28 (f) To regulate, bill, and collect ambulance fees and fines under this division;

1 (g) To regulate layperson CPR, first aid, emergency fire and medical
2 dispatcher, basic and advanced life support training and certification including
3 distance learning standards for first responders, prehospital healthcare professionals,
4 emergency dispatchers, life guards, safety officers, industrial workers, boat
5 operators, underwater divers, and others being administered by government
6 educational or training institutions, and other government agencies conducting and
7 performing life safety programs and functions and establish fees for such; provided
8 that private operators or providers conducting and performing life safety programs
9 and functions shall be under the Health Care Professions Licensing Board;

10 (h) To manage the Ambulance Fee Revolving Fund, Public Law 12-6, where
11 all fees collected shall be deposited into for the specific purpose of regulating and
12 enforcing the provisions of the Department of Fire and EMS and shall not be
13 reprogrammed for any other purpose or to any other agency;

14 (i) All fines collected shall be deposited into the CNMI Government General
15 Fund;

16 (j) To provide operational support to emergency services by engaging in the
17 prevention, control, and extinguishment of fires and responding to emergency
18 situations where life, property, or the environment is at risk;

19 (k) To establish tour of duty schedules based on rotating 24-hour shifts; and

20 (l) To receive and manage all applicable federal grants.

21 Section 403. Division of Emergency Medical Services: Staff. Subject to
22 budgetary appropriation, the Deputy Commissioner of the Division of EMS, with the
23 approval of the Commissioner of Fire and EMS, shall employ qualified staff as
24 necessary to perform the duties and responsibilities of the division. All such staff
25 shall be sworn civil service employees.

26
27 **Article 5. Division of Logistics and Support.**

28 Section 501. Division of Logistics and Support: Deputy Commissioner;
29 Appointment. The Division of Logistics and Support shall be headed by a qualified

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1 Deputy Commissioner of the Division of Logistics and Support. The Deputy
2 Commissioner shall receive no less than and not exceed a base salary of \$42,000 per
3 annum.

4 Section 502. Division of Logistics and Support: Duties and Responsibilities.

5 The Division of Logistics and Support shall have the following duties and
6 responsibilities:

7 (a) To purchase, service, repair and maintain the fleet of fire apparatus,
8 ambulances, rescue units, and service vehicles for continuous emergency operations;

9 (b) To maintain department buildings and grounds;

10 (c) To procure and maintain equipment and supplies for firefighting,
11 emergency medical services, search and rescue, hazardous materials, wildland
12 firefighting, and other related equipment and supplies;

13 (d) To provide operational support to emergency services by engaging in the
14 prevention, control, and extinguishment of fires and responding to emergency
15 situations where life, property, or the environment is at risk;

16 (e) To establish tour of duty schedules based on rotating 24-hour shifts; and

17 (f) To receive and manage all applicable federal grants.

18 Section 503. Division of Logistics and Support: Staff. Subject to budgetary
19 appropriation, the Deputy Commissioner of the Division of Logistics and Support,
20 with the approval of the Commissioner of Fire and EMS, shall employ qualified staff
21 as necessary to perform the duties and responsibilities of the division. All such staff
22 shall be sworn civil service employees.

23
24 **Article 6. Division of Administration.**

25 Section 601. Division of Administration: Deputy Commissioner:
26 Appointment. The Division of Administration shall be headed by a qualified Deputy
27 Commissioner of the Division of Administration. The Deputy Commissioner shall
28 receive no less than and not exceed a base salary of \$42,000 per annum.

1 Section 602. Division of Administration: Duties and Responsibilities. The
2 Division of Administration shall have the following duties and responsibilities:

3 (a) To process and manage human resources for all appointed, exempted
4 service contract, limited-term, provisional, probationary, and permanent civil service
5 employees and only for those that meets all current professional qualifications for
6 firefighters and emergency medical technicians based on national standards;

7 (b) To process and manage human resources for all administrative civil
8 service employees;

9 (c) Except for the Commissioner, Resident Deputy Commissioners, and
10 Deputy Commissioners; process payroll for all sworn civil service firefighters within
11 the Department of Fire and EMS, regardless of rank or assignment, based on FLSA
12 work periods and tours of duty at the regular hourly rate of one hundred and six
13 (106) hours per pay period and shall be compensated at one and one-half (1.5) times
14 the regular rate for hours worked in excess of 106 hours per pay period. The Civil
15 Service Commission and the Office of Personnel Management (OPM) shall adjust
16 the pay schedule for firefighters to a salary schedule based on a standard pay period
17 of 106 hours;

18 (d) To ensure FLSA compliance, 29 USC §207(k) and 29 CFR Part 553:
19 Application of the Fair Labor Standards Act to Employees of State and Local
20 Government; for government employees in fire protection and EMS using a
21 minimum of a 53-hour work week and a work period of not less than 7 consecutive
22 but not more than 28 days for all sworn firefighters;

23 (e) To ensure application of annual leave, sick leave, leave without pay, or
24 absent without leave and any other leaves as deemed applicable by local or federal
25 laws are consistent with the 53-hour work week and 106 hours per pay period are
26 applied against their actual duty or work schedule;

27 (f) To process payroll based on FLSA rules for all appointed, exempted
28 service contract, administrative employees; and

1 (g) To provide administrative support to the Commissioner and all of the
2 divisions herein.

3 Section 603. Division of Administration: Staff. Subject to budgetary
4 appropriation, the Deputy Commissioner of the Division of Administration, with the
5 approval of the Commissioner of Fire and EMS, shall employ qualified staff as
6 necessary to perform the duties and responsibilities of the division. All such staff
7 shall be sworn and administrative civil service employees.”

8 **Section 4. Amendments.**

9 (a) The first sentence of 1 CMC §2501 is amended to read as follows: “There is in
10 the Commonwealth Government the Department of Public Safety, composed of a police
11 force ~~and a fire service.~~”;

12 (b) 1 CMC §2504(h) is amended to read as follows: “(h) To establish and participate
13 in training and educational programs relating to criminal justice, crime prevention, ~~fire~~
14 ~~prevention~~ and other related matters.”

15 (c) 1 CMC §2504 is amended by striking out subsection (b) and redesignating the
16 remaining subsections.

17 (d) 3 CMC §2212 is amended by striking out subsections (j) and (o) and by
18 redesignating this section.

19 (e) 1 CMC §2546(a) and (c) is amended to read as follows:

20 “(a) The Department of Finance shall establish three (3) accounts to be
21 known as the “Ambulance Fee Revolving Fund Accounts” for deposit of
22 ambulance fees collected by the ~~Department of Public Health~~ Department of
23 Fire and EMS in accordance with its rules and regulations. The fees
24 collected from each Senatorial district shall be deposit to each respective
25 account.

26 (c) The expenditure authority for funds from the Ambulance Fee Revolving
27 Fund Account shall be the ~~Director of Fire~~ Commissioner of Fire and
28 Emergency Medical Services for Saipan, the Resident Deputy Commissioner
29 of ~~Public Safety~~ Fire and Emergency Medical Services for Rota and Tinian

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1 respectively in consultation with the ~~Commissioner of Public Safety~~
2 Commissioner of Fire and EMS and Secretary of Public Health Deputy
3 Commissioner of the Division of Emergency Medical Services.”

4 (f) 6 CMC §1434(b) is hereby amended to read as follows:

5 “(b) ‘Law enforcement officer’ includes any police officer ~~and fire service~~
6 ~~officer~~ of the Department of Public Safety, corrections officer of the
7 Department of Corrections, any fire prevention officer or fire inspector and
8 arson investigator of the Department of Fire and Emergency Medical
9 Services, or any probation officer of the Office of Adult Probation
10 Supervision, any officer of the Division of Youth Services Juvenile Probation
11 Unit, the chief marshal and deputy marshals of the Marshal service Division,
12 any parole officer of the Board of Parole, any conservation officer of the
13 Department of Natural Resources, any customs officer of the Department of
14 Finance, the chief investigator and investigators of the Office of the Attorney
15 General, the investigation of the Office of the Public Auditor or any other law
16 enforcement officer of the Commonwealth.”

17 (g) The first sentence of 3 CMC §5301 is hereby amended to read as follows: “No
18 fires to clear land, including the burning of stumps, logs, brush, dry grass or fallen
19 timber, shall be started without the prior written permission of the ~~Deputy~~
20 ~~Commissioner of Public Safety~~ Commissioner of Fire and Emergency Medical
21 Services, or an authorized representative. Whether authorized by permit or not, no
22 fires shall be started during a heavy wind or without sufficient help present to control
23 the same, and the fire shall be watched by the person setting it, or by his or her
24 competent agents, until put out.”

25 **Section 5. Global Amendments (Fire Safety Code).**

26 (a) Any reference to the “Department of Public Safety” relating to the Fire Division
27 in the CNMI Fire Safety Code Act, as set forth in 2 CMC §7301 *et seq.*, is hereby amended
28 to read “Department of Fire and Emergency Medical Services.”;

1 (b) Any reference to the “Commissioner of Public Safety” in the Fire Safety Code, as
2 set forth in 2 CMC §7301 *et seq.*, is hereby amended to read “Commissioner of Fire and
3 Emergency Medical Services.”;

4 (c) Any reference to the “Fire Division” in the Fire Safety Code, as set forth in 2
5 CMC §7301 *et seq.*, is hereby amended to read “Department of Fire and Emergency Medical
6 Services.”

7 **Section 6. Global Amendments (Public Law 15-127).**

8 (a) Any reference to the “Department of Public Safety” relating to the Fire Division
9 in 6 CMC §3107, as established by Public Law 15-127, is hereby amended to read
10 “Department of Fire and Emergency Medical Services.”;

11 (b) Any reference to the “Fire Chief” in 6 CMC §3107, as established by Public Law
12 15-127, or to any other local, state or federal laws, is hereby amended to read
13 “Commissioner of Fire and Emergency Medical Services.”

14 **Section 7. Global Amendments (Public Law 10-52).**

15 (a) Any reference to “EMT-B, EMT-I, and EMT-P” as stated in Public Law 10-52 is
16 hereby amended to read respectively “EMT, Advanced EMT, and Paramedic”.

17 **Section 8. Transition.**

18 (a) *Definitions.* The following definitions shall apply as used in this section:

19 (1) “agency” for purposes of this section, shall mean any office, program, or
20 division of the Executive Branch whose duties and functions are transferred to
21 another entity with the Executive Branch under this Act.

22 (2) “gaining agency” for purposes of this section shall mean any office,
23 program, division, department or other entity of the Executive Branch to which an
24 agency or any of its functions are transferred under this Act.

25 (b) *Transfer of Records, Property and Personnel.* All records and property,
26 including office equipment and supplies in an agency as defined in subsection (a), all
27 records and property used primarily in the administration of any function transferred under
28 this Act, and all the personnel used in the administration of such agencies and functions are

1 hereby transferred to the gaining agency for use in the administration of the agencies and
2 functions transferred by this Act.

3 (c) *Transfer of funds.* As determined by the Special Assistant for Management and
4 Budget and the Secretary of Finance with the approval of the Governor, so much of the
5 unexpended balances of the appropriated funds for the agency, allocations, allotments, or
6 other funds available for the use of the agency in the exercise of any function transferred by
7 this Act, or for the use of the head of any department or other agency in the exercise of any
8 function so transferred shall be transferred to the gaining agency for use in connection with
9 the exercise of the function so transferred. In the transfer of such funds, an amount may be
10 included for the liquidation of obligations incurred prior to the transfer. The Governor may
11 reprogram any portion of such balance not so transferred.

12 **Section 9. Severability.** If any provision of this Act or the application of any such
13 provision to any person or circumstance should be held invalid by a court of competent
14 jurisdiction, the remainder of this Act or the application of its provisions to persons or
15 circumstances other than those to which it is held invalid shall not be affected thereby.

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

SENATE BILL NO. 18-57, SD2

Section 11. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

CERTIFIED BY:



**RALPH DLG TORRES
PRESIDENT OF THE SENATE**

ATTESTED BY:



**JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY**

_____ this _____ day of _____, 2014

ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands