TITLE 7 – PUBLIC HEALTH, SAFETY AND WELFARE
CHAPTER 10 - DISASTER ASSISTANCE

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

DISASTER ASSISTANCE ACT 1987

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TITLE 7 – PUBLIC HEALTH, SAFETY AND WELFARE
CHAPTER 10 - DISASTER ASSISTANCE

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DISASTER ASSISTANCE ACT 1987

AN ACT to reduce vulnerability of people and communities of the Republic to damage, injury, and loss of life and property resulting from natural or manmade catastrophes; to clarify the role of the Cabinet and local governments in the prevention of, preparation for, response to, and recovery from disaster; to authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery between agencies, and for matters connected therewith and incidental thereto.

Commencement:	*October 9, 1987*
Source:	*P.L. 1987-20*
Amended By:	*P.L. 1994-99*

§1001. Short title.

This Chapter may be cited as the "Disaster Assistance Act 1987". **[P.L. 1987-20, §1.]**

§1002. Effect.

Nothing in this Chapter shall be construed to:

(a) interfere with the course or conduct of any dispute, except that actions otherwise authorized by this Chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(b) interfere with dissemination of news or comment on public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be required to transmit or print

public service messages furnishing information or instructions in connection with a disaster emergency; and;

(c) limit, modify, or abridge the authority of the Cabinet to exercise any powers vested under the Constitution of the Marshall Islands or laws independent of, or in conjunction with, any provisions of this Chapter. **[P.L. 1987-20, §2.]**

§1003. Interpretation.

In this Chapter:

(a) "**disaster**" means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, or civil disturbance; and

(b) "**political subdivision**" means any atoll or island on which a system of local government operates. **[P.L. 1987-20, §3.]**

§1004. Powers of the Cabinet.

(1) It shall be the duty of the Cabinet to make such provision as may be reasonable and necessary for the security of the Republic.

(2) The Cabinet may in the exercise of its power issue executive orders, proclamations, and amend or rescind them. Executive orders proclamations and regulations issued by the Cabinet under this Chapter shall have the force and effect of law. **[P.L. 1987-20, §4.]**

§1005. Declaration of state of disaster.

(1) The Cabinet may by executive order or proclamation declare a state of disaster, if a disaster has occurred or the threat thereof is imminent.

(2) The state of disaster so declared shall continue until such time the Cabinet finds that the threat or danger has passed or that the disaster has been dealt with to the extent that disaster conditions no longer exist.

(3) The state of disaster so declared shall be terminated by executive order or proclamation, but no state of disaster shall continue for a period of longer than thirty (30) days unless renewed by the Cabinet.

(4) The Nitijela may by resolution terminate a state of disaster declared by the Cabinet at any time, and the Cabinet shall give effect to such resolution by issuing an executive order or proclamation ending such state of disaster. **[P.L. 1987-20, §5.]**

§1006. Form of executive order or proclamation.

(1) All executive orders or proclamations issued under this Chapter shall indicate the nature of the disaster, the area or areas threatened, and the conditions which have caused such declaration or termination of the state of disaster.

(2) An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public.

(3) An executive order or proclamation of a state of disaster shall empower the disaster response and recovery aspects of the disaster plans applicable to the political subdivision or area in question, and authorize the deployment and use of any forces to which the plan or plans apply, and the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this Chapter or to any other provision of law relating to disasters. **[P.L. 1987-20, §6.]**

§1007. Additional powers of the Cabinet.

In addition to any other powers conferred by law, the Cabinet may, during the period of state of disaster:

(a) suspend the provisions of any statute prescribing the procedures for conduct of government business, or the orders, rules or regulations, of any government agency, if strict compliance with the provisions of any law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the disaster;

(b) utilize all available resources of the Government of the Marshall Islands as reasonably necessary to cope with the disaster;

(c) transfer the direction, personnel, or functions of ministries and agencies or units thereof for the purpose of performing or facilitating disaster services;

(d) subject to any constitutional requirements for just compensation, commandeer or utilize any private property found necessary to cope with the disaster;

(e) direct and compel the evacuation of all or part of the population from any stricken or threatened area if deemed necessary for the preservation of life or other disaster mitigation activities, response, or recovery; provided, however, that any person so evacuated shall be permitted to return to the place from which he was evacuated immediately following the termination of the state of disaster;

(f) prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles;

(i) make provisions for the availability and use of temporary emergency housing; and

(j) give due recognition to the license, certificate or other permit issued by any government evidencing that a person has met qualifications for professional, mechanical, or other skills, and such persons may render aid involving that skill to meet a disaster. **[P.L. 1987-20, §7.]**

§1008. Disaster Committee.

(1) There shall be established a Disaster Committee under the supervision and control of the Chief Secretary who shall be the Disaster Coordinator.

(2) The Disaster Committee shall be composed of the following officials and their representatives:

(a) Chief Secretary (Chairman, ex-officio);

(b) Chief of Police;

(c) Secretary of Public Works;

(d) Secretary of Transportation and Communication;

(e) Secretary of Resources and Development;

(f) Secretary of Health;

(g) Secretary of Internal and Outer Island Affairs;

(h) Secretary of Education:

(i) Secretary of Foreign Affairs;

(j) Secretary of Finance **[P.L. 1987-20, §8.]**

§1009. The duties of the Committee.

(1) The Disaster Committee shall be responsible for mitigation of the effects of any disasters and in the event of any such disaster shall be responsible for directing the conduct of counter-disaster operations. The Committee shall also prepare, for issuance by the Cabinet, executive orders, proclamations and regulations as necessary or appropriate in dealing with any disaster.

(2) It shall be the duty of the Chief Secretary to set up and maintain in consultation with the Committee a disaster plan which includes measures for:

(a) prevention and minimization of injury and damage caused by disaster;

(b) prompt and effective response to disaster;

(c) disaster relief;

(d) identification of areas particularly vulnerable to disasters;

(e) recommendations for zoning, building, and other land use controls, safety measures for securing temporary or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(f) assistance to local officials in designing local disaster action plans;

(g) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster;

(h) identification of and coordination with the disaster plans and programs of international and private agencies;

(i) organization of manpower and appropriate chains of command; and

(j) such other matters necessary or appropriate.

(2) In preparing the disaster plan, the Chief Secretary shall, as far as practicable, seek the advice and assistance of local government, business, labor, industry, agriculture, civic, and volunteer organizations and community leaders; and shall:

(a) with assistance of local governments determine requirements of each village for food, clothing, and other necessities in the event of disaster;

(b) establish and maintain records of counter-disaster resources available;

(c) assist local governments to operate programs of public information;

(d) plan and make arrangements for the availability and use of any private facilities, services, and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon;

(e) establish a register of persons with types of training and skills important in disaster prevention, preparedness, response, and recovery;

(f) establish a register of mobile and construction equipment and temporary housing available for use in a disaster;

(g) determine that means exist for rapid and efficient communications in times of disasters and consider the desirability of supplementing these communications resources or of integrating them into a comprehensive communication system or network; and

(h) do such other things as may be necessary, incidental or appropriate for the implementation of this Chapter. **[P.L. 1987-20, §9.]**

§1010. Finance.

(1) The Disaster Assistance Account is hereby established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which shall provide for its administration in accordance with the Financial Management Act of 1990, as amended, 11 MIRC 1.

(2) In the event that at all or any part of the Account is utilized for any of the purposes under this Chapter during any financial year, the amount so utilized shall be appropriated in the Annual Appropriation Act for the next financial year in order to maintain a continuous balance of $200, 000 in the Account at the commencement of each fiscal year.

(3) In any event where the sum available in the Account is not sufficient to meet the demand in case of disaster, the Cabinet may:

(a) make available monies from the Contingencies Fund or by reprogramming; and

(b) seek assistance from international and other sources. Money made available and received under this Subsection shall be credited to the Account.

(4) Subject to the control and supervision of the Ministry of Finance, the monies in the Account shall be made available and paid out by the Chief Secretary in consultation with the Committee for the purposes set out in this Chapter.

(5) Nothing contained in this Section shall be construed to limit the authority of the Cabinet to apply for administer, and expend any grants, gifts, or payments or pass-through funds in aid of disaster prevention, preparedness response or recovery. **[P.L. 1987 20, §10; amended by P.L. 1994-99, §3(4).]**

§1011. Disaster prevention.

(1) In addition to disaster prevention measures as included in the disaster plan:

(a) the Disaster Committee shall consider on a continuing basis steps that could be taken to present or reduce the harmful consequences of disasters and make appropriate recommendations to the Cabinet;

(b) at the direction of the Cabinet and pursuant to any other authority, ministries including but not limited to those charged with responsibilities in connection with flood control, public works, land use, and land use planning, and construction standards, shall make studies of disaster prevention methods; and

(c) the Disaster Committee from time to time shall make recommendations to the Cabinet, local governments, and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(2) The Ministry of Public Works shall keep land use and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, erosion, flood, or other catastrophic occurrence. The studies under this Subsection shall concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences thereof.

(3) If the Disaster Committee on the basis of the studies or other competent evidence is of the opinion that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations other land use regulations, or building requirements are essential in order to further the purposes of this Section, it shall make recommendations of the essential changes to the Cabinet, and if the Cabinet upon review of the recommendations finds that the changes are essential it shall through the Nitijela take appropriate legislative action to mitigate the impact of disaster.

(4) The Cabinet may, in addition to the action taken under Subsection (3) of this Section, suspend the methods or standards found to be inadequate to protect the public safety and by regulation place new methods or standards in effect. The new methods or standards so

made shall remain in effect until rescinded by the Nitijela or revoked or amended by the Cabinet. The methods or standards placed by the Cabinet by regulation shall have the force of law and shall be given effect by all relevant agencies of the Government of the Marshall Islands. **[P.L. 1987-20, §11.]**

§1012. Public cooperation and compensation.

(1) Every person shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the Government of the Marshall Islands and the public to successfully meet disasters. This shall include appropriate personal service and the use or restriction on the use of property in time of disasters, but not in derogation of the rights under the Constitution of the Marshall Islands and recognized customary law.

(2) Compensation for services or for the taking or use of property shall be made only to the extent that the obligations set out herein are exceeded and only to the extent that the claimant may not have deemed to volunteer his services or property without compensation.

(3) No personal services shall be compensated by the Government of the Marshall Islands or any subdivision or agency thereof, except under law or local law or ordinance.

(4) Compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster and its use or destruction was ordered by the Cabinet or the Disaster Committee.

(5) Any person claiming compensation for the use, damage, loss or destruction of property under this Chapter shall file a claim with the Office of the Chief Secretary for action by the Attorney-General.

(6) Unless the amount of compensation on account of property damaged, lost, or destroyed is agreed upon between the claimant and the Attorney-General, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property under the Land Acquisition Act (9 MIRC 2). **[P.L. 1987-20, §12.]**