

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5708. Garment Manufacturing Industry Cap and Foreign National Worker Quota [Repealed].

Source: PL 11-76, § 2, modified; amended by PL 12-11, § 6 a; section title and subsection (a) amended by global amendment PL 15-108, § 5; repealed by PL 17-1 § 6(C) (March 22, 2010).*

Commission Comment: PL 11-76 which created this section took effect on March 26, 1999.

Schedule A referred to in subsections (a) and (b) of this section reads as follows:

*PUBLIC LAW 11-76
HOUSE BILL NO. 11.315*

SCHEDULE A

EMPLOYER	N.R.W. EMPLOYEES
1. Advance Textile Corp.	400
2. American Pacific Textile	500
3. Commonwealth Gmt. Mfg. Inc.	187
4. Concord Manufacturing	1,114
5. Diorva Saipan Limited	334
6. Eurotex (Saipan), Inc.	312
7. Express Manufacturing, Inc.	388
8. Global Manufacturing, Inc.	840
9. Grace International, Inc.	217
10. Hansae (Saipan) Mfg., Inc.	578
11. Hyunjin Saipan, Inc. (S.R. (SPN). Corp.	483
12. Jin Apparel, Inc.	240
13. Joo Ang Apparel	204
14. Kum Kyung Corporation (Handsome)	300
15. La Mode Inc.	300
16. Lin, Hsia-Ling (Net Apparel)	585
17. Mariana Fashion, Inc.	252
18. Marianas Garment, Inc.	689
19. Michigan, Inc.	237
20. Micronesia Garment, Inc.	308
21. Mirage (Saipan), Inc.	424
22. Neo Fashion, Inc.	308
23. Net (Suntex) Manufacturing	400
24. Onwell Mfg. (Saipan) Limited	569
25. Pang Jin Sang Sa Corporation	371
26. Sako Corporation	396
27. Sam Marianas, Inc.	311
28. Top Fashion	444
29. Trans America	176
30. Trans Asia Garment Manufacturing	1,101
31. U.S. CNMI Development	300
32. United International Corporation	1,532
33. Uno Moda Corporation	342

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EMPLOYER	N.R.W. EMPLOYEES
34. Winners Corporation	585
Total	15,727

PL 11-76 contained findings and purpose, repealer, severability, and savings clauses as follows:

Section 1. Findings and Purpose.

The Legislature finds that to control the expansion of the garment industry and to reduce the number of alien workers in that industry, it is necessary to impose a cap on the number of non-resident alien workers in the garment manufacturing industry and to establish a quota for each licensed garment manufacturer for the employment of alien workers. The Legislature's previous effort in this regard, specifically the enactment of Public Law 10-9, succeeded in limiting the number of licenses for garment manufacturing but failed to sufficiently control or reduce the number of alien workers employed in the industry. The Legislature finds that the imposition of an absolute cap of 15,727 non-resident alien workers in the industry distributed among the licensed garment manufacturers is necessary to permanently control the number of nonresident workers in the garment industry. The cap includes the number of nonresident workers legally employed in the garment industry in the Commonwealth as of June 1, 1998, application for the employment of non-resident alien workers in the garment industry pending with the Department of Labor and Immigration on the effective date of Public Law 10-9, May 28, 1996, work permits issued though the non-resident alien has not yet entered the Commonwealth, expired and/or valid permits within the quota established in Schedule A, and manpower transfers granted pursuant to Section 5 of this Act. This cap shall be allocated among licensee garment manufacturers in accordance with Schedule A, as incorporated to this Act.

(b) To achieve consistency and facilitate administration, certain provisions of P.L. 10-9, with respect to quotas, which are inconsistent with this Act are amended or repealed.

(c) Despite the absolute quota imposed by this Act, the legislature recognizes the many positive contributions of the garment industry to the Commonwealth economy. In particular, the industry contributes user fees and taxes to the Commonwealth government, and provides revenues to the shipping, and consumer sectors of the private economy. Also, many resident workers are employed in the garment industry. All of which have a beneficial effect to our citizens. However, the legislature finds it necessary to control the balance between non-resident workers and the citizen population.

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Section 9. Repealer. The following are repealed:

(a) 4 CMC § 5701(d) relative to the definition of "garment worker".

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(b) 4 CMC § 5705 relative to the definition of “garment worker pool”.

Section 10. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

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

PL 12-11, which amended this section took effect on August 3, 2000. PL 12-11 contained title, findings and purpose, severability, and savings clause provisions as follows:

Section 1. Title. This Act may be cited as the Omnibus Labor and Business Reform Act of 2000.

Section 2. Findings and Purpose. The Legislature finds that over the past several years, many laws have been enacted that unduly restrict the ability of people to do business. We do not believe that it is in the interests of the Commonwealth to stifle commerce by enacting restrictive laws, especially when our economy is in great need of revitalization. The Legislature further finds that although there is a need to protect jobs for our local residents, if there is no qualified local person to fill a business need, then the government should adopt policies to help business otherwise meet staffing needs. Finally, the Legislature recognizes the need to encourage new business development, and this should be done with as little government intrusion or regulation as necessary.

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Section 8. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

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

PL 14-82 was enacted on August 2, 2005 and contained the following findings and purpose, compliance, and regulations provisions, in addition to severability and savings provisions and amendments to 4 CMC §§ 5611(c) and 5703:

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Section 1. Findings and Purpose. The Legislature finds that the current period of adjustment within the garment industry in the CNMI presents a necessity for relaxing the wholesale prohibition on the transfer of business licenses under Title 4 of the Commonwealth Code. The Legislature, however, is mindful that strict criteria and conditions must be established to insure that only such relaxation does not result in the violation of the moratorium on the number of qualified garment manufacturers established in Public Law 11-76, as amended. The Legislature further recognizes the need to maintain compliance with the 15,727 ceiling on the number of garment workers within the CNMI. Therefore, the Department of Finance in consultation with the Office of Attorney General is instructed to establish criteria and conditions that implement the intent of this Act within 30 days of its effective date.

The purpose of this legislation is to stimulate economic growth by allowing the Department of Finance to transfer business licenses for purposes of garment manufacturing to new investors or existing garment manufacturers listed in Schedule A of Public Law 11-76 under certain conditions.

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Section 4. Compliance. Nothing in this Act shall modify the requirement for strict adherence to 4 CMC § 5708, “Garment Manufacturing Industry Cap and Non-Resident Worker Quota.” 4 CMC § 5708(c) shall be used to reallocate garment workers to a garment manufacturer licensed pursuant to 4 CMC § 5611(c) and in accordance with rules and regulations promulgated by the Department of Labor.

Section 5. Regulations. The Department of Labor and Department of Finance shall promulgate emergency regulations for the implementation of this Act within 30 days of its effective date. The Attorney General shall provide legal assistance to accomplish this deadline.