

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9602. Special Industry Committees for the Commonwealth of the Northern Mariana Islands.

(a) *Establishment: basic committee requirements.* The Governor, shall as soon as practicable:

(1) Appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under the applicable provisions of the Commonwealth Wage and Hour Act, as amended (4 CMC § 9211 et seq.) to employees in the Commonwealth, or

(2) Appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under said sections to employees in the Commonwealth employed in particular industries or types of employment in the Commonwealth.

The Governor may consult with the administrator in determining whether to appoint one committee or separate industry committees under this subsection.

(b) *Composition of committees.*

(1) Each industry committee shall be subject to the board composition requirements of 1 CMC § 2901(g) and shall consist of the following nine members:

(i) Three persons representing employers in the industry at least one of whom shall be resident of the Commonwealth, appointed by the Governor;

(ii) Three persons representing employees in the industry one of whom may be a foreign national worker as defined in 3 CMC § 4412(i)* and at least two of whom shall be citizen or permanent resident workers as defined in 3 CMC § 4412(n),* appointed by the Governor;

(iii) One person appointed by the Speaker of the United States House of Representatives;

(iv) One person appointed by the Majority Leader of the United States Senate; and

(v) One person appointed by the administrator.

(2) The chair of each industry committee shall be elected by the majority of all of its members.

(3) If members are not appointed under subsections (b)(1)(iii), (b)(1)(iv), and/or (b)(1)(v) of this section the committee shall proceed and carry out its duties and powers under this chapter.

(c) *Quorum: compensation: support staff.* Two-thirds of the members of an industry committee shall constitute a quorum, and the decision of the committee shall require a vote of not less than a majority of all its members. Members of an industry committee shall receive as compensation for their services a reasonable per diem, which the Governor shall by rules and regulations prescribe, for each day actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and other expenses. Traveling and other related expenses incurred by the federally appointed members shall be funded by the United States government. The Governor shall furnish the committee with adequate legal, stenographic, clerical, and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the committee.

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

(d) *Submission of data to committees.* The Governor and the administrator shall submit to an industry committee from time to time such data as they may have available on the matters referred to it, and shall cause to be brought before it in connection with such matters any witnesses whom they deem material. An industry committee may summon other witnesses or call upon the Governor or the administrator to furnish additional information to aid it in its deliberations.

(e) *Duties and responsibilities of committees.* Each committee shall have the following powers, duties, and functions:

(1)(i) Based on a biennial written report submitted to the legislature beginning November 1, 1998, recommend and advise the legislature as to the highest possible minimum rate(s) of wages to be paid under 4 CMC §§ 9221 and 9223 (or successor law) throughout the Commonwealth or in each industry, as appropriate, exemptions therefrom, if any, and other matters affecting minimum wage in the Commonwealth.

(ii) The minimum wage recommendation of any committee shall not be lower than the relevant minimum wage pursuant to 4 CMC § 9211 et seq. (or successor provisions) applicable on the date of the recommendation or higher than the then applicable federal minimum wage.

(iii) In its written report, the committee shall recommend the highest possible minimum wage rate for the industry or classifications with due regard to economic and competitive conditions, so that what is recommended would not substantially curtail current or future economic activity or the viability of any industry if adopted by the legislature as law. No classification may be recommended on the basis of age, sex, race, or national origin. Recommendations of the committee shall be supported by evidence in the record which establishes that the industry, or predominate portion thereof, is unable to pay a higher wage (not to exceed the prevailing federal minimum wage) due to prevailing economic and competitive conditions.

(2) Utilizing as a guideline, the methodology or criteria developed by the Special Industry Committee for American Samoa, make a comprehensive study of the social, political, and economic ramifications of an increase in the minimum wage in the Commonwealth;

(3) Subject to appropriated or reprogrammed funds, by the Governor from any and all sources, which is hereby authorized notwithstanding subsections (a) and (b) of 1 CMC § 7402, hire necessary staff and commission economic studies to be performed locally or in cooperation with the federal government;

(4) Accept and apply for federal grants related to wage review committee duties;

(5) Consider competitive conditions as affected by transportation, living, and production costs including employee benefits as required by law such as medical care, transportation, and subsidized meals and housing;

(6) Consider employment and labor conditions and trends in the Commonwealth, wage rates and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning period, rejection rates, and similar factors;

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

(7) Consider market conditions and trends in the Commonwealth including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, competitive relationship, tariff rates and similar market factors;

(8) Consider comparative production costs in the Commonwealth, U.S. and foreign countries together with factors responsible for the differences;

(9) Consider financial conditions and trends as reflected in audited profit and loss statements and balance sheets;

(10) Conduct public hearings and take testimony, oral or written, from different industries and interested persons to aid in its deliberations.

(f) *Term.* Committee members shall serve for four years and be subject to removal pursuant to 1 CMC § 2901. Members may be re-appointed. Vacancies shall be filled in the same manner as the original appointment. Vacancies created as a result of resignation or otherwise, prior to the expiration of the original term of appointment, shall be filled in the same manner as the original appointment for the balance of the unexpired term.

Source: PL 11-22, § 3, modified; subsection (e)(1)(A) amended by PL 11-28, § 1; (b)(1)(ii) amended by global amendment PL 15-108, § 5.

Commission Comment: PL 11-28 took effect on August 14, 1998. PL 11-28 contained severability and savings clauses as follows:

Section 2. 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 3. 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. Repealer 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.

*The Commission changed references in subsection (b)(1)(ii)(B) from “resident worker” to “citizen or permanent resident worker” and from “non-resident worker” to “foreign national worker” as required by PL 108, § 5. However, the Commission notes that 3 CMC § 4412 was repealed by PL 108, § 4. Following the codification of PL 15-108, “permanent resident” is defined in 3 CMC § 4511(j).