

**ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**FIRST SPECIAL SESSION, 1999**

*PUBLIC LAW NO. 11-123*

**SENATE BILL  
NO. 11-125, SD1**

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**AN ACT**

To amend Title 4, Division 1, Chapter 4 to add a new § 1426 to allow denial of a certificate or origin for any garment factory found in violation of the Non-Resident Workers Act or Commonwealth Minimum Wage Act; and for other purposes.

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

Section 1. Findings and Purpose. The Legislature recognizes that the garment industry within the Commonwealth, through the Saipan Garment manufacturing Association (“SGMA”), a Code of Conduct has been adopted and a independent monitoring program has been implemented. The legislature recognizes that SGMA also adopted its own sanctions for any garment factory found in non-compliance with the Code of Conduct which includes violation of the Non-Resident Workers Act and the Commonwealth Minimum Wage Act. The Legislature further recognizes that the Commonwealth Department of Labor and Immigration has enhanced reform and enforcement efforts to curb labor abuse violations Commonwealth-wide. However, the Legislature strongly supports the position that in addition to monetary suspension of SGMA membership that the Division of Customs, Department of Finance must be empowered to deny issuance of Certificate of Origin on exports from any garment factory found in violation of

Commonwealth law or the SGMA Code of Conduct until such time as the garment factory is deemed in compliance again. Therefore, it is the purpose of this Act to provide the authority to the Division of Customs to deny a Certificate of Origin to any exports of a garment factory under certain conditions.

Section 2. Certificate of Origin. Title 4, Division 1, Chapter 4, Article 2 is hereby amended to add a new § 1426 to read as follows:

“§ 1426. Certificate of Origin Denials. The Division of Customs may deny a certification for country of origin or other purposes relating to exports from the Commonwealth to any garment factory found in violation of the Non-Resident Workers Act or the Commonwealth Minimum Wage Act or found in violation of the Saipan Garment Manufactures Association’s (“SGMA”) Code of Conduct and referred by the SGMA to the Division for such violation or found in violation of Federal Occupational Health and Safety Administration (OHSA) requirements or any Federal law governing labor and conditions of employment. Such denial shall remain in effect until the garment factory is found in compliance by the Department of Labor and Immigration, in the case of violation of law, or the SGMA, in the case of violation of the SGMA code. Any garment factory affected by such denial shall 1 CMC §§ 9112 and 9113.”

Section 3. Rules and Regulations. Within ninety (90) days of the effective date of this Act, the Secretary of the Department of Finance in consultation with the Secretary of the Department of Labor and Immigration and the Saipan Garment Manufacturing Association

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shall promulgate such rules and regulations as may be necessary to carry out the purposes of this Act.

Section 4. 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 5. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED BY:**

/s/ Paul A. Manglona  
**PAUL A. MANGLONA**  
President of the Senate

/s/ Edward U. Maratita  
**EDWARD U. MARATITA**  
Senate Legislative Secretary

Approved this 10<sup>th</sup> day of February, 2000, 1999.

/s/ Pedro P. Tenorio  
**PEDRO P. TENORIO**  
**Governor**  
Commonwealth of the Northern Mariana Islands