

**AN ACT**

To amend Section 4434(i) of the Nonresident Workers Act to exempt nonresident employees of the CNMI government who earn more than \$20,000 per year from certain provisions of the Nonresident Workers Act; and for other purposes.

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

Section 1. Findings and Purposes. The Legislature finds that the CNMI government may only hire nonresident workers in limited circumstances, pursuant to 3 CMC Section 4434(i). The Legislature further finds that these workers are hired by the government only for vital positions that cannot be filled locally and are of a highly skilled nature, requiring substantial salaries; accordingly, these workers are hired through Excepted Service contracts. Finally, the Legislature finds that there are some provisions of the Nonresident Workers Act that conflict with the Excepted Service Personnel Regulations and contract. Therefore, the Legislature finds it is necessary to add a new subsection to 3 CMC Section 4434 that will exempt nonresident workers employed by the CNMI government who earn more than \$20,000 per year from certain specified provisions of the Nonresident Worker Act.

Section 2. Amendment. 3 CMC Section 4434(i) is hereby amended to add a new subsection (4) as follows:

"(4) All nonresident workers employed by the CNMI government pursuant to 3 CMC Section 4434(i)(1) who earn more than \$20,000 per year shall be exempted from Sections 4435(a) and 4437(c) of the Nonresident Workers Act."

Section 3. 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 4. 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herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes.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.

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:**

/s/ Diego T. Benavente  
**DIEGO T. BENAVENTE**  
**Speaker**  
House of Representatives

**ATTESTED BY:**

/s/ Evelyn C. Fleming  
**EVELYN C. FLEMING**  
**House Clerk**

Approved this 15<sup>th</sup> day of March, 1999

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