



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor
Jesus R. Sablan
Lt. Governor

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Saipan, MP 96950
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The Honorable Benigno R. Fitial
Speaker, House of Representatives
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

DEC 05 2000

and

The Honorable Paul A. Manglona
Senate President
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950


Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 12-285, SD2, entitled "To extend the privilege of having non-resident workers with special skills and qualifications fill hard-to-fill vacant positions within the CNMI government by repealing and reenacting 3 CMC, §44 34 (i); and for other purposes," which was passed by the Twelfth Northern Marianas Commonwealth Legislature.

I have signed this bill to help alleviate the critical situation currently facing the Commonwealth Health Center, as well as other departments and agencies who rely on non-resident workers for certain hard-to-fill positions. However, I strongly urge these departments and agencies to aggressively recruit and train resident workers to fill these positions.

This bill becomes **Public Law No. 12-34**. Copies bearing my signature are forwarded for your reference.

Sincerely,



PEDRO P. TENORIO

CC: Secretary of Public Health
Secretary of Public Works
Executive Director, Commonwealth Utilities Corporation
Director of Personnel
Secretary of Labor & Immigration
Northern Marianas College
Special Assistant for Programs & Legislative Review



The House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500586
Saipan, MP 96950

PUBLIC LAW NO. 12-34

November 29, 2000

The Honorable Pedro P. Tenorio
Governor
Commonwealth of the Northern
Mariana Islands
Office of the Governor
Capitol Hill
Saipan, MP 96950

Dear Governor Tenorio:

I have the honor to transmit herewith for your action House Bill No. 12-285, SD2, entitled, "To extend the privilege of having non-resident workers with special skills and qualifications fill hard-to-fill vacant positions within the CNMI government by repealing and reenacting 3 CMC, §4434 (i); and for other purposes," which was passed by the House of Representatives and the Senate of the Twelfth Northern Marianas Commonwealth Legislature.

Respectfully,


Evelyn C. Fleming
House Clerk

Attachment

HOUSE OF REPRESENTATIVES

Twelfth Northern Marianas Commonwealth Legislature

PUBLIC LAW NO. 12-34

HOUSE BILL NO. 12-285, SD2

AN ACT

To extend the privilege of having non-resident workers with special skills and qualifications fill hard-to-fill vacant positions within the CNMI government by repealing and reenacting 3 CMC, §4434 (i); and for other purposes.

Offered by Representative(s):

Maria "Malua" T. Peter,

Jesus T. Attao, Oscar M. Babauta, Antonio M. Camacho, Rosiky F. Camacho,
Florencio T. Deleon Guerrero, Heinz S. Hofschneider, and Dino M. Jones

Date: October 13, 2000

HOUSE ACTION

Standing Committee Report: None

First and Final Reading: October 13, 2000

Accepted Senate Amendments: November 22, 2000

SENATE ACTION

Referred to: Committee on Health, Education, Welfare and Programs

Standing Committee Report: None

Second and Final Reading: November 17, 2000


Evelyn C. Fleming
House Clerk

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2000

PUBLIC LAW NO. 12-34
H. B. NO. 12-285, SD2

AN ACT

To extend the privilege of having non-resident workers with special skills and qualifications fill hard-to-fill vacant positions within the CNMI government by repealing and reenacting 3 CMC, §4434 (i); and for other purposes.

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

1 Section 1. Findings and Purpose. The Legislature finds that current law exempts
2 particular departments, agencies and other entities from the blanket prohibition on the hiring
3 of nonresident workers by the Commonwealth Government and allows these entities to hire
4 nonresident workers with limited restrictions. The Legislature also finds that sound social
5 policy mandates that the Commonwealth Government reduce and eventually phase out its
6 reliance on nonresident labor.

7 The Legislature further finds that, in accordance with Public Law 10-4, the
8 exemptions for some of the entities expired on September 30, 2000. The Legislature is also
9 cognizant that there is yet an insufficient locally available labor pool to supply the
10 professional and technical needs for some of these Commonwealth government
11 departments/agencies. For example, the local labor pool is presently incapable of supplying
12 sufficient numbers of doctors, dentists, midwives, nurses, allied health providers (lab techs,
13 x-ray techs, respiratory techs, pharmacy specialists) research scientists and auditors. To
14 accommodate both the social policy of phasing out nonresident labor and the economic
15 reality of continued need, it is the purpose of this legislation to provide a mechanism whereby
16 the number of nonresident workers employed by the Commonwealth government will be
17 gradually reduced through time. This legislation will extend the sunset provision imposed by
18 Public Law 10-4 to either September 30, 2002 or September 30, 2005 depending on the
19 government entity involved. While we would like to have all government reliance on non-
20 resident labor terminate sooner rather than later, we recognize that this may not be logistically
21 possible.

1 Furthermore, it is the purpose of this legislation to insure that all exempted
2 government entities are actively working towards the goal of phasing out the reliance on
3 nonresident workers. Therefore, this legislation requires each of the exempt government
4 entities to develop a comprehensive manpower training and education plan in coordination
5 with the Northern Marianas College, Office of Personnel Management, Public School System
6 and the Scholarship Office. This plan must include a management intern program for
7 employees to receive the necessary job-skills training and/or education to eventually fill the
8 positions currently occupied by non-resident workers. Furthermore, each government entity
9 authorized under this Act to hire nonresident workers shall report annually, in writing, to the
10 presiding officers of each house of the Legislature on the progress and status of this plan. We
11 note that in the past these exemptions have been extended by new legislation beyond their
12 intended expiration date. This should not happen again. It is the specific intent of the
13 legislature that no further extensions of these exemptions occur for any reason.

14 Section 2. Repealer and Reenactment. 3 CMC §4434 (i) is hereby repealed and
15 reenacted to read as follows:

16 “(i) The director shall not approve, issue or renew nonresident worker
17 certificates for any position for direct or indirect employment within the
18 Commonwealth government except for employment within the following government
19 entities, positions, and conditions, for a contract period not to exceed one year,
20 renewable pursuant to the restrictions of this subsection, and contingent upon the
21 Office of Personnel Management (OPM) certifying that no resident professional is
22 available to fill the position:

23 (1) (A) Department of Public Health. Physicians, midwives, and
24 dentists licensed to practice in the CNMI. Applicants for nursing positions
25 shall be graduates of recognized colleges or universities with a degree in
26 nursing science and shall satisfy the professional licensing requirements in
27 his/her country of origin as well as satisfying the licensing requirements
28 established by the CNMI Board of Nursing for a Licensed Practical Nurse
29 (LPN) or Registered Nurse (RN). Applicants for engineering tech and allied
30 health positions such as lab tech, x-ray tech, respiratory tech, physical therapist
31 and pharmacy specialist shall be graduates of recognized colleges or
32 universities with a degree in their area of specialty in his/her country of origin
33 and shall have satisfied all of their country’s professional licensing and

1 certification requirements in addition to satisfying, if applicable, the licensure
2 requirements established by the CNMI Medical Professional Licensure Board.
3 This subsection shall expire on September 30, 2005, and no non-resident
4 workers may be employed in the covered positions after this date. No contract
5 entered into pursuant to this subsection shall be valid or have any legal effect
6 on or after September 30, 2005.

7 (B) Department of Public Works. Technical and professional positions
8 such as engineers and architects in the Technical Services Division, provided,
9 that such nonresident professionals meet the licensing requirements of their
10 country of origin in addition to satisfying the professional qualification and
11 experience standards established by the Secretary of the Department of Public
12 Works and Office of Personnel Management. This subsection shall expire on
13 September 30, 2002, and no non-resident workers may be employed in the
14 covered positions after this date. No contract may be entered into pursuant to
15 this subsection that provides for a termination of the contract after September
16 30, 2002.

17 (C) Northern Marianas College. For instructors, research scientists and
18 other technical and professional employees at the Northern Marianas College;
19 provided, however, that such nonresident workers must be graduates of
20 colleges or universities in the United States, or colleges or universities which
21 are accredited by United States accrediting associations, or, alternatively, that
22 such nonresident workers shall have earned degree(s) from colleges,
23 universities, or institutions abroad that are recognized by the Board of Regents
24 and shall meet all other professional requirements set by the Board of Regents.
25 This subsection shall expire on September 30, 2005, and no non-resident
26 workers may be employed in the covered positions after this date. No contract
27 may be entered into pursuant to this subsection that provides for the
28 termination of the contract after September 30, 2005.

29 (D) Commonwealth Utilities Corporation. For technical and
30 professional employees. This subsection shall expire on September 30, 2005,
31 and no non-resident workers may be employed in the covered positions after

1 this date. No contract may be entered into pursuant to this subsection that
2 provides for the termination of the contract after September 30, 2005.

3 (2) In coordination with the Office of Personnel Management, the
4 Northern Marianas College, Public School System and the Scholarship Office, as the
5 case may be, each Commonwealth government entity authorized to hire nonresident
6 workers pursuant to this chapter shall develop a one (1) and five (5) year
7 comprehensive manpower training and education plan to include but not limited to
8 measurable goals and objectives, timelines, completion dates, budget requirement and
9 responsible person or persons to carry out the plan. This plan must include a
10 management intern program for employees to receive the necessary job-skills training
11 and/or education to eventually fill the positions currently occupied by nonresident
12 workers. At least 60 days prior to the beginning of each fiscal year, the hiring
13 government entity shall report annually, in writing, to the presiding officers of each
14 house of the legislature on the progress and status of this plan together with a funding
15 request necessary to implement the plan. Failure of the government hiring authority
16 to comply with this provision shall be grounds to suspend the privilege of hiring
17 nonresident workers by the non-complying entity, and this provision shall be strictly
18 enforced. However, ninety (90) days after the enactment of this Act, each government
19 agency allowed to hire nonresident workers shall submit to the presiding officers of
20 each house the five (5) year comprehensive manpower training and education plan.
21 Failure of the government agency in meeting this mandate shall result in the non-
22 complying government agency's privilege to employ nonresident workers being
23 automatically suspended until such time that the agency satisfies the legislative
24 mandate. The presiding officer of the House shall inform the director of such non-
25 compliance.

26 (3) A government entity authorized to employ non-resident workers under this
27 act may hire such workers through a direct employment contract with the non-resident
28 worker or via a contract for such services with a licensed manpower agency.

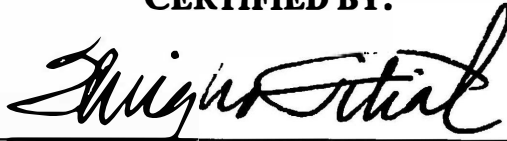
1 (4) The exceptions authorized herein shall expire on September 30, 2005, or
2 September 30, 2002, as set forth in this act.”

3 Section 3. Severability. If any provision of this Act or the application of any such
4 provision to any person or circumstance should be held invalid by a court of competent
5 jurisdiction, the remainder of this Act or the application of its provisions to persons or
6 circumstances other than those to which it is held invalid shall not be affected thereby.

7 Section 4. Savings Clause. This Act and any repealer contained herein shall not be
8 construed as affecting any existing right acquired under contract or acquired under statutes
9 repealed or under any rule, regulation or order adopted under the statutes. Repealers
10 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
11 The enactment of this Act shall not have the effect of terminating, or in any way modifying,
12 any liability, civil or criminal, which shall already be in existence at the date this Act
13 becomes effective.

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

CERTIFIED BY:



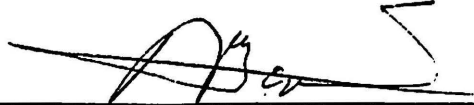
BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:



EVELYN C. FLEMING
HOUSE CLERK

Approved this 5th day of December, 2000



PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS