

FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

REGULAR SESSION, 2005

**PUBLIC LAW NO. 14-91
SENATE BILL
NO. 14-98, SD4, HD2**

AN ACT

TO EXTEND THE PRIVILEGE OF HIRING NON-RESIDENT WORKERS WITH SPECIAL SKILLS AND QUALIFICATIONS WITHIN THE DEPARTMENT OF PUBLIC HEALTH, THE DEPARTMENT OF PUBLIC WORKS, THE COMMONWEALTH UTILITIES CORPORATION, AND THE DEPARTMENT OF COMMERCE; AND FOR OTHER PURPOSES.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that Public Law 12-34
2 extended the sunset provision imposed by Public Law 10-4 in which certain government
3 departments and agencies may hire non-resident workers to fill professional and technical
4 vacant positions. The Legislature, however, finds that there is a need to further extend the
5 sunset provision for another two years for the Department of Health because there continues
6 to be a shortage of locally available physicians, midwives, nurses, dentists, technicians, and
7 other healthcare professionals.

8 The purpose of this legislation is to extend the sunset provision of hiring non-resident
9 workers at the Department of Public Health, as well as to make requested provisions for the
10 Department of Public Works and the Commonwealth Utilities Corporation.

11 **Section 2. Amendment.** 3 CMC §4434 (i), as amended by Public Laws 12-34, 13-
12 20 and 13-62 is hereby amended to read as follows:

13 “(i) The director shall not approve, issue or renew nonresident worker
14 certificates for any position for direct or indirect employment within the
15 Commonwealth government except for employment within the following government

1 entities, positions, and conditions, for a contract period not to exceed one year,
2 renewable pursuant to the restrictions of this subsection, and contingent upon the
3 Office of Personnel Management (OPM) certifying that no resident professional is
4 available to fill the position:

5 (1) (A) Department of Public Health. Physicians, midwives, and
6 dentists must be eligible to be licensed to practice in the CNMI. Applicants
7 for nursing positions shall be graduates of recognized colleges or universities
8 with a degree in nursing science and shall satisfy the professional licensing
9 requirements in his/her country of origin as well as satisfying the licensing
10 requirements established by the CNMI Board of Nursing for a Licensed
11 Practical Nurse (LPN) or Registered Nurse (RN). Applicants for engineering
12 technicians and allied health positions such as lab technicians, x-ray
13 technicians, respiratory technicians, physical therapists, ~~and~~ pharmacy
14 specialists, and other healthcare professionals shall be graduates of recognized
15 colleges or universities with a degree in their area of specialty in his/her
16 country of origin and shall have satisfied all of their country's professional
17 licensing and certification requirements in addition to satisfying, if applicable,
18 the licensure requirements established by the CNMI Medical Professional
19 Licensure Board. This subsection shall expire on September 30, ~~2005~~ 2010
20 with respect to physicians and dentists and September 30, 2007 with respect to
21 all other positions covered herein; and ~~no non-resident~~ Non-resident workers
22 may not be employed in the covered positions after ~~this~~ the applicable
23 expiration date. Nor shall any contract entered into pursuant to this subsection
24 ~~shall~~ be valid or have any legal effect ~~on or after September 30, 2005~~ the
25 applicable expiration dates. The Department of Public Health may hire non-
26 resident workers physicians or dentists initially for up to two years. All other
27 personnel hired pursuant to this subsection may be hired initially for not more
28 than one year. Subsequent re-employment thereafter for all employees shall
29 be limited to a term of one year.

1 (B) Department of Public Works. ~~Technical and professional positions~~
2 ~~such as e~~Engineers and architects in the Technical Services Division,
3 provided, that such nonresident professionals meet the licensing requirements
4 of their country of origin in addition to satisfying the professional
5 qualification and experience standards established by the Secretary of the
6 Department of Public Works and Office of Personnel Management. This
7 subsection shall expire on September 30, 2006, and no non-resident workers
8 may be employed in the covered positions after this date. No contract may be
9 entered into pursuant to this subsection that provides for a termination of the
10 contract after September 30, 2006.”

11 (C) [unchanged]

12 (D) Commonwealth Utilities Corporation. For engineers,
13 ~~technical and professional employees only for the First and Second Senatorial~~
14 ~~Districts. This subsection shall expire on September 30, 2005 2007, and no~~
15 ~~non-resident workers may be employed in the covered positions after this~~
16 ~~date. No contract may be entered into pursuant to this subsection that~~
17 ~~provides for the termination of the contract after September 30, 2005 2007.~~
18 **In addition, CUC may contract manpower services for power plant**
19 **mechanics. However, no contract may be entered into pursuant to this**
20 **subsection that provides for the termination of the contract after**
21 **September 30, 2007.**

22 (E) In the Department of Commerce for temporary or part-time
23 employees as needed for censuses and statistical surveys. This subsection
24 shall expire on September 30, 2007, and no non-resident workers may be
25 employed in the covered positions after this date. No contract may be entered
26 into pursuant to this subsection that provides for the termination of the
27 contract after September 30, 2007.”

28 Section 3. **Housing Allowance Policy for Recruitment Outside of the CNMI.**

1 (a) Regulations in effect on August 1, 2005 on housing allowance or housing
2 benefit for employees who are recruited from outside the Commonwealth shall
3 remain in effect for a period of not more than two years after the effective date of this
4 act, and such regulations may not be amended.

5 (b) Any government employee who receives a housing allowance or housing
6 benefit and voluntarily terminates his or her contract before the expiration of the
7 contract shall forfeit the benefit of repatriation to the point of hire or any other
8 location specified in the employment contract and be required to pay back to the
9 Commonwealth Government fifty percent (50%) of the expenses to recruit the
10 employee and fifty percent (50%) of the total housing allowance or housing benefit
11 received by the employee.

12 ~~(c) An employee, other than a non-resident worker, who is employed under~~
13 ~~the same job title or performing substantially the same duties and responsibilities as a~~
14 ~~non-resident worker who is receiving a housing allowance or housing benefit shall~~
15 ~~receive additional compensation equivalent to the housing allowance or housing~~
16 ~~benefit provided to the non-resident worker.~~

17 (c) ~~(d)~~ All new or renewal contracts of employment entered into pursuant to
18 3 CMC § 4434(i), as amended, are subject to this section.

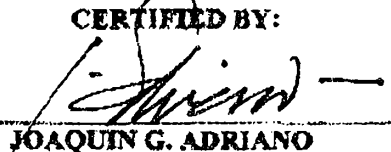
19 **Section 4. Severability.** If any provision of this Act or the application of any such
20 provision to any person or circumstance should be held invalid by a court of competent
21 jurisdiction, the remainder of this Act or the application of its provisions to persons or
22 circumstances other than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

23 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
24 construed as affecting any existing right acquired under contract or acquired under statutes
25 repealed or under any rule, regulation or order adopted under the statutes. Repealers
26 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
27 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
28 any liability, civil or criminal, which shall already be in existence on the date this Act
29 becomes effective.

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1 Section 6. Effective Date. This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

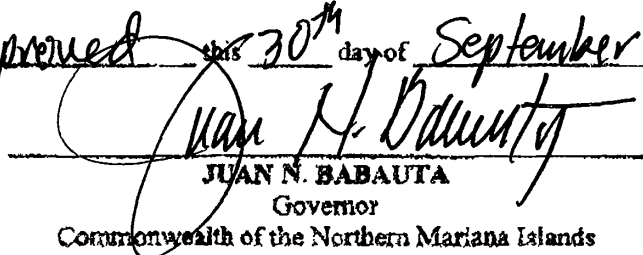
CERTIFIED BY:


JOAQUIN G. ADRIANO
President of the Senate

ATTESTED BY:


JOSEPH M. MENDIOLA
Senate Legislative Secretary

Approved this 30th day of September, 2004


JUAN N. BABAUTA
Governor
Commonwealth of the Northern Mariana Islands