

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2451. Department of Commerce.

There is in the Commonwealth government the Department of Commerce to be headed by a Director of Commerce.

Source: PL 1-8, tit. 1, ch. 9, § 1, modified; EO 94-3, § 103.

Commission Comment: Executive Order 94-3, the “Second Reorganization Plan of 1994” (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, §§ 103, 208, 209, 301-303:

Section 103. Department of Commerce. The Department of Commerce and Labor is re-designated the Department of Commerce.

. . . .

Section 208. Weights and Measures. All functions of the Governor relating to weights and measures pursuant to Chapter 4 of 4 CMC, Division 5 [4 CMC § 4511 et seq.], are transferred to the Secretary of Commerce.

Section 209. Temporary Alcoholic Beverage Licenses. The authority of the Governor under 4 CMC § 5525 to issue temporary licenses for the sale of alcoholic beverages by nonprofit organizations is transferred to the Secretary of Commerce.

. . . .

Section 301. Department of Labor and Immigration.

(a) **Department Established.** There is hereby established a Department of Labor and Immigration which shall have at its head a Secretary of Labor and Immigration.

(b) **Labor and Employment Services.**

(1) The Division of Labor and the Division of Employment Services are transferred from the Department of Commerce to the Department of Labor and Immigration. The Secretary of Labor and Immigration shall strengthen the Division of Employment Services to increase its ability to encourage and locate private sector employment for Commonwealth residents. The Secretary shall coordinate the functions of the two offices such that the availability of resident workers known to the Division of Employment Services is considered by the Division of Labor before non-resident worker certificates are issued.

(2) The functions of the Secretary of Commerce under Chapter 2 [of] 4 CMC, Division 9 [4 CMC § 9211 et seq.], relating to minimum wages and hours, are transferred to the Secretary of Labor and Immigration.

(3) The Wage and Salary Review Board is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Labor and Immigration.

(4) The State Job Training Coordination Council/Private Industry Council and the JTPA office are allocated to the

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Department of Labor and Immigration for purposes of administration and coordination.

(5) Pursuant to paragraph (2) of 3 CMC § 4424(a), the Secretary of Labor and Immigration shall by regulation increase to not less than \$200 the annual fee for the processing of the initial application and for each annual renewal of a non-resident worker certificate, provided that the additional funds collected as a result of such increase shall be covered into the General Fund. On October 1, 1994, any funds remaining in the Commonwealth Non-resident Worker Fee Fund or in any account established pursuant to paragraph (1) of such subsection, shall be covered into the General Fund, may be reprogrammed by the Governor, and shall remain available for obligation until expended. The Governor may transmit to the Legislature revised budget estimates for Fiscal Year 1995 as necessary to conform to the provisions of this paragraph.

(c) Immigration.

(1) The Office of Immigration and Naturalization is re-designated the Immigration Service and is transferred to the Department of Labor and Immigration as a division of that department. The Immigration Service shall have at its head a Director of Immigration, who shall have all the powers assigned by law to the Immigration and Naturalization Officer, except any power transferred pursuant to Section 201 of this plan. The position of Immigration and Naturalization Officer is abolished.

(2) All functions of the Attorney General relating to immigration and naturalization, are transferred to the Secretary of Labor and Immigration except:

(A) any function transferred pursuant to Section 201 of this plan,

(B) the hearing of immigration appeals as provided in 3 CMC § 4336(d), and

(C) the constitutional function of legal representation.

Section 302. Department of Commerce.

(a) **Taxicab Bureau.** The Taxicab Bureau is abolished and its functions transferred from the Department of Finance to the Department of Commerce.

(b) **Marianas Visitors Bureau.** [This subsection (b) VACATED by PL 11-15, § 22]

(1) The Marianas Visitors Bureau is allocated to the Department of Commerce for purposes of administration and coordination.

(2) The Board of Directors is increased from 9 members to 14 members.

(3) (i) Nine of the members of the Board shall be appointed by the Governor with the advice and consent of the Senate and shall serve a term of four years. At least two of the members appointed by the Governor shall be from Rota and at least two shall be from Tinian.

(ii) The present members of the Board shall serve out their terms, the Governor appointing replacements as their terms expire.

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(4) One representative apiece from each of the following groups shall serve as a member of the Board.

- (A) All the hotels serving the Commonwealth
- (B) All the airlines serving the Commonwealth
- (C) The major retailers of the Commonwealth
- (D) The small businesses of the Commonwealth that are members of the Marianas Visitors Bureau; and
- (E) The travel agencies of the Commonwealth.

The Secretary of Commerce may provide definitions of “major retailer”, “small business”, and “travel agency” by regulation. Each group may select its representative by consensus. If a consensus is not reached within a group, the Secretary of Commerce shall conduct an election with each member of the group having one vote.

The five members selected pursuant to this subsection shall each serve a term of one year. Neither such member may serve two successive terms, nor may an airline, a travel agency, or a major retailer be represented twice in succession.

The five members selected pursuant to this subsection shall take office as soon as a consensus may be reached, or an election held, after the effective date of this Order.

(c) **Alcoholic Beverage Control.** The Commonwealth Alcoholic Beverage Control Board is abolished and its functions transferred to the Secretary of Commerce.

(d) **Statistical Advisory Council.** The Statistical Advisory Council is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Commerce. The Secretary of Commerce shall solicit from all activities of the Commonwealth Government, including those of the Legislative and judicial Branches, and from the private sector as appropriate, their needs for government statistics and shall consider such needs when determining what statistics to collect, compile, and report.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

Section 302(b) of Executive Order 94-3 was vacated in its entirety by PL 11-15, § 22. PL 11-15 took effect on June 17, 1998.