

**TITLE 3: HUMAN RESOURCES
DIVISION 4: IMMIGRATION**

Article 2. Administrative Provisions.

[Repealed by PL 15-108 § 4]

- § 4421. Chief of Labor: Functions and Duties. [Repealed by PL 15-108 § 4]
- § 4422. Statistical Data. [Repealed by PL 15-108 § 4]
- § 4423. Federal Grants and Programs. [Repealed by PL 15-108 § 4]
- § 4424. Rules and Regulations. [Repealed by PL 15-108 § 4]
- § 4425. Annual Report. [Repealed by PL 15-108 § 4]

§ 4421. Chief of Labor: Functions and Duties [Repealed].

Source: PL 3-66, § 5; amended by PL 5-32, § 5; PL 10-66, § 2; repealed by PL 15-108 § 4.

Commission Comment: Executive Order 94-3, the “Second Re-organization Plan of 1994” (effective Aug. 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, § 301:

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 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

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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.

The full text of Executive Order 94-3 is set forth in the Commission comment to [1 CMC § 2001](#).

PL 10-66 took effect on August 1, 1997. PL 10-66, § 2 amended subsection (b) of this section. According to PL 10-66, § 1:

Section 1. **Findings.** The Legislature finds that changed circumstances require new direction in providing training for residents to supplant non-residents in technical and professional fields. The Legislature also finds that the economy of the Commonwealth will be strengthened through the development of local small businesses, and that the Northern Marianas College Business Development Center provides counseling and technical assistance to facilitate that development.

§ 4422. Statistical Data [Repealed].

Source: PL 5-32, § 6 (repealing PL 3-66, § 11); amended by PL 10-66, § 3; repealed by PL 15-108 § 4.

Commission Comment: This section took effect July 28, 1987. With respect to the former reference to the “chief” of Labor, see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency

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names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [3 CMC § 4421](#).

PL 10-66 took effect August 1, 1997. According to PL 10-66, § 1:

Section 1. Findings. The Legislature finds that changed circumstances require new direction in providing training for residents to supplant non-residents in technical and professional fields. The Legislature also finds that the economy of the Commonwealth will be strengthened through the development of local small businesses, and that the Northern Marianas College Business Development Center provides counseling and technical assistance to facilitate that development.

§ 4423. Federal Grants and Programs [Repealed].

Source: PL 3-66, § 12; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former reference to the “chief” of Labor, see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [3 CMC § 4421](#).

§ 4424. Rules and Regulations [Repealed].

Source: PL 5-32, §§ 2, 7 (repealing PL 3-66, § 13); amended by PL 6-28, § 2; PL 10-66, § 4, modified; new (c)(2) added by PL 14-54, § 5(c), modified, and former (c)(2) redesignated to (c)(3); (c) amended by PL 15-5, § 2, modified; new (c)(2) added and original (c)(2) and (c)(3) renumbered to (c)(3) and (c)(4), respectively, by PL 15-64, § 3(b)(2); repealed by PL 15-108 § 4.

Commission Comment: This section took effect July 28, 1987. With respect to the former references to the “director” of Commerce and Labor, the “Department of Commerce and Labor” and the “Director of Finance,” see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [3 CMC § 4421](#).

PL 10-66 took effect August 1, 1997. PL 10-66, § 4 amended subsection (c) of this section. According to PL 10-66, § 1:

Section 1. Findings. The Legislature finds that changed circumstances require new direction in providing training for residents to supplant non-residents in technical and professional fields. The Legislature also finds that the economy of the Commonwealth will be strengthened through the development of local small businesses, and that the Northern Marianas College Business Development Center provides counseling and technical assistance to facilitate that development.

At the end of subsection (c)(2) of this section, the Commission added the word “Account” to correct a typographical error.

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The Commission substituted “PL 14-54” in place of “this Act” in former subsection (c)(2) pursuant to its authority by [1 CMC § 3806\(d\)](#). Moreover, it appears in former subsection (c)(2) that the legislature was referring to the Technical Education Program Fund codified at [1 CMC § 2282](#). PL 14-54 was enacted on January 17, 2005, and contained, among other enactments, purpose, expenditure authority, severability, and savings clause provisions. The purpose provision stated:

Section 1. Purpose. The purpose of this Act is to authorize the Public School System to establish a technical education program to gradually fulfill the mandate of the Nonresident Workers Act and to identify sources to adequately fund the program. This Act is based on the findings of a PSS feasibility study submitted to the House of Representatives on May 7, 2004, pursuant to House Resolution No. 144.

See also [1 CMC §§ 1901](#) and [2282](#), and [4 CMC § 1503\(f\)](#) for related enactments included in PL 14-54. The Nonresident Workers Act is codified in [3 CMC §§ 4411](#) *et seq.*

PL 15-5 was enacted on April 10, 2006. Several conforming changes were made by the Commission to the original numbering scheme of PL 15-5, § 2, pursuant to the authority granted by [1 CMC § 3806\(a\)](#). See the comment to [3 CMC § 1351](#) regarding PL 15-5.

PL 15-64 was enacted on May 30, 2007, and contained, among other enactments and repealers, findings and purpose, expenditure authority, global amendment, clarifications, severability, and savings clause provisions. Regarding subsection (e) above, the Commission assigned a different subsection number than what was designated in the original text and also inserted the bracketed text. The findings and purpose stated:

Section 1. Findings and Purpose. The Commonwealth Legislature finds that with the enactment of various bills into public law, certain minor errors and inconsistencies have prevented the efficient codification of a number of laws. It is the intent of this Act to repeal, amend, or add necessary language to the Commonwealth Code in order to more accurately reflect the intent and purpose of laws enacted by the Commonwealth Legislature.

§ 4425. Annual Report [Repealed].

Source: PL 3-66, § 17; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former references to the “director” of the Department of Commerce and Labor and the “chief” of Labor, see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#); see also the comment to [3 CMC § 4421](#).