

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

Article 3. Procedural Requirements.

[Repealed by PL 15-108 § 4]

- § 4431. Procedure and Requirements: Employer Notifies Chief. [Repealed by PL 15-108 § 4]
- § 4432. Procedure and Requirements: 15-Day Advertising. [Repealed by PL 15-108 § 4]
- § 4433. Procedure and Requirements: Nonresident Employment Agreement. [Repealed by PL 15-108 § 4]
- § 4434. Procedure and Requirements: Approval of Contract by Director. [Repealed by PL 15-108 § 4]
- § 4435. Procedure and Requirements: After Contract Approved. [Repealed by PL 15-108 § 4]
- § 4436. Preconditions for Employment of Nonresident Workers. [Repealed by PL 15-108 § 4]
- § 4437. Restrictions and Obligations.[Repealed by PL 15-108 § 4]
- § 4438. Health Certification.[Repealed by PL 15-108 § 4]
- § 4439. Required Records.[Repealed by PL 15-108 § 4]
- § 4440. Exemptions.[Repealed by PL 15-108 § 4]

§ 4431. Procedure and Requirements: Employer Notifies Chief [Repealed].

Source: PL 3-66, § 6; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former references 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](#).

§ 4432. Procedure and Requirements: 15-Day Advertising [Repealed].

Source: PL 3-66, § 6; amended by PL 6-28, § 3; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former references to the “Department of Commerce and Labor,” the “director” of that agency 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](#).

§ 4433. Procedure and Requirements: Nonresident Employment Agreement [Repealed].

Source: PL 3-66, § 6; repealed by PL 15-108 § 4.

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Commission Comment: With respect to the former references 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](#).

§ 4434. Procedure and Requirements: Approval of Contract by Director [Repealed].

Source: PL 3-66, § 6; amended by PL 5-32, § 8; PL 6-5, § 317; PL 6-25, § 4; PL 6-28, § 1; PL 6-36, §§ 2, 3; PL 6-39, § 5; PL 7-4, §§ 2, 3; PL 7-34, §§ 1, 2; PL 7-45, §§ 3, 4, 5, 6, 8; PL 9-55, § 2; PL 10-4, §§ 4, 5; PL 10-31, § 2; new subsection (i)(4) added by PL 11-71, § 2, modified; subsection (i) repealed and reenacted by PL 12-34, § 2, modified; subsection (i)(1)(E) added by PL 13-5, § 2; subsection (i)(1)(B) amended by PL 13-20, § 2; (i)(1)(B) amended by PL 13-62, § 2; (i)(1)(C) amended by PL 14-30, § 2(b); (i)(1)(C) amended by PL 14-89, § 2; (i) amended by PL 14-91, § 2; (i)(1)(B) expired 9/30/06; (j) added by PL 15-45, § 2; repealed by PL 15-108 § 4.

Commission Comment: The Commission is charged with codifying laws of the CNMI that are of a permanent nature. [1 CMC § 3805\(b\)\(1\)](#). However, with regards to former subsection (i) above, because of the constant changes primarily to the dates stated therein, but not the elimination of nonresident workers within the Commonwealth government, the Commission would be remiss in its duties to not include such laws, albeit temporary (as defined by PL 3-90, § 10).

PL 10-4, the “Nonresident Worker Extension Act,” which amended subsections (e) and (i) of this section, took effect March 6, 1996. According to PL 10-4, § 2:

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

The Legislature further finds that, in accordance with [PL 7-45], the exemptions for some of the entities have expired on September 30, 1995. The Legislature also recognizes that there is yet an insufficient locally available labor pool to supply the professional and technical needs for some of these Commonwealth government entities. For example, the local labor pool is presently incapable of supplying sufficient numbers of doctors, dentists, nurses, auditors, mechanics and teachers. To accommodate both the social policy of phasing out nonresident labor and the economic reality of current continued need, it is the purpose of this legislation to provide a mechanism whereby the number of nonresident workers employed by the Commonwealth government will be reduced by governmental responsibility and accountability. This legislation will extend the sunset provision imposed by [PL 7-45] to September 30, 2000.

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The Legislature further finds that it was the intent of [PL 7-45] to restrict the Commonwealth government from hiring nonresident workers both directly and indirectly through the use of manpower services or agencies.

It is the further purpose of this legislation to insure that all exempted government entities are actively working toward phasing out the reliance on nonresident workers. Therefore, this legislation requires each of the exempt government entities to develop a comprehensive manpower training and education plan in coordination with the Northern Marianas College and the Office of Personnel Management. This plan must include a management intern program for employees to receive the necessary job-skills training and/or education to eventually fill the positions currently occupied by non-resident workers. Furthermore, each government entity authorized under this Act to hire nonresident workers shall report annually, in writing, to the presiding officers of each house of the Legislature on the progress and status of this plan.

With respect to the former references to the “director” of the Department of Commerce and Labor, the “chief” of Labor, the “Department of Public Health” and the “Department of Public Works” in 3 CMC § 4434, 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 11-71, which added new subsection (i)(4) of this section, took effect March 15, 1999. PL 11-71 contained findings and purpose, severability, and savings clauses as follows:

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 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

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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.

PL 12-34, which took effect December 5, 2000, contained the following findings and purpose, severability, and savings clause provisions:

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

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

Furthermore, it is the purpose of this legislation to insure that all exempted government entities are actively working towards the goal of phasing out the reliance on nonresident workers. Therefore, this legislation requires each of the exempt government entities to develop a comprehensive manpower training and education plan in coordination with the Northern Marianas College, Office of Personnel Management, Public School System and the Scholarship Office. This plan must include a management intern program for employees to receive the necessary job-skills training and/or education to eventually fill the positions currently occupied by non-resident workers. Furthermore, each government entity authorized under this Act to hire nonresident workers shall report annually, in writing, to the presiding officers of each house of the Legislature on the progress and status of this plan. We note that in the past these exemptions have been extended by new legislation beyond their intended expiration

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date. This should not happen again. It is the specific intent of the legislature that no further extensions of these exemptions occur for any reason.

...

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 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.

PL 13-5 became effective May 3, 2002. Contained within PL 13-5 were findings and purpose, severability, and savings clause provisions. According to PL 13-5:

Section 1. Findings and Purpose. The Legislature finds that current law exempts particular departments, agencies and other entities from the blanket prohibition on the hiring of nonresident workers with limited restrictions.

The Legislature further finds that, in accordance with Public Law 12-34, the exemptions for some of the entities excluded the Marianas Visitors Authority (MVA) on the hiring of nonresident workers with limited restrictions. The Legislature is also cognizant that there is an insufficient locally available labor pool to supply the professional and technical needs of MVA. Therefore, the Legislature is including MVA under the nonresident worker exemptions listing.

The Legislature promotes the privatization of governmental agencies when feasible and practicable, and will continue to review MVA policies to ensure that agency goals are realized effectively and efficiently.

PL 13-20 took effect August 15, 2002 and contained findings and purpose, severability, and savings clause provisions. The findings and purpose stated:

Section 1. Findings and Purpose. The Legislature finds that Public Law 12-34 extended the sunset provision posed by Public Law 10-4 for the Department of Public Health, Northern Marianas College, and the Commonwealth Utilities Corporation to September 30, 2005. The Legislature also finds that the Department of Public Works (DPW) was the only department/agency on this list that was given an expiration date of September 30, 2002. The Legislature's social policy mandates that the Commonwealth Government reduce and eventually phase out its reliance on nonresident labor, but recognizes that these departments may require additional time to realize their comprehensive manpower training and education plan goals.

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The Legislature further finds that DPW has submitted an education and training plan in order to comply with the current requirements of Public Law 12-34. However, as the expiration date of September 30, 2002 is quickly approaching, DPW requests that they be granted the same expiration date as other departments in an attempt to accomplish their ultimate goal of phasing out nonresident workers.

The Commission is charged with codifying laws of the CNMI that are of a permanent nature. [1 CMC § 3805\(b\)\(1\)](#). However, with regard to former subsection (i) above, because of the constant changes primarily to the dates stated therein, but not the elimination of nonresident workers within the Commonwealth government, the Commission would be remiss in its duties to not include such laws, albeit temporary (as defined by PL 3-90, § 10).

PL 13-62 was enacted on January 12, 2004 and contained a findings and purpose, regulations, severability, and savings provisions. PL 13-62 stated:

Section 1. Findings and purpose. The Legislature finds that because of the limited number of qualified resident workers and budgetary constraints in the Commonwealth of the Northern Mariana Islands, the Department, of Public Works should continue to hire nonresident workers to fill technical and professional positions within the department. This Act extends the hiring deadline established by Public Law 13-20 to September 30, 2005.

...

Section 3. Regulations. The Department of Immigration is authorized to promulgate rules and regulations to implement the intent and provision of this Act.

PL 14-30 was enacted on September 22, 2004, and contained findings and purpose, sunset, severability, and savings clause provisions. Of particular interest is the following sunset provision:

Section 3. Sunset. The authorization provided under this Act shall expire five years after the effective date of this Act.

Prior to the enactment of PL 14-89, subsection (i)(1)(C) stated, "Office of the Public Auditor as provided under [1 CMC § 2305\(c\)](#) as amended. The time limit specified under this subsection shall not apply to the Office of the Public Auditor." PL 14-89 was enacted on September 29, 2005, and contained, among other enactments (i.e., [3 CMC §§ 1307](#) and [1308](#)), findings and purpose, severability, and savings clause provisions. PL 14-89 stated in pertinent part:

Section 1. Findings and Purpose. The Legislature finds that Amendment 38 to the CNMI Constitution provides that, "The mission of the Northern Marianas College shall be to provide the best quality and meaningful post-secondary and adult educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole." The Legislature further finds that since the enactment of Public Law 12-34 which extended the NMC's exemption for hiring nonresident workers to September 30, 2005 that the NMC has failed to

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develop a comprehensive education and training plan as mandated by the public law. The current NMC administration has acknowledged that they were unaware of this requirement.

The Legislature also finds that the NMC must implement a system for notifying upcoming graduates of job openings at the college prior to a student's graduation. Such long-term planning in cooperation with the Scholarship Office should produce a stream of professionals to replace nonresident workers. At this time, the NMC still needs to hire nonresident professionals to fill positions that are not filled by U.S. citizens or resident workers. Therefore, the intent of this Act is to extend the sunset provision to allow the NMC to hire nonresident workers for another five years.

PL 14-91 was enacted on September 30, 2005, and contained findings and purpose, severability and savings clause provisions, and a new enactment regarding housing allowance for employees recruited outside of the CNMI (see [1 CMC § 8228](#)). PL 14-91 stated:

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

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

PL 15-45 was enacted on January 29, 2007, and contained the following findings and purpose in addition to severability and savings clauses. The Commission is aware that former subsection (j) was temporary in nature. While the Commission is charged with codifying only permanent laws, the Commission would be remiss in its duties if it did not codify such a critical law, albeit temporary, for the time being. The Commission removed subsection (j) from codification on January 1, 2010.

Section 1. Findings and Purpose. The Legislature finds that there has always been and continues to be a shortage of locally hired nurses in the Department of Public Health. To augment the pool of local nurses the Northern Marianas College, in collaboration with the Department of Public Health, instituted a nursing education program. The legislature finds that a certain class of individuals who have completed the nursing education program are not permitted to work as nurses in the Commonwealth, unless they are hired as nonresident workers because of their alien status and, as such, are required under 3 CMC § 4434(b)(1) to have two years of work experience in the occupational field for which he or she is to be hired.

In contrast, local residents, other than non-resident workers, who have completed the same program, are eligible to be hired as nurses without

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necessarily having any prior experience working as a nurse. This is consistent with the government's effort to encourage more residents to choose nursing careers as they are in such great demand and yet in such short supply. The purpose of this act, therefore, is to waive the two-year prior nursing experience required of graduates of NMC's nursing education program who could not be immediately employed in the Department of Public Health due to their non-resident worker status. Without this act, the Department of Public Health would still need to hire nurses from off-island, a more expensive proposition due to recruitment, repatriation and other associated costs.

§ 4435. Procedure and Requirements: After Contract Approved [Repealed].

Source: PL 3-66, § 6; amended by PL 10-1, § 5; new subsection (d) added by PL 11-58, § 2; 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 "Secretary of Labor and Immigration," 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 11-58 that added a new subsection (d) to this section took effect on February 4, 1999. PL 11-58 contained intent and savings clauses as follows:

Section 1. Intent. It is the intent of the Legislature to simplify the procedure for renewing nonresident employment contracts, and still provide an appropriate level of protection to the community.

...

Section 3. 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 on the date this Act becomes effective.

§ 4436. Preconditions for Employment of Nonresident Workers [Repealed].

Source: PL 5-32, §§ 9, 10 (repealing PL 3-11, § 7); amended by PL 6-28, § 6; PL 7-34, § 3; PL 10-4, § 3; repealed by PL 15-108 § 4.

Commission Comment: This section took effect January 1, 1987.

PL 10-4, the "Nonresident Worker Extension Act" added subsection(e); with respect to that act, see the comment to [3 CMC § 4434](#). With respect to the former references to the "director" of the Department of Commerce and Labor and the

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“chief” of Labor in this section, 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](#).

§ 4437. Restrictions and Obligations [Repealed].

Source: PL 3-66, § 8; amended by PL 5-32, §§ 9, 11; PL 6-28 §§ 4, 5; PL 6-39, § 4; PL 7-34, § 4; PL 7-45, § 7; PL 9-55, § 1; new subsection (m) added by PL 11-51, § 3; new subsection (n) added by PL 11-69, § 2, modified; subsection (c) amended by PL 11-124, § 1; Moratorium/Sunset Clause to subsection (n) added by PL 12-59, § 3, modified; (n) repealed by PL 12-59, § 3; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former references to the “director” of the Department of Commerce and Labor, the “chief” of Labor and the “Chief of Immigration,” 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 11-51, which added new subsection (m) of this section, took effect December 21, 1998. PL 11-51 contained findings and intent as follows:

Section 1. Findings. Non-resident businesses which require their own employees be present at certain phases of production or service contracts by CNMI businesses require that their employees, including their non-resident employees, be allowed entry into the CNMI for these special industry requirements. It is necessary to immediately provide such non-resident employees or foreigners businesses special entry permits for the continued and uninterrupted business operations of CNMI businesses. In order to provide for this continued and uninterrupted business operation it is necessary to provide a special category for a 180-day Special Entry Permit and establish the criteria for the issuance of such permits.

Section 2. Intent. It is the intent of the Legislature to remove unreasonable bureaucratic or regulatory obstacles and allow the more efficient use and employment of alien labor, thus achieving a sustainable and equitable balance between resident and alien labor. Additionally, it is the intent of this legislation to allow workers to be assigned to different jobs in the same occupational category, as defined in [3 CMC § 4412\(k\)](#), as the employees’ original contract.

PL 11-51 also contained severability and savings clauses as follows:

Section 5. 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 6. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under

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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.

PL 11-69, which added new subsection (n) of this section, took effect March 5, 1999. PL 11-69 added a new subsection (m), but since a subsection (m) was already added to this section by PL 11-51, new subsection (m) was relettered as subsection (n). Subsections designated with capital letters were redesignated with lower case roman numerals and subsections designated with lower case roman numerals were redesignated with capital letters to comply with standard code formatting.

PL 11-69 contained findings, severability, and savings clauses as follows:

Section 1. Findings. The Legislature finds that the number of non-resident workers in the CNMI has exceeded the number of indigenous and other local residents and that a significant number of these non-resident workers have resided in the CNMI for more than three consecutive years, without the benefit and protection of legislative representation in the Legislature, despite the fact that these non-resident workers and their immediate relatives constitute the majority of the CNMI population. The Legislature further finds that it is in the best interest of the CNMI Government, the employers, and the non-resident workers, to set a limit of three years of consecutive employment in the CNMI for non-resident workers, except for those holding professional or executive positions, earning an annual salary of \$30,000 or more.

...

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.

PL 11-124, which amended subsection (c) of this section, took effect February 23, 2000 by veto override. PL 11-124 contained a severability clause as follows:

Section 2. Severability. If any section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

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PL 12-59, which enacted the moratorium clause to subsection (n), took effect on July 3, 2001. PL 12-59 contained the following findings, task force appointment, severability, and savings clause provisions:

Section 1. Findings. The Legislature finds that, in the three years since PL 11-69 was enacted, economic forces have significantly reduced the number of non-resident workers employed in the Commonwealth. In addition, the Legislature understands and recognizes the concerns of the community that a replacement of the entire Commonwealth non-resident workforce will cause economic hardship and disruption to businesses who employ non-residents and to the community in general as a new work force adapts to a new environment.

The Legislature continues to support the intentions of PL 11-69 to foster and develop the resident work force of the CNMI and thereby reduce dependence on a non-resident work force. However, given the shifts in the economic and labor force conditions of the Commonwealth, the Legislature finds it necessary to review PL 11-69 to determine if modifications to the law are possible which will allow the goals of PL 11-69 to be achieved, while at the same time minimizing the economic hardship on Commonwealth business, which continues to struggle under adverse economic conditions, and the social and economic hardships on both the resident and non-resident community.

Section 2. PL 11-69 Task Force Appointment. Not later than 30 days after the effective date of this act, the Governor shall appoint the PL 11-69 Task Force as described in this section.

(a) Task Force Composition; Term. Notwithstanding 1 CMC § 2901(g), the PL 11-69 Task Force shall be composed of eleven (11) members.

(1) The Governor shall appoint one member from each of the following:

- (A) the First Senatorial District;
- (B) the Second Senatorial District;
- (C) the Hotel Association of the Northern Mariana Islands;
- (D) the CNMI Indigenous Entrepreneurs Association;
- (E) small businesses (less than \$200,000 gross annual income);
- (F) the construction industry;
- (G) the Saipan Garment Manufacturers Association;
- (H) the Saipan Chamber of Commerce; and
- (I) the Carolinian community.

(2) The President of the Senate shall appoint one member from the Senate.

(3) The Speaker of the House shall appoint one member from the House of Representatives.

The appointment of members is not subject to the advice and consent of either house of the legislature. Members of the Task Force shall be appointed within thirty (30) days after the effective date of this Act. The appointing authority shall make new appointments to fill any vacancy

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in the Task Force. The existence of the Task Force shall be temporary, and its term shall expire no later than May 5, 2005.

(b) Impact Study. The Task Force shall undertake a comprehensive impact study on the implementation of PL 11-69 relative to the following:

- (1) The Commonwealth's need for non-resident workers;
- (2) The effectiveness of programs and opportunities for resident workers to replace non-resident workers in the private sector work force;
- (3) Competitive employment in the public sector; and
- (4) Assessment of the above criteria on the basis of industry, occupational categories, professional, technical, managerial, supervisory and line positions.

For the purposes of this subsection, the Task Force is authorized to request any information reasonably related to the function for which the Task Force was created from any government or private agency. As permitted by its resources, all government agencies are required to cooperate and promptly comply with such requests by the Task Force. The Task Force is further authorized to conduct public hearings, provided that notice of such hearing is published in a newspaper of general circulation in the Commonwealth, once a week for two consecutive weeks prior to the date of the meeting.

(c) Administrative Support. The Department of Commerce shall provide all administrative support to the Task Force. Notwithstanding any provision of law to the contrary, the Governor is authorized to reprogram funds to the Department of Commerce for the purpose of providing administrative support to the Task Force.

(d) Within one year after the effective date of this Act, the Task Force shall report its preliminary findings and recommendations, including but not limited to any further amendment to or the repeal of PL 11-69, to the Governor and the presiding officers of the Legislature. In addition, within two years after the effective date of this Act, the Task Force shall report its final findings and recommendations to the Governor and the presiding officers of the Legislature. For good cause shown, the Governor may extend the time for the submission of the reports.

...

Section 4. 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 5. 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

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way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

Regarding former subsection (n), no action was taken by the Legislature by the specified date, thus the section was automatically repealed on March 6, 2005.

Regarding former subsection (i), see AG Opinion No. 05-09, published in 27 Com. Reg. 24684 (July 20, 2005), on the subject of salary review for a nonresident worker who seeks to sponsor an immediate relative.

§ 4438. Health Certification [Repealed].

Source: PL 3-66, § 9; amended by PL 5-32, § 12; PL 7-48, § 4; PL 11-97, § 6; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former references to the “chief” of Labor, the “director” of the Department of Commerce and Labor and the “Director of Public Health and Environmental Services,” 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 11-97 took effect on September 14, 1999, but see section 9 of PL 11-97 that provided as follows:

Section 9. Effective Date. To relieve applicants who on the date this Act becomes law are already in the process of assembling documents for submission to the Department of Labor and Immigration from the burden of having to reobtain, from another source, documents already obtained, and to provide time for the Department of Labor and Immigration to obtain and make readily available to the public a listing of approved agencies and entities, this Act shall take effect 90 days after its approval by the Governor or its becoming law without such approval.

PL 11-97 contained short title, findings and purpose, severability, and savings clauses as follows:

Section 1. Short Title. This Act may be cited as the “Certification Preclearance Act of 1999.”

Section 2. Findings and Purpose. The Legislature finds that the Commonwealth has experienced numerous problems with health clearances and criminal background checks fraudulently obtained in foreign countries to support applications for entry and work permits in the Commonwealth. It is imperative that such clearances be provided only from reputable and reliable sources if the Commonwealth's interest in protecting the public health and the security of persons and property in the Commonwealth is to be properly served. The Legislature further finds that United States authorities, including the U.S. Department of State and the Immigration and Naturalization Service of the Department of Justice, maintain lists of reputable and reliable agencies and entities in foreign countries that are deemed acceptable by Federal agencies requiring health

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clearances or criminal background checks. These U.S. certifications provide a good foundation for determining sources Commonwealth immigration and labor authorities can accept with confidence. It is the purpose of this Act to address weaknesses in current practice arising from too liberal acceptance of foreign clearances and strengthen the Commonwealth's system of immigration control by limiting acceptance of health clearances and criminal background checks to those obtained from preapproved agencies and entities identified as provided by this Act.

...

Section 7. 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 8. 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.

§ 4439. Required Records [Repealed].

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

Commission Comment: With respect to the former references 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](#).

§ 4440. Exemptions [Repealed].

Source: PL 3-66, § 16; repealed by PL 15-108 § 4.

Commission Comment: With respect to the former references to the “Director 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](#).