

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

**FORMER CHAPTER 6.
MORATORIUM ON THE HIRING OF FOREIGN NATIONAL
WORKERS. [REPEALED BY PL 17-1 § 5(N)]**

- § 4601. Moratorium. [Repealed by PL 17-1 § 5(N)]
- § 4602. Exemptions. [Repealed by PL 17-1 § 5(N)]
- § 4603. Expiration. [Repealed by PL 17-1 § 5(N)]
- § 4604. Employment Requirements. [Repealed by PL 17-1 § 5(N)]
- § 4605. Reserved. [Repealed by PL 17-1 § 5(N)]
- § 4606. Enforcement.[Repealed by PL 17-1 § 5(N)]
- § 4607. Penalties.[Repealed by PL 17-1 § 5(N)]

§ 4601. Moratorium [Repealed].

Source: PL 11-6, § 2; subsection (a) amended and new subsection (f) added by PL 11-76, §§ 3 and 4, respectively; subsection (c) amended by PL 12-11, § 5 a., modified; subsection (f)(3) repealed by PL 12-11, § 6 b; (g) added by PL 14-55, § 2, modified; repealed and reenacted by PL 15-108, § 4(4601); repealed by PL 17-1 § 5(N) (Mar. 22, 2010).*

Commission Comment: The former subsections in this section using capital letters were changed to lower case roman numerals and the subsections using lower case roman numerals have been changed to capital letters to be consistent with standard code formatting.

PL 11-6 took effect on March 27, 1998. Section 1 of PL 11-6 stated its findings and purpose as follows:

Section 1. Findings and Purpose. The Legislature finds that the number of nonresident aliens in the CNMI has grown to the proportions of a political, economic, and social crisis. Concerns on the federal level, as well as and among our own businessmen and community leaders, suggest that a moratorium on the hiring of nonresident workers is essential to provide the leadership of the Commonwealth with the opportunity to reassess the needs of the Commonwealth with respect to the employment of alien labor.

The purpose of this legislation therefore is to impose a temporary freeze on the number of nonresident workers in the Commonwealth. The only exceptions to this freeze are for major new tourist oriented development and critical professionals. Both of these are essential to the welfare of the people of the Commonwealth. Nonresident workers currently employed in the Commonwealth may be renewed or transferred to new employment. They may also be replaced but under stringent conditions to ensure that the worker being replaced has permanently departed the Commonwealth. The restricted labor pool created by this legislation is a departure from the prior policy of the Commonwealth which allowed for very liberal importation of alien labor. In order to accommodate economic flexibility in such a restricted labor pool, consensual transfers are provided.

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PL 11-76 which amended former subsection (a) of this section and added a new subsection (f) to this section took effect on March 26, 1999.

Schedule A referred to in subsection (f) of this section reads as follows:

PUBLIC LAW 11-76

HOUSE BILL NO. 11-315

SCHEDULE A

	EMPLOYER	N.R.W. EMPLOYEES
1.	Advance Textile Corp.	400
2.	American Pacific Textile	500
3.	Commonwealth Gmt. Mfg. Inc.	187
4.	Concord Manufacturing	1,114
5.	Diorva Saipan Limited	334
6.	Eurotex (Saipan), Inc.	312
7.	Express Manufacturing, Inc.	388
8.	Global Manufacturing, Inc.	840
9.	Grace International, Inc.	217
10.	Hansae (Saipan) Mfg., Inc.	578
11.	Hyunjin Saipan, Inc. (S.R. (SPN). Corp.	483
12.	Jin Apparel, Inc.	240
13.	Joo Ang Apparel	204
14.	Kum Kyung Corporation (Handsome)	300
15.	La Mode Inc.	300
16.	Lin, Hsia-Ling (Net Apparel)	585
17.	Mariana Fashion, Inc.	252
18.	Marianas Garment, Inc.	689
19.	Michigan, Inc.	237
20.	Micronesia Garment, Inc.	308
21.	Mirage (Saipan), Inc.	424
22.	Neo Fashion, Inc.	308
23.	Net (Suntex) Manufacturing	400
24.	Onwell Mfg. (Saipan) Limited	569
25.	Pang Jin Sang Sa Corporation	371
26.	Sako Corporation	396
27.	Sam Marianas, Inc.	311
28.	Top Fashion	444
29.	Trans America	176
30.	Trans Asia Garment Manufacturing	1,101
31.	U.S. CNMI Development	300
32.	United International Corporation	1,532
33.	Uno Moda Corporation	342
34.	Winners Corporation	585
	Total	15,727

PL 11-76 contained findings and purpose, severability, and savings clauses as follows:

Section 1. Findings and Purpose.

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The Legislature finds that to control the expansion of the garment industry and to reduce the number of alien workers in that industry, it is necessary to impose a cap on the number of non-resident alien workers in the garment manufacturing industry and to establish a quota for each licensed garment manufacturer for the employment of alien workers. The Legislature's previous effort in this regard, specifically the enactment of Public Law 10-9, succeeded in limiting the number of licenses for garment manufacturing but failed to sufficiently control or reduce the number of alien workers employed in the industry. The Legislature finds that the imposition of an absolute cap of 15,727 non-resident alien workers in the industry distributed among the licensed garment manufacturers is necessary to permanently control the number of nonresident workers in the garment industry. The cap includes the number of nonresident workers legally employed in the garment industry in the Commonwealth as of June 1, 1998, application for the employment of non-resident alien workers in the garment industry pending with the Department of Labor and Immigration on the effective date of Public Law 10-9, May 28, 1996, work permits issued though the non-resident alien has not yet entered the Commonwealth, expired and/or valid permits within the quota established in Schedule A, and manpower transfers granted pursuant to Section 5 of this Act. This cap shall be allocated among licensee garment manufacturers in accordance with Schedule A, as incorporated to this Act.

(b) To achieve consistency and facilitate administration, certain provisions of P.L. 10-9, with respect to quotas, which are inconsistent with this Act are amended or repealed.

(c) Despite the absolute quota imposed by this Act, the legislature recognizes the many positive contributions of the garment industry to the Commonwealth economy. In particular, the industry contributes user fees and taxes to the Commonwealth government, and provides revenues to the shipping, and consumer sectors of the private economy. Also, many resident workers are employed in the garment industry. All of which have a beneficial effect to our citizens. However, the legislature finds it necessary to control the balance between non-resident workers and the citizen population.

...

Section 10. 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 11. 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.

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PL 12-11, which amended former subsection (c) of this section took effect on August 3, 2000. PL 12-11 contained title, findings and purpose, severability, and savings clause provisions as follows:

Section 1. Title. This Act may be cited as the Omnibus Labor and Business Reform Act of 2000.

Section 2. Findings and Purpose. The Legislature finds that over the past several years, many laws have been enacted that unduly restrict the ability of people to do business. We do not believe that it is in the interests of the Commonwealth to stifle commerce by enacting restrictive laws, especially when our economy is in great need of revitalization. The Legislature further finds that although there is a need to protect jobs for our local residents, if there is no qualified local person to fill a business need, then the government should adopt policies to help business otherwise meet staffing needs. Finally, the Legislature recognizes the need to encourage new business development, and this should be done with as little government intrusion or regulation as necessary.

...

Section 8. 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 9. 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.

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 (g) above, because of the possible length of time the exemption could be in application (e.g., may take five years to complete a typhoon reconstruction project), the Commission would be remiss in its duties to not include such laws, albeit temporary (as defined by PL 3-90, § 10). Additionally, the Commission deleted a figure that was a repetition of a word in former subsection (g) pursuant to its authority by [1 CMC § 3806\(e\)](#).

PL 14-55 was enacted on January 24, 2005 and contained the following findings, in addition to savings and severability provisions. PL 14-55 stated:

Section 1. Findings. The Legislature finds that the First and Second Senatorial Districts have recently suffered devastating losses due to destructive typhoon activity. Crops grown for the subsistence of the residents, as well as those grown for commercial purposes were destroyed. Many residential and commercial buildings were damaged, and a few must

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be completely rebuilt as they were totally destroyed. Many structures are unsound.

The Legislature finds that these losses must be quickly remedied. For the safety of the citizenry, and to improve the economic prospects in these Districts, crops must be replanted and buildings must be repaired. The Legislature finds that the amelioration of the deleterious effects of the recent typhoon activity implicates the health, welfare and safety of the residents of the Commonwealth such that legislative action is both necessary and proper.

See the comment to [3 CMC § 4401](#) regarding PL 15-108. The Commission replaced section and chapter references with proper code sections pursuant to [1 CMC § 3806\(c\)](#).

*PL 17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).

In 2010, Governor Fital issued several executive orders purporting to suspend this repealed statute based on emergency powers conferred by Article III, § 10 of the NMI Constitution and [3 CMC § 5121\(f\)](#). See Exec. Order No. 2010-18, 32 Com. Reg. 31198 (Dec. 2010); Exec. Order No. 2010-17, 32 Com. Reg. 31022 (Nov. 2010); Exec. Order No. 2010-16, 32 Com. Reg. 30857 (Oct. 2010); Exec. Order No. 2010-09; 32 Com. Reg. 31047 (Nov. 2010); Exec. Order No. 2010-08, 32 Com. Reg. 30596 (Aug. 2010).

§ 4602. Exemptions [Repealed].

Source: PL 11-6, § 3; subsection (b) amended and new subsections (d) and (e) added by PL 12-11, § 5 b., modified by relettering subsections (d) and (e) as subsections (f) and (g), respectively; repealed and reenacted by PL 15-108, § 4(4602), modified; repealed by PL 17-1 § 5(N) (Mar. 22, 2010).*

Commission Comment: PL 12-11, which amended former subsection (b) of this section and added new subsections (d) and (e) took effect on August 3, 2000. PL 12-11 contained title, findings and purpose, severability, and savings clause provisions as follows:

Section 1. Title. This Act may be cited as the Omnibus Labor and Business Reform Act of 2000.

Section 2. Findings and Purpose. The Legislature finds that over the past several years, many laws have been enacted that unduly restrict the ability of people to do business. We do not believe that it is in the interests of the Commonwealth to stifle commerce by enacting restrictive laws,

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especially when our economy is in great need of revitalization. The Legislature further finds that although there is a need to protect jobs for our local residents, if there is no qualified local person to fill a business need, then the government should adopt policies to help business otherwise meet staffing needs. Finally, the Legislature recognizes the need to encourage new business development, and this should be done with as little government intrusion or regulation as necessary.

...

Section 8. 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 9. 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.

The Commission replaced section and chapter references with proper code sections and deleted figures that repeated written words pursuant to [1 CMC § 3806\(c\) and \(e\)](#). *PL *17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).

§ 4603. Expiration [Repealed].

Source: PL 11-6, § 4; repealed and reenacted by PL 15-108, § 4(4603); repealed by PL 17-1 § 5(N) (Mar. 22, 2010).

Commission Comment: PL 17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).

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§ 4604. Employment Requirements [Repealed].

Source: PL 11-6, § 5; repealed and reenacted by PL 15-108, § 4(4604); repealed by PL 17-1 § 5(N) (Mar. 22, 2010).

Commission Comment: PL 17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).

§ 4605. Reserved [Repealed].

Source: PL 11-6, § 6; repealed and reenacted by PL 15-108, § 4(4605); repealed by PL 17-1 § 5(N) (Mar. 22, 2010).

Commission Comment: PL 17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).

§ 4606. Enforcement [Repealed].

Source: PL 11-6, § 7; repealed and reenacted by PL 15-108, § 4(4606); repealed by PL 17-1 § 5(N) (Mar. 22, 2010).

Commission Comment: PL 17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).

§ 4607. Penalties [Repealed].

Source: PL 11-6, § 8; repealed and reenacted by PL 15-108, § 4(4607), modified; repealed by PL 17-1 § 5(N) (Mar. 22, 2010).*

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Commission Comment: The Commission deleted figures that repeated written words pursuant to [1 CMC § 3806\(e\)](#). *PL 17-1 (enacted on Mar. 22, 2010) contained the following effective date provision:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.

For more information regarding Public Law 17-1, see comment to [3 CMC § 4511](#).