

TITLE 1: GOVERNMENT  
DIVISION 2: EXECUTIVE BRANCH

**§ 2151. Office of the Attorney General.**

There is in the Commonwealth government an office of the Attorney General to be headed by an Attorney General.

**Source:** PL 1-8, tit. 1, ch. 3, § 1, modified.

**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, §§ 107, 301, 307(a) and 309:

**Section 107. Corporate Charters.** All functions of the governor relating to corporate charters pursuant to Chapter 1 of 4 CMC, Division 4 [4 CMC § 4101 et seq.], are delegated to the Attorney General.

. . . .

**PART 3. THE DEPARTMENTS**

Transfers, abolishments, creations, and changes in functions and duties relating to the major departments, not otherwise provided for, are hereby effected as set forth in this part.

**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

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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 307. Department of Finance.**

(a) **Lottery Commission.** The Commonwealth Lottery Commission is abolished and its functions transferred to the Department of Finance. The Secretary of Finance shall consult with the Secretary of Commerce and the Attorney General as necessary for the effective administration of such functions.

. . . .

**Section 309. Attorney General.** The Division of Intergovernmental Relations is abolished and its functions assigned by the Attorney General as the Attorney General determines to be the most productive use of available resources.

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

Executive Order 03-01, the “Department of Labor and Immigration Reorganization Plan of 2003” (signed March 10, 2003; effective May 9, 2003), re-organized the Department of Labor and Immigration and transferred immigration functions to the Office of the Attorney General. See 2 CMC § 2171 et seq.