

Commonwealth of the Northern Mariana Islands

Office of the Governor

Saipan, Mariana Islands 96950

9 AUG 1991

The Honorable Joseph S. Inos
Senate President
Seventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

and

The Honorable Pedro R. Guerrero
Speaker, House of Representatives
Seventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

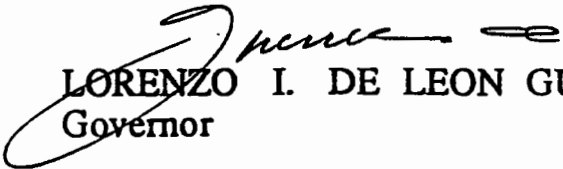
Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into Law Senate Bill No. 7-58, H.D.2, C.C.D.1, amending current labor law relative to issuance of Non-resident Worker Certificates, which was passed by the Seventh Northern Marianas Commonwealth Legislature.

Currently there is a lack of residents manpower to fill certain jobs in the Commonwealth. Because of the shortage of resident workers, employers are unable to comply with the one-to-one ratio required by the existing law. This legislation would alleviate this problem by providing the Director of Commerce and Labor with discretion to grant exemptions on a case by case basis, as long as the employer has made all the effort to hire resident workers.

This legislation becomes Public Law No. 7-34. Copies bearing my signature are forwarded for your reference.

Sincerely,


LORENZO I. DE LEON GUERRERO
Governor

CC: Special Assistant for Programs and Legislative Review

SEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH REGULAR SESSION, 1991

PUBLIC LAW NO. 7-34

SENATE BILL NO. 7-58, H.D.2, C.C.D.1

AN ACT

To amend the first paragraph of 3 CMC Section 4434 (e); to repeal and reenact the second paragraph of 3 CMC Section 4434 (e); to add a new subsection (b) to 3 CMC, Section 4436; to repeal and reenact 3 CMC Section 4437 (e); and for other purposes.

Offered by Senator Jesus R. Sablan


Date: November 20, 1990

SENATE ACTION

Referred to: Committee on Resources & Development
Standing Committee Report No.: None
Second and Final Reading: November 21, 1990
Accepted House Amendments: February 7, 1991
Recalled from the Governor: March 15, 1991
Reconsidered and Rejected House Amendments: April 10, 1991
Conference Committee Report No. 7-5
Final Reading: June 14, 1991

HOUSE ACTION

Referrred to: Committee on Commerce and Tourism
Standing Committee Report No. 7-35
First and Final Reading: February 4, 1991
Conference Committee Report No. 7-5
Final Reading: July 12, 1991


EDWARD U. MARATITA
Senate Legislative Secretary

AN ACT

To amend the first paragraph of 3 CMC Section 4434(e); to repeal and reenact the second paragraph of 3 CMC Section 4434(e); to add a new subsection (b) to 3 CMC, Section 4435; to repeal and reenact, 3 CMC Section 4437(e); and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Amendment. The first paragraph of 3 CMC,
2 Section 4434(e) is amended to read as follows:

3 "(e) The Chief shall not approve Nonresident Worker
4 Certificates for the following job classifications: taxi
5 cab driver, secretary, bookkeeper, accounting clerk,
6 messenger, receptionist, surface tour boat operator, bus
7 driver, including tour bus driver, and telephone
8 switchboard operator."

9 Section 2. Repealer and Reenactment. The second
10 paragraph of 3 CMC, Section 4434(e) is hereby repealed and
11 reenacted to read as follows:

12 "Further, the Chief shall not approve Nonresident
13 Worker Certificates for employment unless the number of
14 resident workers employed by the applicant employer is at
15 least equal to the number of nonresident workers employed
16 by the applicant employer in any of the following job
17 classifications: retail trade clerk, retail trade
18 cashier, hotel front desk clerk, janitor, security guard,
19 custodian and tour guide. However, the Director may
20 conditionally waive this restriction in accordance with
21 the provisions of 3 CMC, Section 4436(b), as amended
22 herein."

1 Section 3. Amendment. 3 CMC, §4436 is amended by adding
2 a new subsection (b) to read as follows:

3 "(b) Provided, however, that if an employer
4 demonstrates to the Director that he is unable to reach
5 or maintain the percentage of a resident work force
6 required by subsection (a) herein, or the one-to-one
7 ratio required by subsection 4434(e), despite a good
8 faith attempt to do so, the Director may reduce the
9 percentage to one that is reasonably attainable under the
10 circumstances."

11 All subsequent subsections are relettered
12 accordingly.

13 Section 4. 3 CMC, §4437(e) is hereby repealed and
14 reenacted to read as follows:

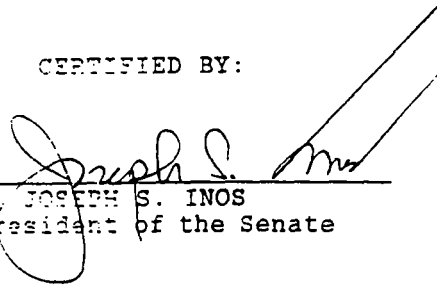
15 "(e) A nonresident worker shall not be permitted to
16 perform any services or labor within the Commonwealth for
17 any employer other than the employer for whom the Chief
18 has approved an employment contract for such worker.
19 However, a nonresident worker may perform services or
20 labor pursuant to a subcontract between the employer of
21 record who is licensed to provide such subcontracting
22 services and any other employer, except that a
23 nonresident worker shall not perform services or labor
24 except as stated in the original employment contract and
25 subject to prior approval by the Chief. Provided,
26 however, said employer of record has filed with the
27 Department a cash bond or real property bond, as
28 determined by the Chief, which runs to the Commonwealth;
29 conditioned that the employer of record shall pay all
30 amounts that may be adjudged against the employer by a
31 nonresident worker which may include but is not limited

1 to costs for transport to home country and medical
 2 expenses. A nonresident worker who violates any
 3 provision of this subsection shall be subject to
 4 immediate deportation. Subcontracting, pursuant to this
 5 section, shall be given preference to businesses partly
 6 and beneficially owned by U.S. citizens.

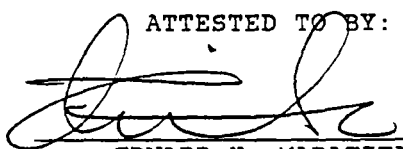
7 Section 5. Severability. If any section of this Act or
 8 any regulation issued under the authority to this Act should
 9 be declared invalid or unenforceable by a court of competent
 10 jurisdiction, the judicial determination shall not affect the
 11 validity of the act or regulations as a whole, or any part
 12 thereof, other than the particular part declared invalid or
 13 unenforceable.

14 Section 6. Effective Date. This Act shall take effect
 15 upon its approval by the Governor or upon its becoming law
 16 without such approval.

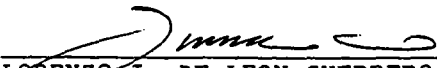
CERTIFIED BY:


 JOSEPH S. INOS
 President of the Senate

ATTESTED TO BY:


 EDWARD U. MARATITA
 Senate Legislative Secretary

APPROVED this 9th day of AUG., 1991.


 LORENZO I. DE LEON GUERRERO
 Governor
 Commonwealth of the Northern Mariana Islands