

**ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE**

*PUBLIC LAW NO. 11-69*  
**SENATE BILL  
NO. 11-71, HD1**

**EIGHTH SPECIAL SESSION, 1998**

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**AN ACT**

To amend 3 CMC, Div. 4, Section 4437 to require nonresident workers to exit the Commonwealth periodically before re-employment in the Commonwealth; and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

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 2. Amendments. 3 CMC, Div. 4, Section 4437 is amended by adding a new subsection (m) to read as follows:

"(m) Except as provided herein, a non-resident worker shall not be permitted to remain in the Commonwealth for more than three consecutive

years without exiting the Commonwealth and remaining outside the Commonwealth for a period of not less than six (6) months. This limitation does not apply to non-resident workers who are employed in professional or executive positions. For purposes of this subsection, non-resident workers lawfully in the Commonwealth on the effective date of this subsection shall be deemed to have entered the Commonwealth on the effective date of this subsection. A non-resident worker who, on the date of expiration of the three year period prescribed herein, is lawfully in the Commonwealth under a valid contract approved by the Division of Labor shall be permitted to remain in the Commonwealth until expiration of his or her contract.

(1) Nothing in this subsection shall be construed as providing an exemption from the requirements of 3 CMC, § 4413, Preference for Resident Workers, or any other provision of this Chapter.

(2) The term 'professional or executive positions', as used in this subsection, refers to positions in which professionals or executives, as defined in paragraphs (3) and (4) below, are employed.

(3) A 'professional'--

(A) is an employee earning not less than \$30,000 per annum or \$14.42 per hour whose primary duty consists of the performance of:

- (i) work requiring advanced training, or
- (ii) original or creative work, which is artistic in nature, as opposed to general intellectual ability, or
- (iii) teaching, medical, dental, nursing and other medical or para-medical positions, or

(iv) whose work is predominantly intellectual with non-stative results; and

(B) who consistently exercises discretion, and

(C) who does not devote more than 20% of his or her time to non-professional activities.

(4) An 'executive' is an employee earning not less than \$30,000 per annum or \$14.42 per hour whose primary duty is management, and who:

(A) directs work of two or more employees,

(B) has authority to hire and fire or give substantial input into hiring and firing,

(C) exercises discretionary powers, and

(D) does not devote more than 20% of his or her time to activities which are not management or included in subparagraphs (A) and (C)."

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

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

Section 5. Effective Date. This bill shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED BY:**

/s/ Paul A. Manglona  
PAUL A. MANGLONA  
PRESIDENT OF THE SENATE

/s/ Edward U. Maratita  
EDWARD U. MARATITA  
SENATE LEGISLATIVE SECRETARY

Approved this 5th day of March, 1999.

/s/ Pedro P. Tenorio  
PEDRO P. TENORIO  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS