

AN ACT

To impose a cap on the total number of non-resident alien workers in the garment manufacturing industry; to establish a quota for each licensed garment manufacturer; and for other purposes.

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

Section 1. Findings and Purpose.

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certain provisions of P.L. 10-9, with respect to quotas, which are inconsistent with this Act are amended or repealed.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 2. Garment Manufacturing Industry Cap and Non-Resident Alien Worker Quota.

(a) There is imposed on the garment industry in the Commonwealth a cap of not more than 15,727 non-resident alien workers pursuant to Schedule A which is incorporated by reference into this Act. The cap includes positions in all job categories, from management to line worker, in the garment industry.

(b) Each licensed garment manufacturer shall be allocated to a quota of non-resident alien workers pursuant to Schedule A.

(c) If a license for garment manufacturing is revoked, not renewed, or otherwise permitted to lapse, the quota allocated to that licensee shall also lapse and the total cap for the industry shall be permanently reduced.

Section 3. Garment Industry Moratorium Modification Reference Added. Amend P.L. 11-6, Section 2(a) to read as follows:

“(a) Garment Industry. The provisions of Public Law 10-9, the 'Garment Industry Moratorium Act of 1996,' 4 CMC § 5707, et seq. shall be strictly construed and adhered to. There shall be no new hire of nonresident workers for the garment industry except as provided for in Subsection (f). Renewals and replacement hires are permitted as provided under Subsections (b) and (c) of this Act. Hiring under subsections (d) and (e) of this Act shall not be permitted in the garment industry.”

Section 4. Garment Industry Moratorium Modified. Amend P.L. 11-6, Section 2 by inserting after subsection (e) the following new subsection:

"(f) Garment industry licensees who received a garment factory business license before May 28, 1996, the effective date of Public Law 10-9, and who have in good faith invested at least \$1,000,000 or more in the Commonwealth to build or develop a new garment factory may bring into the Commonwealth and employ the number of employees including non-resident alien workers necessary to meet their quota listed under Schedule A provided that:

(1) the licensee has complied with all other Commonwealth laws and regulations relative to the employment of nonresident aliens; and,

(2) The licensee has previously complied with the requirements of Public Law 10-9 which may be demonstrated by the renewal of their license to manufacture garments; and,

(3) all non-resident aliens are employed and brought into the Commonwealth within one year of the effective date of this Act. One year or more after the effective date of this Act the licensee may not bring into the Commonwealth any non-resident alien to meet the licensee's quota under Schedule A."

Section 5. Prohibition of Manpower Hire. The hiring of nonresident workers through manpower agencies for the garment industry is hereby prohibited. All contracts of nonresident workers in the garment industry shall be direct hire.

Section 6. Definition Modified. Amend 4 CMC § 5701(f) to read as follows:

"(f) 'Quota of a Manufacturer' means the number of non-immigrant alien workers allowed to be employed by each qualified licensed garment manufacturer pursuant to as established by law."

Section 7. Term Clarified. Amend 4 CMC § 5704 to read as follows:

"§ 5704. Restriction on Issuance of Labor Certificates and Entry Permits. The cause to be issued or renewed any Nonresident Worker Entry Permit or Nonresident Worker Certificate to or on behalf of any non-immigrant alien to be employed in the garment industry except upon a written finding by the Secretary of Labor and Immigration that the applicant is:

- (1) renewing an existing employment contract with a qualified licensed garment manufacturer; or,
- (2) recruited to replace a non-immigrant alien worker whose contract of employment with a qualified licensed garment manufacturer has terminated or will terminate within ninety (90) days; or--and
- (3) filling a position that is within quota authorized by law for the employment of non-immigrant alien workers by a qualified licensed garment manufacturer."

Section 8. Criminal Penalties. Any employee of the Commonwealth government who knowingly or willfully issues or cause to be issued any official document that would facilitate either the entry of an alien into the Commonwealth or the employment of an alien in violation of the provisions of this Act or the provision of any regulation promulgated thereunder, is guilty of a felony, and shall be punished by imprisonment of not less than one year but not more than five years and by a fine of not less that \$5,000 nor more than \$10,000. A person convicted under his provision shall be terminated from his or her employment and shall not be re-employed by the Commonwealth government, in any capacity for a period of five years after the date of conviction.

Section 9. Repealer. The following are repealed:

- (a) 4 CMC § 5701(d) relative to the definition of "garment worker".
- (b) 4 CMC § 5705 relative to the definition of "garment worker pool".

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.

Section 12. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 26th day of March, 1999

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands

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