

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2001

Public Law 12-59

H. B. NO. 12-317, SS1 Conf. D1

AN ACT

To place a moratorium on the application of Public Law 11-69 to permit a thorough assessment of its potential impact on the Commonwealth; and for other purposes.

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

Section 1. Findings. The Legislature finds that, in the three years since PL 11-69 was enacted, economic forces have significantly reduced the number of non-resident workers employed in the Commonwealth. In addition, the Legislature understands and recognizes the concerns of the community that a replacement of the entire Commonwealth non-resident workforce will cause economic hardship and disruption to businesses who employ non-residents and to the community in general as a new work force adapts to a new environment.

The Legislature continues to support the intentions of PL 11-69 to foster and develop the resident work force of the CNMI and thereby reduce dependence on a non-resident work force. However, given the shifts in the economic and labor force conditions of the Commonwealth, the Legislature finds it necessary to review PL 11-69 to determine if modifications to the law are possible which will allow the goals of PL 11-69 to be achieved, while at the same time minimizing the economic hardship on Commonwealth business, which continues to struggle under adverse economic conditions, and the social and economic hardships on both the resident and non-resident community.

Section 2. PL 11-69 Task Force Appointment. Not later than 30 days after the effective date of this act, the Governor shall appoint the PL 11-69 Task Force as described in this section.

(a) Task Force Composition; Term. Notwithstanding 1 CMC § 2901(g), the PL 11-69 Task Force shall be composed of eleven (11) members.

(1) The Governor shall appoint one member from each of the following:

- (A) the First Senatorial District;
- (B) the Second Senatorial District;
- (C) the Hotel Association of the Northern Mariana Islands;
- (D) the CNMI Indigenous Entrepreneurs Association;
- (E) small businesses (less than \$200,000 gross annual income);
- (F) the construction industry;
- (G) the Saipan Garment Manufacturers Association;
- (H) the Saipan Chamber of Commerce; and
- (I) the Carolinian community.

(2) The President of the Senate shall appoint one member from the Senate.

(3) The Speaker of the House shall appoint one member from the House of Representatives.

The appointment of members is not subject to the advice and consent of either house of the legislature. Members of the Task Force shall be appointed within thirty (30) days after the effective date of this Act. The appointing authority shall make new appointments to fill any vacancy in the Task Force. The existence of the Task Force shall be temporary, and its term shall expire no later than May 5, 2005.

(b) Impact Study. The Task Force shall undertake a comprehensive impact study on the implementation of PL 11-69 relative to the following:

- (1) The Commonwealth's need for non-resident workers;
- (2) The effectiveness of programs and opportunities for resident workers to replace non-resident workers in the private sector work force;
- (3) Competitive employment in the public sector; and
- (4) Assessment of the above criteria on the basis of industry, occupational categories, professional, technical, managerial, supervisory and line positions.

For the purposes of this subsection, the Task Force is authorized to request any information reasonably related to the function for which the Task Force was created from any government or private agency. As permitted by its resources, all government agencies are required to cooperate and promptly comply with such requests by the Task Force. The Task Force is further authorized to conduct public

hearings, provided that notice of such hearing is published in a newspaper of general circulation in the Commonwealth, once a week for two consecutive weeks prior to the date of the meeting.

(c) **Administrative Support.** The Department of Commerce shall provide all administrative support to the Task Force. Notwithstanding any provision of law to the contrary, the Governor is authorized to reprogram funds to the Department of Commerce for the purpose of providing administrative support to the Task Force.

(d) Within one year after the effective date of this Act, the Task Force shall report its preliminary findings and recommendations, including but not limited to any further amendment to or the repeal of PL 11-69, to the Governor and the presiding officers of the Legislature. In addition, within two years after the effective date of this Act, the Task Force shall report its final findings and recommendations to the Governor and the presiding officers of the Legislature. For good cause shown, the Governor may extend the time for the submission of the reports.

Section 3. Moratorium/Sunset Clause. The provisions of PL 11-69 are hereby suspended to permit the Task Force to conduct its study as provided in Section 2 of this Act. If the legislature does not act on the findings and recommendations of the Task Force by March 5, 2005, PL 11-69 shall be automatically repealed by operation of law.

Section 4. 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 5. 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.

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

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

Approved this 3rd day of July, 2001

/s/ _____

PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS