

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2006

PUBLIC LAW NO. 15-45  
SENATE BILL NO. 15-58, SS1, HD1

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AN ACT

To waive the two-year prior nursing experience for non-resident workers who have completed the nursing education program at the Northern Marianas College so they can be hired as nurses in the Department of Public Health.

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

1           Section 1. Findings and Purpose. The Legislature finds that there has always been  
2 and continues to be a shortage of locally hired nurses in the Department of Public Health.  
3 To augment the pool of local nurses the Northern Marianas College, in collaboration with  
4 the Department of Public Health, instituted a nursing education program. The legislature  
5 finds that a certain class of individuals who have completed the nursing education program  
6 are not permitted to work as nurses in the Commonwealth, unless they are hired as non-  
7 resident workers because of their alien status and, as such, are required under 3 CMC §  
8 4434(b)(1) to have two years of work experience in the occupational field for which he or  
9 she is to be hired.

10           In contrast, local residents, other than non-resident workers, who have completed  
11 the same program, are eligible to be hired as nurses without necessarily having any prior  
12 experience working as a nurse. This is consistent with the government's effort to encourage  
13 more residents to choose nursing careers as they are in such great demand and yet in such  
14 short supply. The purpose of this act, therefore, is to waive the two-year prior nursing  
15 experience required of graduates of NMC's nursing education program who could not be  
16 immediately employed in the Department of Public Health due to their non-resident worker  
17 status. Without this act, the Department of Public Health would still need to hire nurses  
18 from off-island, a more expensive proposition due to recruitment, repatriation and other  
19 associated costs.

1           Section 2. A new subsection (j) is added to 3 CMC §4434 to read:

2           “(j) Suspension of Statute. In the event that the Department of Public Health  
3 certifies that no local or other U.S. citizen applicants are available for nursing positions in  
4 the Commonwealth government, the two years experience requirement of 3 CMC §  
5 4434(b)(1) shall not apply to a non-resident worker who completed the nursing education  
6 program at the Northern Marianas College, passed the NCLEX exam, and is subsequently  
7 employed, on or before December 31, 2009, in a nursing position with the CNMI  
8 Government.

9           This subsection (j) shall expire on January 1, 2010.

10          Section 3. Severability. If any provision of this Act or the application of any such  
11 provision to any person or circumstance should be held invalid by a court of competent  
12 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
13 circumstances other than those to which it is held invalid shall not be affected thereby.

14          Section 4. Savings Clause. This Act and any repealer contained herein shall not be  
15 construed as affecting any existing right acquired under contract or acquired under statutes  
16 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
17 contained in this Act shall not affect any proceeding instituted under or pursuant to prior  
18 law. The enactment of this Act shall not have the effect of terminating, or in any way  
19 modifying, any liability, civil or criminal, which shall already be in existence at the date this  
20 Act becomes effective.

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

CERTIFIED BY:

ATTESTED BY:

/S/ \_\_\_\_\_  
JOSEPH M. MENDIOLA  
President of the Senate

/S/ \_\_\_\_\_  
MARIA FRICA T. PANGELINAN  
Senate Legislative Secretary

APPROVED this 29<sup>th</sup> day of January, 2007

/S/ \_\_\_\_\_  
BENIGNO R. FITIAL  
GOVERNOR  
Commonwealth of the Northern Mariana Islands