Seventeenth Legislature

of the

Commonwealth of the Northern Marina Islands

IN THE HOUSE OF REPRESENTATIVES

February 23, 2010

5th Day, First Regular Session

H. B. 17-25, HS1

AN ACT

To repeal certain sections of the Commonwealth Code dealing with immigration functions; and for other purposes.

Be it enacted by the Seventeenth Northern Marianas Commonwealth Legislature:

1   **Section 1. <u>Short title</u>.** This Act may be referred to as the "Immigration Conformity

2   Act of 2010."

3   **Section 2. <u>Findings and purpose</u>.** The Commonwealth Legislature finds the

4   following with respect to the immigration functions previously controlled by the

5   Commonwealth of the Northern Mariana Islands and now controlled by the U.S. Department

6   of Homeland Security:

7   Section 503 of the Covenant provided that the immigration and naturalization laws of

8   the United States, except as provided in Section 502(b), would not apply to the Northern

9   Mariana Islands "except in the manner and to the extent made applicable to them by

10   Congress by law after termination of the Trusteeship Agreement."

1   Under the Covenant and the Commonwealth Constitution, the Commonwealth of the

2 Northern Mariana Islands since 1978 has enacted immigration laws governing the admission

3 and regulation of aliens entering the Commonwealth. It established a Division of

4 Immigration to administer and enforce these laws.

5   The Trusteeship Agreement was terminated with respect to the Northern Mariana

6 Islands in 1986. Twenty-two years later, in 2008, the United States Congress enacted Public

7 Law 110-229, Title VII, which applied the federal immigration laws to the Commonwealth of

8 the Northern Mariana Islands. This law was signed by the President on May 8, 2008, and

9 became effective on November 28, 2009. Public Law 110-229, Title VII, expressly provided

10 that the Commonwealth's immigration laws would be preempted by the new application of

11 the federal immigration laws to the Commonwealth. The authority of the federal government

12 to apply the federal immigration laws to the Commonwealth as provided by Public Law 110-

13 229 was upheld by the decision of the U.S. District Court for the District of Columbia on

14 November 25, 2009, in *Commonwealth of the Northern Mariana Islands v. United States of*

15 *America, et al.*

16   Public Law 110-229 does not *ipso jure* preempt the Commonwealth's labor laws. In

17 the United States federal system, there are areas in which the States share responsibilities

18 with the federal government. Labor (including the terms and conditions under which workers

19 are employed) is such an area. The federal government can regulate labor through its control

20 of interstate commerce and immigration. But the States remain free to regulate labor under

21 the power to control intrastate commerce and under the general police power. The

22 Commonwealth has all of the powers of a State in this area, as well as the powers of local

1   self-government under the Covenant. Employers and workers in the Commonwealth must

2   comply with both federal and CNMI law.

3   It is the intent of the Legislature that this Act shall amend the Commonwealth Code to

4   reflect the assumption of immigration responsibilities by the federal government.

5   It is the intent of the Legislature that this Act shall exercise the authority of the

6   Commonwealth to regulate labor conditions and practices within the Commonwealth to the

7   full extent that this area could be regulated by a State and can be regulated under the

8   Covenant. It is further the intent of the Legislature to regulate the terms and conditions under

9   which permits previously issued by the Commonwealth were granted so long as those

10   permits remain in force and protect the status of foreign national workers as lawfully present

11   in the Commonwealth.

12   It is the intent of the Legislature that the umbrella permits issued by the Department

13   of Labor in 2009 continue to be governed under the Department's normal processes. All

14   umbrella permits and the bases on which they were granted are ratified and approved, ***nunc***

15   ***pro tunc,*** any other provision of current or former law or regulation notwithstanding.

16   It is the intent of the Legislature that this Act shall replace the decisions in Smith X-

17   *Williams* ɪ *Royal Crown Ins. Co.,* NMI Super. Ct. Small Claims Nos. *06-0676* et al.

18   (February *5,* 2007) and *Zhou v. Oceania Ins. Corp.,* NMI Super. Ct. Small Claims Nos. 08-

19   0452 et al. (February 5, 2009) so that plaintiffs holding unpaid awards under orders issued by

20   the Administrative Hearing Office of the Department of Labor may proceed with collection

21   actions in the Commonwealth courts without first exhausting collection remedies at the

22   Department of Labor.

1   It is the intent of the Legislature to provide to the maximum extent permitted by law

2   an employment priority for United States citizens, United States permanent residents, and

3   CNMI permanent residents (as that status was defined by Commonwealth law prior to April

4   23, 1981) in the workforce of the Commonwealth in order to develop the human resources of

5   the people of the Commonwealth as reflected in the provisions and stated intent of PL 110-

6   229. It is the intent of the Legislature that the employment priority for United States citizens,

7   United States permanent residents, and CNMI permanent residents established by

8   Commonwealth law provide legitimate grounds under the Immigration Reform and Control

9   Act (IRCA), P.L. 99-603 (1986) for hiring decisions based on citizenship in both the

10 government and private sectors in the Commonwealth.

11   It is the intent of the Legislature the Commonwealth Law Revision Commission shall

12 have discretion to adjust the numbering of code divisions, parts, articles, or sections affected

13 by this Act as necessary to effectuate a reasonable codification of Sections 5 and 6 of this

14 Act.

15   **Section 3. <u>Amendment of Title 1.</u>** Title 1 of the Commonwealth Code is amended

16 as follows:

17 A. Division 2 (Executive Branch), Part 1 (Organization of the Executive Branch),

18   Chapter 1 (Office of the Governor), Article 8 (Office of Homeland Security),

19   §20141(c) is amended to delete the reference to "CNMI Immigration."

20 B. Division 2 (Executive Branch), Part 1 (Organization of the Executive Branch),

21   Chapter 2 (Attorney General), Article 2 (Immigration) is repealed.

1   C. Division 2 (Executive Branch), Part 2 (Employee Compensation and Benefits),

2   Chapter 6 (Law Enforcement Officers' Death Benefits) is amended to delete §8282(j).

3   **Section** 4. **Amendment of Title 2.** Title 2 of the Commonwealth Code is amended

4   as follows:

5   A. Division 1 (Maritime and Coastal Resources), Chapter 1 (Marine Sovereignty Act of

6   1980), Article 1 (General), §1114(c)(l), is amended to delete the word "immigration."

7   **Section** 5. **Amendment of Title 3.** Title 3 of the Commonwealth Code is amended

8   as follows:

9   *Titles*

10   Division 4 of Title **3** is renamed "Employment and Registration" and the name

11   "Immigration" is deleted. Part 1 of Division 4 is repealed. Part 2 of Division 4 is repealed.

12   Part **3** (Employment) of Division 4 is renamed Part 1 (Employment). **A** new Part 2

13   (Registration) is added.

14   *Part 1: Citizenship*

15   **A.** Division 4 (Immigration), Part 1 (Citizenship), Chapter 1 (Interim Citizenship Status)

16   is repealed.

17   B. Division 4 (Immigration), Part 1 (Citizenship), Chapter 2 (Permanent Residency

18   Status) is repealed.

19   *Part 2: Entry and Deportation*

20   C. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth

21   Entry and Deportation Act), Article 1 (General) is repealed.

D. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 2 (Organization) is repealed.

E. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 3 (Persons Entering the Commonwealth) is repealed.

F. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 4 (Entry requirements and procedures) is repealed.

G. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 5 (Deportation and departure) is repealed.

H. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 6 (Registration of aliens) is repealed.

I. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 7 (Criminal penalties and miscellaneous provisions) is repealed.

J. Division 4 (Immigration), Part 2 (Entry and Deportation), Chapter 1 (Commonwealth Entry and Deportation Act), Article 8 (Detection and apprehension of illegal aliens) is repealed.

Part 3: Employment

K. Division 4 (Immigration), Part 3 (Employment) shall become Division 4 (Employment and Registration), Part 1 (Employment) and shall be renumbered accordingly.

6

L. The current Division 4 (Immigration), Part 3 (Employment), Chapter 1 (Department of Labor) is amended as follows:

1) §4401 is deleted.

2) §4402 is deleted.

3) §4403 is amended to delete the words "or the Commonwealth immigration authority" in the first and second sentences.

4) A new §4404 is added as follows:

"The Secretary may appoint and by regulation define duties and responsibilities for directors and managers in order that the Department's functions may be adjusted flexibly to meet citizen employment needs under changing conditions."

M. Division 4 (Immigration), Part 3 (Employment), Chapter 2 (Employment Preference for Citizens and Permanent Residents), is amended as follows:

1) Article 1 (General) is amended to:

a) Add a new subsection after the current subsection 4511(b): ""CNMI permanent resident" means a person who was granted the status of CNMI permanent resident by the CNMI government prior to April 23, 1981."

b) Delete the current subsection 4511(f).

c) Add a new subsection after the current subsection 4511(f): ""FAS citizen" means a citizen of the Freely Associated States, which are the Federated States of Micronesia, The Republic of the Marshall Islands, and the Republic of Palau, who is legally residing in the Commonwealth."

7

1   d) Amend current subsection 451 1(i) to read: ""Job classification" means job

2   classifications described by regulations."

3   e) Amend current subsection 4511(j).to read: ""Permanent resident" or

4   "permanent residents" includes U.S. permanent residents, CNMI permanent

5   residents, and FAS citizens in the Commonwealth."

6   f) Delete the current subsection 451 1(k).

7   g) Add a new subsection after the current subsection 4511(1): ""U.S. permanent

8   resident" means a person who has been granted permanent resident status by

9   the United States."

10   h) Renumber the current subsections as required.

11   2) Article 2 (Private sector employment preference) is amended to:

12   a)   Change the term "permanent resident" to the term "CNMI permanent

13   resident and U.S. permanent resident" everywhere the term occurs in Article

14   2.

15   b) Change the terms "Employment Services" and "Director of Employment

16   Services" and "Director of Labor" and "Director" to "the Department"

17   everywhere those terms occur.

18   c) Amend §4523 to add to the end of the second sentence the words **"as**

19   prescribed by regulation" and to strike the third and fourth sentences.

20   d) Amend §4525 to read: "In the full-time workforce of any employer, the

21   percentage of citizens, U.S. permanent residents, and CNMI permanent

22   residents and their immediate relatives employed shall equal or exceed the

percentage of citizens, U.S. permanent residents, and CNMI permanent residents and their immediate relatives in the available private sector workforce unless attainment of this goal is not feasible within the current calendar year after all reasonable efforts have been made by the employer."

e) Amend §4526 by –

    i.   Amending subsection 4526(a) by deleting the words "this chapter" and substituting the words "section 4525."

    ii.   Deleting the second and third sentences of subsection 4526(b).

    iii.   Deleting subsection 4526(c) and subsection 4526(d).

f) Amend §4527 by changing the term "lawful working conditions" to "lawful working terms and conditions" and striking the rest of the sentence.

g) Amend §4529 by deleting the word "following" and substituting the words "relevant NAICS" and deleting the subsections (1) through (6).

(3) [Article 3 (Government employment preference) is unchanged.]

N. Division 4 (Immigration), Part 3 (Employment), Chapter 3 (Moratorium on the Hiring of Foreign National Workers) is repealed.

O. Division 4 (Immigration), Part 3 (Employment), Chapter 4 (Reserved) is repealed.

P. Division 4 (Immigration), Part 3 (Employment), Chapter 5 (Certification Pre-clearance) is repealed.

Q. Division 4 (Immigration), Part 3 (Employment), Chapter 6 (Employment of Foreign Nationals) is renumbered Chapter 3 and is amended to change the terms "Director of

Labor" and "Director" to "Department," and to change the terms "entry permit" and "permit" to "identification card," and as follows:

1) Article 1 (General) is amended to:

    a) Amend current §4911 (f) to read: ""Identification Card" means an identification card issued by the Department using the Labor Information Data System (LIDS) or comparable system to assign a unique identification number to a particular person;"

    b) Amend current §4911(h) to read: ""Immediate relative" means a parent, spouse, or child, whether natural or adopted, if adopted before his or her eighteenth birthday, up to twenty-one years of age including step children. **A disabled child of any age qualifies as an immediate relative if in the continuous custody and care of the parent."**

    c) Amend current §4911(g) to read: ""Foreign national worker" means a person who is not a United States citizen, a United States permanent resident, a CNMI permanent resident, or an immediate relative of a United States citizen or a United States permanent resident, or an immediate relative of a CNMI permanent resident and who entered the CNMI as a nonimmigrant for the declared purpose of being employed in the Commonwealth."

    d) Amend current §4911(j) to delete the words "whether" and "or by deportation."

    e) Amend current §4911(1) to delete the words "enters the Commonwealth pursuant" and substitute the words "is a party."

1   **f)** Add a new §4911(m) to read: ""Umbrella permit" means a two-year permit

2   issued prior to November 28, 2009 by the Department of Labor, the

3   Department of Commerce, or under the authority of the Attorney General, to

4   expire on November 27, 2011, that protects the status of the holder to remain

5   in the Commonwealth until revoked or expired."

6   g) Arrange the subsections of §4911 in alphabetical order as required.

7 2) Article 2 (Entry into the Commonwealth) is amended to:

8   a) Change the title of Article 2 to "Identification and Documentation"

9   b) Delete §4921.

10   c) Amend §4922 by –

11   i. In subsection 4922(b) by deleting the words "or part-time casual

12   employment" and substituting the words "and provide for part-time casual

13   and other employment."

14   ii In subsection 4922(d) by deleting the words "and forward it for

15   immigration clearance"

16   d) Amend §4923 by –

17   i. Deleting subsection 4923(a).

18   ii Amending current subsection 4923(c) to delete the first sentence.

19   iii Amending current subsection 4923(d) to read: "Upon receiving notice that

20   there is a medical reason any foreign national worker or immediate

21   relative should not be permitted to remain in the Commonwealth for health

22   reasons designated as a threat to the public health in the Commonwealth

by the Secretary of Public Health, the Secretary shall notify the foreign national worker and offer repatriation at the earliest date on which it is medically safe to travel. If repatriation is not accomplished, the Secretary shall forward the relevant documentation to the federal immigration authorities for deportation."

   iv.   Renumbering the subsections as necessary.

e) Amend §4924 by –

   i.   Amending subsection 4924(a) to delete the words "issuance of an entry permit for" and substitute the words "commencement of work by"

   ii   Amending subsection 4924(b) to add at the beginning: "After the commencement of operation of the **LTARF** as provided in subsection (e) of this section," and then continuing with the content of the current subsection.

f) Amend §4925 by –

   1.   Amending the title to read: "Foreign national worker status"

   ii.   Changing the term "entry permit" to "identification card"

   iii.   Amending subsection 4925(a) to read: "The Secretary shall cause to be issued an identification card which shall include the foreign national worker's name, LIDS number, such identifying information as the Secretary shall find necessary, and the expiration date of the card."

   iv.   Amending subsection 4925(b) to delete the last two sentences.

1   v.   Amending subsection 4925(c) to deleted the words "the renewal of entry

2   permits" and to substitute the word "renewals."

3   vi.   Adding a new subsection 4925(e) to read: "Umbrella permits issued by

4   the Department continue in full force and effect until revoked. Each

5   holder of an umbrella permit must also hold a current identification card."

6   g) Amend §4926 by –

7   1.   Amending the title to read: "Immediate relative of foreign national worker

8   status."

9   ii.   Changing the term "immediate family member" to "immediate relative."

10   iii   Deleting subsection 4926(a).

11   iv.   Amending subsection 4926(b) to read: "Each immediate relative of a

12   foreign national worker shall be issued an identification card which shall

13   include the sponsoring foreign national worker's name, and the relative's

14   name, LIDS number, such identifying information as the Secretary finds

15   necessary, and the expiration date of the card. The expiration date of the

16   card shall be the same expiration date as the identification card held by the

17   sponsoring foreign national worker."

18   v.   Deleting subsection 4926(c).

19   vi.   Amending subsection 4926(d) to delete the last two sentences.

20   vii. Adding a new subsection 4926(e) to read: "Umbrella permits issued by

21   the Department to immediate relatives continue in full force and effect

1   until revoked. Each holder of an umbrella permit must also hold a current

2   identification card."

3   viii.   Renumbering the subsections as necessary.

4   ix.   Deleting the sentence that provides: "This section shall have only

5   prospective application."

6   h)   Delete §4927.

7   3)   Article **3** (Standards for Employment) is amended to:

8   a)   Amend 94931 by –

9   i.   Amending subsection 4931(a) by adding at the end thereof the words

10   "except as provided by regulation."

11   ii   Amending subsection 4931(k) by deleting the words "the twenty percent

12   (20%) requirement" and substituting the words "Section 4525."

13   b)   Amend §4932(a) by adding at the beginning: "Employers shall pay all

14   expenses of necessary medical care for foreign national workers except as

15   provided by regulation. After commencement of operation of the LHIRF as

16   provided in subsection (d) of this section," and then continuing with the

17   content of the current subsection.

18   c)   Amend §4935(a) to read: "An approved employment contract with a foreign

19   national worker may be renewed. The criteria for approval of renewals shall

20   be provided by regulation."

d) Amend §4936, second sentence, to read: "A transfer or extension of time to transfer may be granted as a remedy only pursuant to an administrative order issued by a hearing officer."

e) Amend §4938(a) by deleting the first sentence and substituting: "The Secretary shall approve a form of written notice and each employer shall deliver the notice to each foreign national worker upon commencement of employment within the Commonwealth." The remainder of the subsection is unchanged.

4) Article 4 (Adjudication of Disputes) is amended to:

a) Amend §4947(d) to add a new subsection (9) to read: "Modify an umbrella permit. An umbrella permit may be continued in effect on any of the bases upon which it could have been granted."

b) Amend §4947(d) to add a new subsection (10) to read: "Revoke umbrella permits for violation of, or condition the continuation in effect of umbrella permits as appropriate to secure compliance with, Commonwealth law, regulations, orders of a hearing officer, or terms of the permit."

c) Amend §4947(d) to add a new subsection (11) to read: "Impose such other sanction, order or relief as may reasonably give effect to Division 4, Title 3."

d) Add a new §4950 as follows –

"§4950. Preservation of private rights of action.

(a) A foreign national worker may bring a direct action in the Commonwealth courts against an employer, or against the issuer of

any bond required by the Department of Labor to secure the performance of an employer, with respect to any obligation to pay wages, overtime, medical expenses, or other benefits secured by an employment contract.

(b) The Department of Labor may, but is not required to, enforce its administrative orders by bringing an action in the courts.

(c) Nothing in this Act shall be construed as limiting the ability of a foreign national worker third-party beneficiary of a bond to bring suit directly against the surety to enforce the bond and collect from the surety to the limits of the bond any finally adjudicated unsatisfied liabilities of the employer to the worker.

(d) This section shall have retroactive effect. Claims shall be preserved that are pending or were dismissed or subject to dismissal for lack of authority to bring a direct action. Any statute of limitations for such claims shall be tolled from February 5, 2007, to the effective date of this Act."

5) Article 5 (Exit from the Commonwealth) is amended to:

a) Delete 94953.

b) Delete 94955.

6) Article 6 (Other Provisions) is amended to:

(a) Amend §4963 by –

i   Amending subsections 4963(a)(1) and (2) by deleting the words "under the provisions of this chapter" and substituting the words "as a nonimmigrant resident alien."

ii.   Amending subsection 4963(c) by adding at the end the words "except as provided by regulation."

iii. Amending subsection 4963(e) by deleting the words "termination of an approved employment contract, including renewals" and substituting the words "expiration of an identification card."

iv. Amending subsection 4963(j) by deleting the words "an entry permit pursuant to Section 4925" and substituting "authorization to work."

v.   Amending subsection 4963(k) by deleting the words "with the intent to obtain immigration status and entry to the Commonwealth for a foreign worker but."

b) Amend §4964 by –

i.   Deleting the word "deportation" and substituting the word "repatriation" and deleting the word "deportable" and substituting the words "subject to repatriation."

ii   Amending subsection 4964(m) to delete the words "or deportation" as they occur before the word "costs" and to delete the last sentence.

c) Delete §4965.

d) Amend §4968 by –

1   i.   Amending §4968(a) to read: "The Secretary shall establish fees for the

2   administrative actions to be taken by the Department under this Act. The

3   Commonwealth government shall be exempted from paying such fees."

4   ii.   Amending §4968(b).to read: "Fees imposed under subsection (a) for

5   providing data not otherwise published by the Department shall reflect, to

6   the extent practicable, the full allocated cost of collecting, storing, and

7   delivering the data in usable form."

8   iii.   Amending §4968(c) by deleting the first three sentences and substituting

9   the following: "All fees collected pursuant to subsection (a) of this section

10   shall be deposited into a fund to be known as the Foreign Worker Fee

11   Fund." The remainder of §4968 remains unchanged.

12   e) Amend §4969(a) by deleting the word "following" and substituting the words

13   "relevant NAICS" and deleting the subsections (1) through (7).

14   f) Amend §4972 by -

15   i.   Deleting from §4972(b) subsections **(3)** and (5)

16   ii.   Deleting subsection 4972(c)

17   iii.   Deleting subsection 4972(f)

18 R. Division 4 (Employment and Registration), Part 2 (Registration) shall be added, as

19   follows:

20 "§5001 Registration of aliens.

21 (a) Every alien who remains in the Commonwealth longer than 90 days shall by

22   regulation be required to be registered. Registration shall be renewed annually.

The parents or legal guardians of aliens under the age of 18 are responsible for such child's registration.

(b) Registration shall be conducted by the Department for all classes of aliens. Registration information may be taken on oath or by declaration. Such registration information as the Secretary may require is confidential and may be made available only on request of law enforcement authorities in connection with criminal or juvenile delinquency investigations.

(c) Registered aliens will be issued an identification card, which will contain the name of the alien, the LIDS number, such identifying information as the Secretary may require, and the expiration date of the card.

(d) Registered aliens 18 years old or older shall keep their identification card in their personal possession or control at all times.

(e) Any alien who knowingly fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than 90 days, or fine of not more than $500 or both.

(f) An alien, for purposes of this section, is any person who is not a citizen, national, or permanent resident of the United States, or a CNMI permanent resident as provided by Commonwealth law prior to April 23, 1981."

Section 6. Amendment of Title 4. Title 4 of the Commonwealth Code is amended as follows:

A. Division 1 (Revenue and Taxation), Chapter 4 (Excise Tax and User Fees), Article 2 (3.7 Percent Customs Service Certification), §1426 is deleted.

B. Division 5 (Business Regulation), Chapter 5 (Resident Workers Fair Compensation Act), §9504 is amended to delete the words "and Immigration."

C. Division 5 (Business Regulation), Chapter 7 (Garment Manufacturing), §§5701 through 5711 is repealed.

D. Division 5 (Business Regulation), Chapter 9 (Regulation of Foreign Investment), Article 1 (General Provisions), is amended to:

1) Amend §5904 (Certification) to read –

"The secretary or his or her designee shall certify that an alien investor has met the requirements for a commerce certificate before a business license may be processed by the Secretary of Finance. The certification by the secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No business license or foreign national ID shall be issued or granted without the expressed approval by way of certification by the Secretary of Commerce."

2) Amend §5916 (Classification) to delete the last two sentences. That section shall read:

"The review committee may classify an alien who owns an interest in a foreign corporation that incorporates in the Commonwealth as an alien investor if the alien satisfactorily establishes his or her ownership interest in the foreign corporation and meets the requisite criteria and standards of the commerce certificate applied for."

1   E. Division 5 (Business Regulation), Chapter 9 (Regulation of Foreign Investment),

2   Article 3 (Regular Term Business Certificate) is repealed.

3   F. Division 5 (Business Regulation), Chapter 9 (Regulation of Foreign Investment),

4   Article 5 (Foreign Investment Certificate) is amended to:

5   1) Amend §5953 by deleting subsection 5953(b).

6   2) Amend §5957 by deleting the last two sentences.

7   G. Division 5 (Business Regulation), Chapter 10 (Foreign Retiree Investment Certificate)

8   is amended to:

9   1) Amend §50103 by deleting the last sentence.

10   2) Delete §50106 is deleted.

11

12   H. Division 5 (Business Regulation), Chapter 14 (Northern Mariana Islands Free Trade

13   Zone Act), Article 1 (General Provisions), §51109 is amended to delete the words "or

14   immigration."

15   **Section** 7. **Amendment of Title 6.** Title 6 of the Commonwealth Code is amended

16 as follows:

17   A. Division 1 (Crimes Against the Person), Part 1 (Crimes Against the Person), Chapter

18   5 (Human Trafficking and Related Offenses), Article 1 (Anti-Trafficking Act), §1508

19   (Immigration Status) is deleted.

20   B. Division 3 (Miscellaneous Offenses), Chapter 3 (Offenses Against Public

21   Administration), §3306 is amended to delete subsection 3306(e).

C. Division 9 (Criminal Justice System Components), Chapter 2 (Criminal History and Records), §9201 (Definitions) is amended to delete the words "and Immigration" in subsection 9201(b)(2).

Section 8. **Amendment of Title 8.** Title 8 of the Commonwealth Code is amended as follows:

A. Division 1 (Domestic Relations), Chapter 4 (Adoption), §1410 (Notice of Petition, Hearing and Investigation), subsection 1410(b) is deleted, and the remaining subsections are renumbered as appropriate.

B. Division 1 (Domestic Relations), Chapter 4 (Adoption), §1420 (Illegal Acts), subsection 1420(c) is deleted.

Section 9. **Global amendment.** The Commonwealth Code is amended to change the term "Labor and Immigration Identification Data System" and the corresponding acronym "LIIDS" to "Labor Information Data System" and the corresponding acronym "LIDS' wherever they occur.
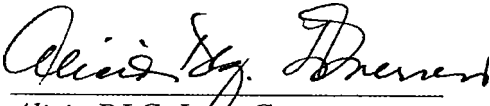
Section 10. **Severability.** If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of the Act or the application of its provisions to persons or circumstances other than those to 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.

1   The enactment of the Act shall not have the effect of terminating, or in any way modifying,

2   any liability, civil or criminal, which shall already be in existence on the date this Act

3   becomes effective.

4   **Section 12.**   **Effective date.**   This Act shall take effect upon its approval by the

5   Governor or becoming law without such approval and shall be retroactive to November 28,

6   2009 except as otherwise specifically provided herein..

Attested to by: _____

       Alicia DLG. Leon Guerrero
       Acting House Clerk

Certfied by: _____

       FROILAN G.TENORIO, Speaker

APPROVED this _____ day of _____,2010

_____

       BENIGNO R. FITIAL
       Governor
       Commonwealth of the Northern Mariana Islands

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