

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2021

H. B. 22-13

A BILL FOR AN ACT

To create the Commonwealth Worker Fee Revolving Fund and to designate the Secretary of the Department of Labor as the expenditure authority of said fund; and for other purposes.

BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Commonwealth Legislature finds
2 that statutory authority for the administration of the Commonwealth Worker Fee
3 Revolving Fund, separate from the General Fund, is necessary to provide clarity,
4 accounting, and efficiency.

5 Historically, the Consolidated Natural Resources Act of 2008, U.S. Public
6 Law 110-229 (hereinafter, "CNRA"), amended the Covenant to establish federal
7 control over immigration in the Commonwealth of the Northern Mariana Islands
8 (hereinafter, "CNMI"). Subsequently, the Northern Mariana Islands U.S.
9 Workforce Act of 2018, U.S. Public Law 115-218 (hereinafter, "NMI Workforce
10 Act") was passed, in part, to incentivize the hiring of the United States workers in
11 the CNMI. Certain fees collected pursuant to CNRA and NMI Workforce Act are
12 transferred to the CNMI government for the sole and exclusive purpose of funding

1 vocational education, apprenticeships, or other training programs for United States
2 workers. The Legislature recognizes the importance of this funding and the need to
3 comply with federal reporting and accountability.

4 The federal process for the approval and expenditure of the funds, however,
5 was altered. Specifically, the NMI Workforce Act requires the CNMI Governor to
6 submit a plan for the expenditure of Commonwealth Worker Fund to the US
7 Secretary of Labor not later than 120 days before the first day of the fiscal year
8 2020 and annually thereafter. Then, the U.S. Department of Labor must review and
9 approve the Governor's Plan. However, the Legislature recognizes that, the above-
10 stated federal process and timing of local appropriations, may lead to delays in the
11 administration of the funds in fulfillment of the approved plan.

12 In concurrence with the Governor's Memorandum dated November 1, 2019
13 (GOV20-18), the Legislature finds the Secretary of the CNMI Department of Labor
14 to be the appropriate expenditure authority. Primarily, the Secretary of the CNMI
15 Department of Labor oversees divisions related to the training and apprenticeship
16 programs. Furthermore, the Secretary of the CNMI Department of Labor has the
17 unique ability to track trends and needs in the local labor work force. Such
18 knowledge and data is paramount to effectively uphold the stated purpose of
19 funding vocational education, apprenticeships, or other training programs for
20 United States workers in the CNMI. Through the passage of this bill, the Legislature

1 endeavors to uphold the funding's stated purposes, promote accountability, and
2 measure effectiveness in spending.

3 **Section 2. Enactment.** Subject to codification by the Commonwealth Law
4 Revision Commission, the following statutes are hereby enacted as follows:

5 “(a) There is hereby established a special fund within the
6 Commonwealth Treasury, which shall be known and designated as the
7 Commonwealth Worker Fee Revolving Fund. The fund shall be accounted
8 for separately from the General Fund and is non-lapsing.

9 (b) Funds collected pursuant to the Northern Mariana Islands
10 Workforce Act shall be deposited into the Commonwealth Worker Fee
11 Revolving Fund each fiscal year.

12 (c) Funds deposited in this account shall be used for the sole and
13 exclusive purpose of funding vocational education, apprenticeships, or
14 other training programs for United States workers, as identified in the
15 approved Governor's Plan under the Northern Mariana Islands Workforce
16 Act of 2018, U.S. Public Law 115-218.

17 (d) The expenditure authority over the revolving fund is vested in
18 the Secretary of the Commonwealth Department of Labor. Revolving fund
19 monies shall be available for expenditure without further appropriation and
20 without fiscal year limitations.”

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

6 **Section 4. Savings Clause.** This Act and any repealer contained herein
7 shall not be construed as affecting any existing right acquired under contract or
8 acquired under statutes repealed or under any rule, regulation, or order adopted
9 under the statutes. Repealers contained in this Act shall not affect any proceeding
10 instituted under or pursuant to prior law. The enactment of the Act shall not have
11 the effect of terminating, or in any way modifying, any liability, civil or criminal,
12 which shall already be in existence on the date this Act becomes effective.

13 **Section 5. Effective Date.** This Act shall take effect upon its approval by
14 the Governor, or its becoming law without such approval.

Prefiled: 1/27/2021

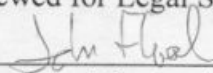
Date: 1/27/2021

Introduced by:



Rep. Ivan A. Blanco

Reviewed for Legal Sufficiency by:


House Legal Counsel

