

FIRST REGULAR SESSION, 1984

AN ACT

To amend 1 CMC Section 8312(c) and (d)(1) to provide retirement benefits to retired employees of the Trust Territory Government and their families, to amend Public Law 3-99, and for other purposes.

BE IT ENACTED BY THE FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Purpose. The purpose of this Act is to amend the Retirement Fund Act to include any person who was employed by the Government of the Trust Territory of the Pacific Islands and who is or would be included as a citizen of the United States in paragraph (a), (b), or (c) of Section 8 of the Schedule on Transitional Matters of the Constitution and who completed 25 years, or more, of cumulative service before April 1, 1976 on behalf of the Government of the Trust Territory of the Pacific Islands, including any employment or office with any chartered municipal government, or the Government of the United States, its departments agencies, and instrumentalities; Provided, that such service or employment was rendered for the Trust Territory of the Pacific Islands. Because these employees retired prior to the enactment of the Retirement Program, they did not have an opportunity to participate in the Retirement Fund. The Legislature finds that the inclusion of these employees and their families in the Retirement Fund serves a public purpose in recognition of the great services these employees have rendered to the people of the Commonwealth of the Northern Mariana Islands through the predecessor Government of the Trust Territory of the Pacific Islands.

Section 2. Amendments to Public Law 1-43: Benefit Extension.

(a) 1 CMC Section 8312(c) is amended to add a new paragraph (5) to read as follows:

"(5) Any person who was employed by the Government of the Trust Territory of the Pacific Islands, and who is or, if living, would be included as a citizen of the United States in paragraph (a), (b), or (c) of Section 8 of the Schedule on Transitional Matters of the Constitution, and who completed 25 years, or more, of cumulative service before April 1, 1976, on behalf of the Government of the Trust Territory of the Pacific Islands, including any employment or office with any chartered municipal government, or the government of the United States, its departments, agencies and instrumentalities; Provided, that such service or employment was rendered for the Trust Territory of the Pacific Islands."

(b) 1 CMC Section 8312(d)(1) is amended to read as follows:

"(1) Any employee as defined by subdivision (c)(1) and (5) of this Section; or"

(c) This Section 2, upon otherwise becoming law, shall take effect only upon appropriation of funds sufficient to meet its purpose.

Section 3. New Section: amendment to P.L. 3-99. 1 CMC §8342, and Section 20 of Public Law 1-43 as repealed and reenacted by Section 1 of Public Law 3-99, is repealed and reenacted to read:

" Notwithstanding any provision of law to the contrary the government and its agencies and instrumentalities shall contribute to the Fund each year an amount equal to that year's obligations for annuities, benefits and administration. The Board shall determine the amount needed for each fiscal year and shall report its determination to the legislature no later than 30 days before the end of the previous fiscal year. In this report the Board shall also advise the legislature of the payroll percentage necessary to fund the retirement program actuarially. The legislature is authorized to appropriate such additional amounts as may be available to wholly or partially meet the actuarial funding requirements.


Section 4. New Section: Amendment to Public Law 3-99. Section 3(a) of Public Law 3-99 is amended to read:

(a) Notwithstanding any previously enacted provision to the contrary, benefits shall not accumulate, become due, or be paid by the Retirement Fund to any member of the Fund, so long as the member is employed for more than 20 hours per week by any entity of the Government of the Commonwealth of the Northern Mariana Islands; Provided, that a member may choose to receive his retirement benefits in lieu of a salary.

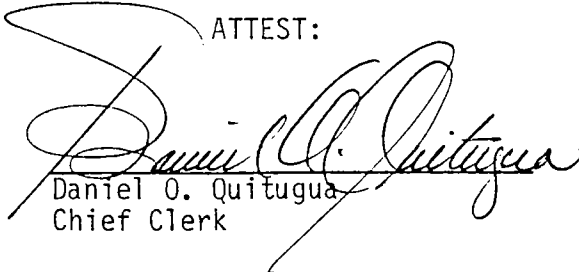
Section 5. New Section: Amendment to Public Law 3-99. Section 6 of Public Law 3-99 is repealed and reenacted as a new Subsection (3) to 1 CMC §8312(d).

Section 6. Severability. If any provision of this Act or any rule, regulation, or order promulgated hereunder or the application of any such provision, rule, regulation, or order to any person or circumstance is held invalid, by a court of competent jurisdiction, the remainder of this Act or any rules, regulations, or orders promulgated thereto or the application of such provision, rules, regulations, or orders to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Section 7. Effective Date. This Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval.

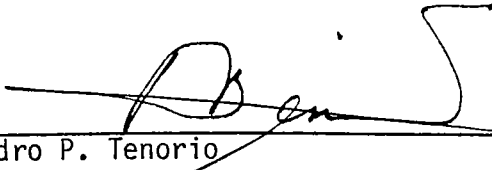


Vicente M. Sablan
Speaker of the House

ATTEST:


Daniel O. Quitugua
Chief Clerk

November 14, 1984



Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands