



HOUSE OF REPRESENTATIVES  
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SIXTH SPECIAL SESSION, 2008

Public Law No. 16-19  
H. B. No. 16-118, **HD1**

AN ACT

To amend 1 CMC § 8347, and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE:

1           Section 1. Findings and Purpose. The Commonwealth Legislature finds that Public  
2 Law 13-60 amended, among other provisions, Title 1 CMC § 8347, to require that potential  
3 disabled retirees be evaluated by two physicians and a vocational rehabilitation counselor.  
4 The Legislature finds that this requirement has created a hardship for some retirees and for  
5 the Retirement Fund because a pool of qualified vocational rehabilitation counselors is not  
6 always readily available.

7           The Legislature further finds that requiring two physicians, one of whom is a  
8 specialist in the area of the disability being evaluated, to certify the disability is adequate  
9 protection for the N.M.I. Retirement Fund and its members.

10          Section 2. Amendment. Section 8347 of Title I of the Commonwealth Code is  
11 amended as follows:

12           "Section 8347. Disability: Administrative Provisions.

13           (a) A member shall be considered totally and permanently disabled after the  
14 board receives written certification by at least two licensed and practicing physicians  
15 selected by the board, at least one of whom is a specialist in the area of the disability  
16 being evaluated, that the member is totally and permanently disabled for the further  
17 performance of the duties of any assigned position in the service of the government.  
18 If, upon consideration of the reports of the physicians and any other evidence  
19 presented to the board by the member or others interested therein, the board finds the  
20 member to be totally and permanently disabled, it shall grant the member a disability

1 retirement annuity upon written certification that the member has been separated from  
2 the service of the employer because of total disability of such nature as to reasonably  
3 prevent further service for the employer, and as a consequence is not entitled to  
4 compensation from the government.

S (b) At least once each year during the first five years following the allowance  
6 of a disability annuity to any member, and at least once in every three-year period  
7 thereafter, the board shall require any disability annuitant to undergo a medical  
8 examination to be made at the place of residence of the annuitant, or at any other  
9 place mutually agreed upon, by a physician or physicians engaged by the board. If  
10 any examination indicates that the annuitant is no longer physically or mentally  
11 incapacitated for service, or that the annuitant is engaged or is able to engage in a  
12 gainful occupation, payments of the disability annuity by the fund shall be  
13 discontinued.

14 (c)-(h) Unchanged."


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


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

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

CERTIFIED BY:

ATTESTED TO BY:

  
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ARNOLD I. PALACIOS  
Speaker of the House

  
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EVELYN C. FLEMING  
House Clerk

APPROVED on this 7<sup>th</sup> day of November, 2008

  
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BENIGNO R. FITIAL  
GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS