

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8391. Benefit Consolidation.

No member shall be eligible for more than one earned benefit at any one time; provided, however, that nothing in this section shall preclude a member from receiving any survivor benefit in addition to any benefits earned or accrued on their own account. Annuitants who have a choice among earned benefits available to them shall elect which benefit they are to receive benefits under. In the absence of an election by the employee, the administrator shall elect which benefit the annuitant is to receive benefits under. A change in category of benefits to be received by an annuitant may be effectuated by the annuitant filing a written request indicating what category of benefit the annuitant elects to receive. An election for a change in category of benefit shall only be authorized twice.

Source: PL 6-41, § 14 (repealing PL 6-17, ch. 8, § 83810); amended by PL 11-95, § 2.

Commission Comment: PL 11-95 took effect September 10, 1999, but see § 3 of PL 11-95 which provided a retroactivity clause as follows:

Section 3. Retroactivity. This Act shall have retroactive application. No person shall be required to repay, on account of 1 CMC § 8391 as it existed prior to amendment by this Act, any benefit previously paid to the person by the Retirement Fund. Any person previously denied a benefit on account of the language of 1 CMC § 8391 as it existed prior to amendment by this Act shall be entitled to be paid the benefit retroactive to the date of death of the spouse or eligibility as otherwise determined by law.

PL 11-95, § 1 provided a findings and purpose clause as follows:

Section 1. Findings and Purpose. The Legislature finds that there exists an unfair and unanticipated problem with our retirement system. Currently, a Class I employee member of the retirement system cannot receive both their own earned retirement benefits and any survivor's benefits due him or her on account of the death of a spouse. No such restriction exists on Class II members. The Legislature finds that this restriction is unfair and discriminatory. This discrimination between Class I and Class II members cannot be justified. Further, this restriction tends to defeat the purpose of survivors' benefits and discriminates against couples who are both employed by the Commonwealth government. It is the purpose of this Act to correct this situation.

PL 11-95 § 4 provided a severability clause as follows:

Section 4. 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 this 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.