

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 9: LABOR**

**§ 9353. Special Disability Fund.**

(a) A Special Disability Fund is established in the Commonwealth for the purpose of making payments in accordance with the provisions of 4 CMC § 9308(f). Such fund shall be administered by the commission. The Treasurer of the Commonwealth shall be the custodian of the fund, and all monies and securities in the fund shall be held in trust by such Treasurer and shall not be money or property of the Commonwealth government.

(b) The Treasurer may disburse monies from such fund only upon order of the commission.

(c) Payments into the fund shall be made as follows:

(1) Each employer shall contribute \$10,000 for the death of an employee of such employer resulting from injury where the administrator determines that there is no person entitled, under this chapter, to disability benefits for such death;

(2) Each insurer providing security for payment of worker's compensation claims under this chapter shall annually pay two percent of the total premium paid for such security during the preceding year. Except, in any year in which the Special Disability Fund has sufficient monies to meet its actuarially predicted obligations, the commission may waive these payments by insurers; and

(3) All amounts collected as fines, penalties and interest charges under the provisions of this chapter shall be paid into the Special Disability Fund.

(d) The Commonwealth Treasurer shall deposit any monies paid into the fund into such depository banks as the commission may direct. The commission may invest any portion of the funds which is not needed for current requirements in

(1) investment grade U.S. fixed income securities;

(2) unrated securities of the U.S. Treasury and U.S. government agencies; and

(3) common stock and convertible securities of corporations listed on the NYSE, AMEX or NASDAQ that have a market capitalization, at the time of purchase, that falls within the range of market capitalization of corporations comprising the Russell 1000 Index;

(4) bonds or notes of the United States or Commonwealth or of any insured Commonwealth bank.

(e) Neither the Commonwealth government nor the commission shall be liable in respect of payments authorized under 4 CMC § 9308 in an amount greater than the money or property deposited in or belonging to such fund. However, should the commission find that the present obligations of the fund exceed the fund balance, the commission shall immediately report such deficit to the presiding officers of the legislature.

(f) The account for the fund shall be subject to audit in accordance with established auditing procedures of the Commonwealth government, but the action of the commission in making payments from such fund shall be final and not subject to review.

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(g) Should the commission determine, based on the fund balance and the actuarially predictable obligations of the fund, that an excess of funds exists in the fund, then the commission may release such excess funds to the General Fund of the Commonwealth.

(h) Notwithstanding any other provision of law, the commission is authorized to transfer \$150,000 from the Special Disability Fund to the Government Self-Insurance Fund for expenses authorized by the commission for operation and maintenance, and payment of pending and future workers compensation claims. Henceforth, the commission is authorized to maintain this level of funding by the transfer of funds as authorized herein at the beginning of the fiscal year.

**Source:** PL 6-33, § 1 (§ 9353); amended by PL 9-33, §§ 14, 15; (d) amended by PL 15-99, § 1.

**Commission Comment:** Public Law 15-99, effective on October 19, 2007, contained severability and savings clause provisions in addition to the amendment of subsection (d).