

TITLE 4: ECONOMIC RESOURCES
DIVISION 9: LABOR

§ 9711. Earned Compensation and Earned Subsistence Allowance.

(a)(1) If, at the time of the death of any person, an employer is indebted to the person for work, labor, or services performed, and no personal representative of the person's estate has been appointed, such employer shall, upon the request of the surviving spouse, forthwith pay this indebtedness, in such an amount as may be due to the surviving spouse. In the absence of a surviving spouse, the employer shall pay this indebtedness jointly to the surviving children of the decedent. The employer shall require proof of claimant's relationship to decedent by affidavit, and require claimant to acknowledge receipt of such payment in writing. Any payments made by the employer pursuant to the provisions of this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable therefor to the decedent's estate or the decedent's personal representative thereafter appointed.

(2) For the purposes of subsection (a) the word "employer" includes every person, firm, partnership, corporation, the government, all political subdivisions, autonomous agencies, and all municipal government.

(b)(1) If, at the time of death of any person who is entitled to receive subsistence allowance pursuant to a legislative appropriation act, and no personal representative of the person's estate has been appointed, the expenditure authority of the appropriation shall, upon the request of the surviving spouse, pay the owed subsistence allowance, in such an amount provided in the appropriation to the surviving spouse. In the absence of a surviving spouse, the expenditure authority shall pay the subsistence allowance jointly to the decedent's surviving children.

(2) The expenditure authority shall require proof of claimant's relationship to decedent by affidavit, and require claimant to acknowledge receipt of such payment in writing. Any payments made by the expenditure authority in conformance with the appropriation act shall operate as a full and complete discharge of the payment of the subsistence allowance, and no one shall thereafter be liable therefor to the decedent's estate or the decedent's personal representative thereafter appointed.

Source: PL 18-57 § 2 (July 16, 2014), modified.

Commission Comment: The paragraphs of subsections (a) and (b) were undesignated in PL 18-57. The Commission designated them as subsections (a)(1), (a)(2), (b)(1), and (b)(2) pursuant to [1 CMC § 3806\(a\)](#). The Commission corrected the capitalization of the word "act" in subsection (b) pursuant to [1 CMC § 3806\(f\)](#).

PL 18-57 (July 16, 2014) contained, in addition to savings and severability clauses, the following Findings and Purpose section:

Section 1. Findings and Purpose. The Commonwealth as the largest employer in the Northern Mariana Islands has had repeated experiences

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where a current or former employee has died (collectively “Former Employees”) that was still owed payment from the government for wages associated with prior services (“Earned Compensation”). In these instances, payment of the Earned Compensation cannot be made without either use of probate proceedings or valid assignment by the Former Employee completed prior to death. These limitations have resulted in numerous situations in which Earned Compensation owed to Former Employees remains undistributed at times when families often require these funds to meet funeral expenses or to settle claims. This is a common problem faced by many private and government employers in the United States who have addressed this problem through the sponsorship and adoption of state legislation that would provide a limited exemption from requirements of probate proceedings by providing authority to the government employer to distribute Earned Compensation according to patterns based on intestacy.

The Legislature finds that this Act is necessary to provide an exemption from probate proceedings of the Earned Compensation pursuant to Public Law 7-31.

The purpose of this Bill is to provide a legal structure similar to that of other states that would provide relief in situations where there is Earned Compensation owed to Former Employees and subsistence allowances owed pursuant to a legislative appropriation.