
AN ACT

To amend Public Law 1-43 and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Subsection (c) of Section 3 of Public Law 1-43 is
2 hereby amended to read as follows:

3 "(c) 'Employee' shall mean--

4 (1) any person in the employment of the Northern Mariana
5 Islands Government at any time in all positions classified in
6 the Civil Service System; or

7 (2) any person in the employment of the Northern Mariana
8 Islands Government at any time in a position unclassified or
9 exempted from the Civil Service System, or holding an elected
10 office or a position appointed by the Governor with the advice
11 and consent of the Senate; or

12 (3) any person who is included as a citizen of the United
13 States in paragraphs (a), (b) or (c) of Section 8 of the Schedule
14 on Transitional Matters of the Constitution of the Northern Mariana
15 Islands who is in the employment of the Trust Territory of the
16 Pacific Islands Government on or after October 1, 1980; or

17 (4) any person who is included as a citizen of the United
18 States in paragraphs (a), (b) or (c) of Section 8 of the Schedule
19 on Transitional Patters of the Constitution who completed twenty
20 years of cumulative service before October 1, 1980 on behalf of
21 the Government of the Trust Territory of the Pacific Islands,

1 including any employment or office with any chartered municipal
2 government, or the Government of the United States, its
3 departments, agencies and instrumentalities; Provided, that such
4 service or employment was rendered for the Trust Territory of the
5 Pacific Islands."

6 Section 2. Subsection (d) of Section 3 of Public Law 1-43 is
7 hereby amended to read as follows:

8 "(d) 'Member' shall mean--

9 (1) any employee as defined by paragraphs (1) and (4) of
10 subsection (c) of this Section; or

11 (2) any employee as defined by paragraph (2) of subsection
12 (c) of this section: Provided, that such employee exercises the
13 option provided in Section 7(d)(1) of this Act; or

14 (3) any employee as defined by paragraph (3) of subsection
15 (c) of this section: Provided, that such employee exercises the
16 option provided in Section 7(d)(2) of this Act."

17 Section 3. Section 7 of Public Law 1-43 is hereby amended as
18 follows:

19 (a) Subsection (c) of such section is hereby amended by striking
20 "An" and inserting in lieu thereof "Notwithstanding any other provision
21 of this section, an".

22 (b) Subsection (d) of such section is hereby amended to read as
23 follows:

24 "(d)(1) Notwithstanding any other provision of this
25 section, an employee as defined by paragraph (2) of subsection (c)

1 of Section 3 of this Act shall have the option of accepting
2 or rejecting membership and shall become a member only upon
3 submission of a written request to the Board for membership.

4 (2) Notwithstanding any other provision of this section,
5 an employee as defined by paragraph (3) of subsection (c) of
6 Section 3 of this Act shall become a member only upon submission
7 of a written request to the Board for membership: Provided,
8 that such person makes the contributions to the Fund required by
9 Section 19(a) of this Act by allotment of salary in such amount
10 in favor of the Fund, and the Trust Territory of the Pacific
11 Islands, or such employee by allotment, makes a contribution for
12 credit to the Employer's Contribution Reserve established by
13 Section 38(b) of this Act in amounts equivalent to that portion
14 of the total contributions required by Section 20 of this Act
15 which is attributable to the membership of such person."

16 Section 4. Section 9 of Public Law 1-43 is hereby amended as
17 follows:

18 (a) The introductory paragraph of such section is hereby amended
19 by revising the proviso to read "Provided, that service rendered such
20 agency or instrumentality of the United States was rendered in the
21 Northern Mariana Islands."

22 (b) The first sentence of Subsection (a) of such section is
23 hereby amended to read "In the case of any member who has made any
24 contribution to any retirement fund in connection with service for
25 which he is entitled to prior service credit, and who has received

1 any refund of such contribution, the allowance of prior service credit
2 shall be conditioned upon such person making a contribution to the Fund
3 in the full amount of such refund."

4 (c) Subsection (d) of such section is hereby amended by striking
5 "or who is on an approved leave of absence on such date" and insert in
6 lieu thereof "and who is not on an approved leave of absence on such
7 date".

8 Section 5. Section 10 of Public Law 1-43 is hereby amended by
9 adding at the end thereof a new sentence as follows: "Any annuity
10 under this Act which is based in whole or in part on service before
11 the operative date shall be reduced by an amount equivalent to any
12 payment from any other employee retirement fund to which the annuitant
13 is entitled by virtue of such service."

14 Section 6. Section 11 of Public Law 1-43 is hereby amended by
15 adding at the end thereof a new subsection as follows:

16 "(e) No person shall receive credit towards retirement for
17 any period of service, rendered after the operative date, during
18 which such employee was not a member."


19 Section 7. Section 14(a) of Public Law 1-43 is hereby amended
20 by inserting after the first comma thereof the following: "or upon
21 withdrawal from membership or failure to make any required contribution
22 by any person who is a member pursuant to Section 7(d)(2) of this Act,".

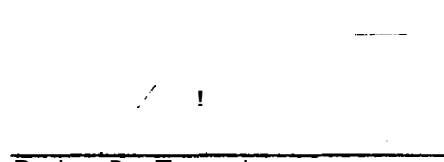
23 Section 8. Any person who is eligible to become a member of the
24 Northern Mariana Islands Retirement Fund pursuant to Subsection (c) or
25 (d) of Section 7 of Public Law 1-43, and who applies for his membership

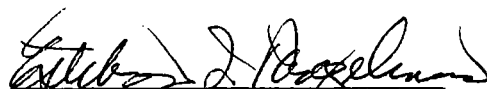
1 to be effective as of October 1, 1980, shall be admitted to membership
2 as of such date: Provided, that such person, within 60 days after the
3 date of enactment of this Act, deposits or arranges for the deposit
4 with the Board of Trustees of such Fund any contribution required
5 pursuant to Section 19(a) of Public Law 1-43 for the period from
6 October 1, 1980, through the pay period preceding the one in which
7 regular contributions are withheld or allotted from the salary of
8 such person. Any such person who did not make a written request
9 to the Board for membership prior to the date of enactment of this
10 Act, and who does not apply for membership within 60 days after
11 such date, shall, without application, receive a refund from the
12 Fund of all contributions withheld from the salary of such person
13 for payment to the Fund. The Board shall make such refund within
14 180 days after the date of enactment of this Act.

15 Section 9. Applicability. The amendments to Public Law 1-43
16 made by this Act shall apply retroactively to October 1, 1980.

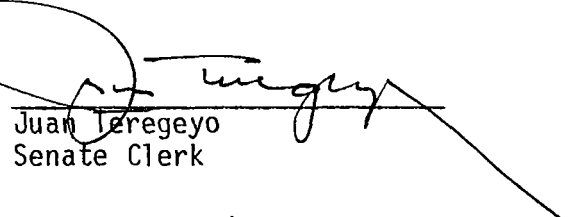
17 Section 10. This Act shall take effect upon its approval by the
18 Governor, or upon its becoming law without such approval.

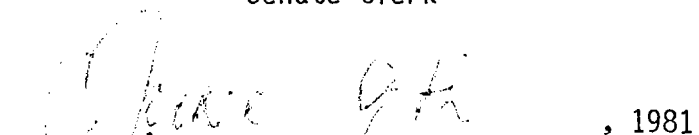

Joaquín I. Pangelinan
Speaker of the House

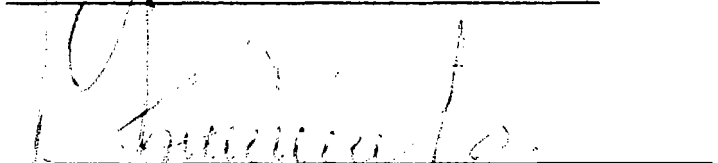

Pedro P. Tenorio
President of the Senate


Esteban I. Pangelinan
House Clerk

ATTEST:


Juan Teregeyo
Senate Clerk


_____, 1981


Carlos S. Camacho
Governor
Commonwealth of the Northern Mariana Islands