



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:



ARNOLD I. PALACIOS
Speaker of the House



EVELYN C. FLEMING
House Clerk

APPROVED on this 7th day of November, 2008



BENIGNO R. FITIAL
GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS