

JCO - 1/21/17

Twentieth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

January 31, 2017

1st Reg.

SESSION, 2017

H. B. NO. 20-36

A BILL FOR AN ACT

To amend 1 CMC § 8357, to reestablish the special annuity for the Governor and Lieutenant Governor; and for other purposes.

BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.**

2 The Legislature acknowledges that Public Law 15-70 repealed the special benefits
3 for the Governor and Lieutenant Governor who served in office after June 14, 2007. In
4 addition, Public Law 15-70 froze as of June 14, 2007 with respect to the governor and
5 lieutenant governor in office and any other persons, so that no additional benefits will
6 accrue to such persons under 1 CMC § 8357. The Legislature also acknowledges that the
7 NMI Constitution provides for the succession of the governor and the lieutenant
8 governor. In the event the governor is removed, resigns or dies, the lieutenant governor
9 becomes the governor and senate president becomes the lieutenant governor. The
10 lieutenant governor in this case would not be entitled to the special annuity because the
11 service would be less than a full term.

12 The Legislature finds that those who served as governors and lieutenant
13 governors deserve to receive annuity benefits when they leave office regardless whether
14 they serve a full term. Provided that the governor or lieutenant governor did not vacate
15 the office due to impeachment or conviction of a felony while in office or conviction of
16 other misconduct while in office.

1 The purpose of this Act is to reestablish the special annuity for the Governor and
2 Lieutenant Governor.

3 **Section 2. Amendment.** 1 CMC § 8357 is amended to read:

4 “§ 8357. Special Benefits for Governor and Lieutenant Governor.

5 (a) Special retirement annuities under this section shall only be available to
6 former Governors and Lieutenant Governors of the Commonwealth of the Northern
7 Mariana Islands who have served ~~at least one full term~~ in office. Any Governor or
8 Lieutenant Governor who is impeached or convicted of a felony while in office or
9 convicted of other misconduct while in office shall forfeit all rights to the benefits
10 provided under this section.

11 (b) Every former Governor and Lieutenant Governor of the Commonwealth of the
12 Northern Mariana Islands shall be entitled to a special retirement annuity of 65% of the
13 last annual salary paid to them as governor or lieutenant governor, respectively.

14 (c) No former Governor or Lieutenant Governor receiving annuities authorized by
15 this section may receive any other compensation (except for costs, such as travel or per
16 diem) for the performance of any service or any employment or consultation whatsoever
17 for any branch, agency or department of the Commonwealth of the Northern Mariana
18 Islands government; provided, however, that a former Governor or Lieutenant Governor
19 may elect to receive such compensation in lieu of the payments provided in this section,
20 but not both. In the event a special retirement annuity is discontinued as a result of such
21 an election by a former Governor or Lieutenant Governor, the special retirement annuity
22 will recommence upon the subsequent election by that former Governor or Lieutenant
23 Governor to once again receive the special retirement annuity in lieu of any other such
24 compensation.

25 (d) If any former Governor or Lieutenant Governor is entitled to any other
26 retirement compensation from the government of the Commonwealth of the Northern
27 Mariana Islands, he or she must elect to receive either that retirement compensation or
28 the special retirement annuity under this section, but not both.

1 (e) Any Lieutenant Governor who qualifies for a special retirement annuity as a
2 Governor shall forfeit all rights under this section as a Lieutenant Governor.

3 (f) All rights for a special retirement annuity under this section shall terminate
4 upon the death of the recipient.

5 (g) After May 7, 1989, the Governor and Lieutenant Governor shall not be
6 required to contribute to the fund pursuant to 1 CMC § 8361 while serving in those
7 capacities to be eligible for the benefits of this part.

8 (h) The government shall make contributions to the fund each year necessary to
9 fund special retirement annuities which result from this section. Such government
10 contributions shall be in addition to, and a separate line item from, the contributions to
11 the fund pursuant to 1 CMC § 8362.

12 ~~(i) 1 CMC § 8357 is repealed with respect to governors and lieutenant governors~~
13 ~~assuming office after the effective date of this Act [June 14, 2007], and is frozen as of the~~
14 ~~effective date of this Act [June 14, 2007] with respect to the governor and lieutenant~~
15 ~~governor currently in office and any other persons, so that no additional benefits will~~
16 ~~accrue to such persons under § 8357.”~~

17 **Section 3. Retroactive Application.** This Act applies to former and current
18 governors and lieutenant governors who served in office during and after June 14, 2007.

19 **Section 4. Severability.** If any provision of this Act or the application of any
20 such provision to any person or circumstance should be held invalid by a court of
21 competent jurisdiction, the remainder of this Act or the application of its provisions to
22 persons or circumstances other than those to which it is held invalid shall not be affected
23 thereby.


24 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
25 be construed as affecting any existing right acquired under contract or acquired under
26 statutes repealed or under any rule, regulation, or order adopted under the statutes.
27 Repealers contained in this Act shall not affect any proceeding instituted under or
28 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,

1 or in any way modifying, any liability, civil or criminal, which shall already be in
2 existence on the date this Act becomes effective.

3 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
4 Governor or becoming law without such approval.

Prefiled: 1/31/17

Date: 1/31/17

Introduced By: 
Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:


House Legal Counsel

