

A BILL FOR AN ACT

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

BE IT ENACTED BY THE NINETEENTH 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2 The Legislature acknowledges that Public Law 15-70 repealed the special benefits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.

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

19 **Section 2. Repealer and Reenactment.** 1 CMC § 8357 is repealed and
20 reenacted to read:

1 “§ 8357. Special Benefits for Governor and Lieutenant Governor.

2 (a) Special retirement annuities under this section shall only be available to
3 former Governors and Lieutenant Governors of the Commonwealth of the Northern
4 Mariana Islands who have served in office. Any Governor or Lieutenant Governor who is
5 impeached or convicted of a felony while in office or convicted of other misconduct
6 while in office shall forfeit all rights to the benefits provided under this section.

7 (b) Every former Governor and Lieutenant Governor of the Commonwealth of the
8 Northern Mariana Islands shall be entitled to a special retirement annuity of 65 percent of
9 the last annual salary paid to them as governor or lieutenant governor if the service in
10 office is not more than two years. If the service in office is more than two years, then the
11 annuity shall be 75 percent of the last annual salary.

12 (c) If the service in office is in an acting capacity pursuant to Article III, section
13 8(a) or (b) of the NMI Constitution, there shall be no entitlement to the special annuity
14 provided in this section.

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

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

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

5 (h) 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 (i) 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 **Section 3. Retroactive Application.** This Act applies to former and current
13 governors and lieutenant governors who served in office during and after June 14, 2007,
14 provided that the payment of the annuity shall be applicable only after the effective date
15 of this Act prospectively.

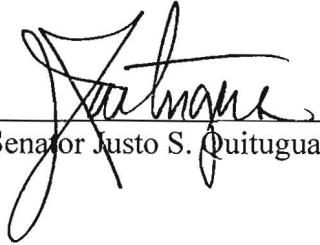
16 **Section 4. Severability.** If any provision of this Act or the application of any
17 such provision to any person or circumstance should be held invalid by a court of
18 competent jurisdiction, the remainder of this Act or the application of its provisions to
19 persons or circumstances other than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

21 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
22 be construed as affecting any existing right acquired under contract or acquired under
23 statutes repealed or under any rule, regulation, or order adopted under the statutes.
24 Repealers contained in this Act shall not affect any proceeding instituted under or
25 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
26 or in any way modifying, any liability, civil or criminal, which shall already be in
27 existence on the date this Act becomes effective.

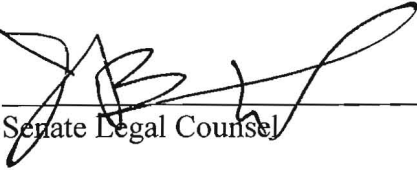
28 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
29 Governor or becoming law without such approval.

Prefiled:

Date: 7/20/15

Introduced By: 
Senator Justo S. Quitugua

Reviewed for Legal Sufficiency by:


Senate Legal Counsel