SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

2nd Day, 1st Reg, 2010

SENATE LEGISLATIVE INITIATIVE NO. 17-08

A LEGISLATIVE INITIATIVE

To propose a constitutional amendment to explicitly state that qualified retirees may be reemployed as classroom teachers, doctors, nurses, and other medical professionals without loss of retirement benefits, regardless of the individual's occupation prior to retirement, to eliminate the time limitation on such reemployment, and to clarify that the term "medical professionals" includes dentists, dental lab technicians, dental assistants, medical lab technicians, medical assistants, therapists, veterinarians, animal health officer or equivalent, and the like.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings. The Legislature finds that some confusion has arisen since the ratification of Senate Legislative Initiative 10-4 in the 1997 general election and passage of Public Law 11-2 concerning who is eligible for reemployment and in what positions without loss of retirement benefits. Some have construed the constitutional amendment and statute narrowly to state that individuals may only be reemployed in occupations in which they were employed prior to retirement and to exclude medial and dental technicians and others from eligibility for such reemployment. Such was never the intent of the legislative initiative or the legislation, and this proposed amendment is designed to eliminate this sort of uncertainty and misapplication by stating even more explicitly that the constitutional provision is intended to apply broadly to help the Commonwealth meet its human resources needs in the general fields stated.

Section 2. Legislative Initiative. The Seventeenth Northern Marianas Commonwealth Legislature, by the affirmative vote of three-fourths of the members of each house present and voting, hereby proposes the following amendment to the Constitution to be placed before the people for ratification:

"A PROPOSED CONSTITUTIONAL AMENDMENT"

To amend Article III, Section 20(b) of the Commonwealth Constitution to explicitly state that qualified retirees may be reemployed as classroom teachers, doctors, nurses, and other medical professionals without loss of retirement benefits, regardless of the individual's occupation prior to retirement, to eliminate the time limitation on such reemployment, and to clarify that the term "medical professionals" includes dentists, dental lab technicians, dental assistants; medical lab technicians, medical assistants, therapists, veterinarians, animal health officer or equivalent, and the like.

I. Article III, Section 20(b) of the Commonwealth Constitution is amended to read:

ARTICLE III. EXECUTIVE BRANCH.

Section 20. Retirement System.

b) An employee who has acquired not less than twenty years of creditable service under the Commonwealth retirement system shall

be credited an additional five years and shall be eligible to retire. An employee who elects to retire under this provision may not be reemployed by the Commonwealth Government or any of its instrumentalities or agencies, for more than 60 days in any fiscal year without losing his or her retirement benefits for the remainder of that fiscal year, except that the legislature may by law exempt reemployment of qualified retirees, regardless of occupation prior to retirement, as classroom teachers, doctors, nurses, and other medical professionals (including dentists, dental lab technicians, dental assistants, medical lab technicians, medical assistants, therapists, veterinarians, animal health officer, and comparable positions) from this limitation, ~~for reemployment not exceeding two (2) years~~. **The Legislature may further exempt by statute passed by three-fourths majority vote of the members of each House additional job categories and positions**. In exempting reemployment pursuant to this subsection, the legislature may also establish limits on the maximum time any retiree may be so reemployed without loss of benefits. No retiree may have their retirement benefits recomputed based on any reemployment during which retirement benefits are drawn, but every such reemployed retiree shall nevertheless be required to contribute to the retirement fund during the period of reemployment, at the same rate as other government employees. The legislature may prohibit recomputation of

retirement benefits based on reemployment after retirement in any event or under any circumstances.

II. Effectiveness. This amendment shall take effect upon ratification.

Section 3. Adoption and Transmittal. The President of the Senate and the Speaker of the House shall certify, and the Clerks of the Senate and House shall attest to the adoption of this Legislative Initiative. The Senate Clerk shall then cause the Initiative to be transmitted to the Governor and the Board of Elections with instructions that the board place it before the people of the Commonwealth for a ratification vote, in conformance with Article XVIII, Section 5of the Commonwealth Constitution and 1 CMC §6432.

Date: 1/26/2010

Introduced By: _____
Senator Pete P. Reyes