

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8341. Normal Retirement Benefits for Class I Members.

Any class I member who is at least 62 years of age and who has 10 years of contributing membership service from May 7, 1989, may retire on a service retirement annuity upon written application to the Board of Trustees, except that employees of the Commonwealth of the Northern Mariana Islands who were hired after October 1, 1980, but prior to May 7, 1989 and were 60 years of age or older on the hiring date may retire with three years of credited prior service. Such members shall receive an annual annuity upon retirement calculated as follows:

(a) For class I members retiring with less than 25 years of membership service the annual annuity shall be 2.5 percent times the average annual salary times years of membership service with a maximum of no more than 50 percent times average annual salary.

(b) For class I members retiring with 25 years or more of membership service the annual annuity shall be 50 percent times the average annual salary plus 2.5 percent times the average annual salary times all membership service in excess of 25 years, not to exceed 85 percent of average annual salary at the time of retirement.

(c) Notwithstanding the foregoing, in no event shall the annual annuity of any member entitled to normal retirement be less than \$6,000; provided that such minimum annuity may be reduced by 50 percent as provided herein if contributions for prior service credit have not been paid in full.

Annuitants receiving an annuity of \$6,000 per annum or more but less than \$12,000 per annum on October 1, 1993, shall have their yearly benefits increased as follows:

Adjusted annuity = \$6,001 + [normal annuity less \$5,000] x .857

Example: Annuitant is annually receiving \$7,650

Adjusted annuity = \$6,000 + [\$7,650 less \$5,000] x .857
= \$6,001 + \$2,271
= \$8,272

(All amounts rounded to the nearest full dollar)

(d) Class I members in receipt of service retirement annuity shall be entitled to an annual cost of living increase commencing on January 1st subsequent to the anniversary of the member's retirement date, provided the member is at least 55 years of age.

Source: PL 6-17, ch. 3, § 8331; amended by PL 6-41, § 6; PL 7-39, § 2; PL 8-31, §§ 2, 7; first sentence amended by PL 11-9, § 1; (a) and (b) amended, (d) and (f) repealed, and (e) redesignated to (d) by PL 13-60, §§ 4 and 3, respectively.

Commission Comment: PL 11-9, § 1 that amended the first sentence of this section took effect on April 16, 1998. PL 11-9 contained a severability and a savings clause in its §§ 2 and 3 that read as follows:

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or

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the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 3. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

PL 13-60 was enacted on December 5, 2003 and contained, in addition to other enactments, a short title, findings and purpose, severability, and savings clause provisions. See the comment to 1 CMC § 8253 regarding PL 13-60.