

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8351. Benefits: Survivor Annuity Rate Formula for Class I Members.

The annual survivor annuity payable for class I members shall be as follows:

(a) *Spouse*. The basic annual survivor annuity shall be equal to 50 percent of the adjusted retirement annuity accrued by the member at the date of death or, in the case of a member receiving a disability or retirement annuity, 50 percent of the amount to which the member was entitled. The minimum spouse annuity shall be \$6,000 per year.

(b) *Children*. The basic annual survivor annuity shall be equal to 16 and two-thirds percent of the normal retirement annuity accrued to the member at the date of death, or 16 and two-thirds percent of any disability or retirement annuity to which the member was entitled, but not less than \$1,080 per child per year, provided that no additional benefit shall accrue for more than three children.

(c) Upon death of a class I member while in service or in receipt of a service retirement annuity or disability retirement annuity, if a surviving spouse or minor children survive the member, a single sum death benefit payable in the amount of \$1,000 shall be payable.

(d) Notwithstanding other provisions of this section, survivor's annuities will be reduced by 50 percent per year if the member who has elected to be credited for prior service at time of death has not fully paid all contributions due to the fund, until the amount owed is offset in full.

(e) Notwithstanding other provisions of this part, the surviving spouse of a deceased member to whom 1 CMC §§ 8341(d) and 8344(f) would have applied shall have their benefits recomputed to include the additional benefits provided under such sections. The increase due to this recomputation shall be effective on May 7, 1989.

Source: PL 6-17, ch. 3, § 83311, modified; amended by PL 6-41, § 10, modified; PL 8-31, § 5.

Commission Comment: Section 4 of PL 6-33 (the Workers' Compensation Law, 4 CMC § 9301 et seq.) amended 1 CMC § 8338. Former 1 CMC § 8338 (PL 1-43, § 18) was entitled "Benefits: Survivor Annuity Rate Formula." That section was repealed by PL 6-17, ch. 1, § 8312, before passage of PL 6-33. PL 6-17, ch. 3, § 8338, codified now at 1 CMC § 8348, is different in content and plainly not what PL 6-33, § 4, was meant to amend. The sections relating to "Survivor Annuity Rate Formulas" in the reenacted Retirement Fund law are 1 CMC §§ 8351 and 8353. The Commission notes that PL 6-33, § 4, as set forth below, was probably meant to modify these sections:

The annual survivor annuity payable to a surviving spouse or minor child shall be reduced by an amount equal to any worker's compensation disability benefit payable to that survivor for so long as such payment shall continue.