

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8353. Benefits: Survivor Annuity Rate Formula for Class II Members.

(a) *Spouse.* The basic annual survivor annuity for spouses of class II members shall be equal to 50 percent of the disability or service retirement annuity earned by the member and accruing to his or her credit at the date of death for the period of his or her total service. The spouse's basic annual annuity shall not, in any case, be less than \$6,000 per year.

(b) *Children.* The basic annual annuity shall be \$1,080 per year for a minor child up to 18 years of age. The total basic annuity for children shall not, in any case, exceed \$3,240 per year for three or more minor children.

(c) 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, § 83313; amended by PL 6-41, § 10; PL 8-31, § 6.

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 That section was repealed by PL 6-17, ch. 1, § 8312 before passage of PL 6-33.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.