

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8345. Occupational Disability Benefits.

(a) Any member who becomes totally and permanently disabled for service from an occupational cause shall receive an annuity equal to 50 percent of the salary such member was receiving at the time the disability was incurred. Such annuity shall continue until the member reaches 62 years of age.

(b) Upon reaching 62 years of age, a disability annuitant shall have such annuity recomputed utilizing the normal retirement annuity formula for class I members with an assumption that the annuitant had continued working as a member until age 62, with the same salary being received as was received at the time the disability was incurred. Such annuitant shall also, upon reaching age 62, be entitled to cost of living allowances equal to those received by members receiving a normal retirement annuity. For class II annuitants no recomputation shall result in an annuity of less than the individual received under subsection (a) of this section.

Source: PL 6-17, ch. 3, § 8335; (a) amended by PL 13-60, § 6(a).

Commission Comment: Section 3 of PL 6-33 (the Workers' Compensation Law, 4 CMC § 9301 et seq.) amended 1 CMC § 8333(c). Former 1 CMC § 8333 (PL 1-43, § 13) was entitled "Benefits: Disability Benefits." That section was repealed by PL 6-17, ch. 1, § 8312, before passage of PL 6-33. PL 6-17, ch. 3, § 8333, codified now at 1 CMC § 8343, is different in content from the former 1 CMC § 8333, and plainly not what PL 6-33, § 3 was meant to amend. This section, PL 6-17, ch. 3, § 8335, is the section relating to disability benefits in the reenacted Retirement Fund law. The Commission notes that PL 6-33, § 3, as set forth below, was probably meant to amend this section:

The amount of disability retirement annuity shall be $66 \frac{2}{3}$ percent of the member in effect at the date of disability. Any special compensation allowance received or payable to any member because of disability resulting from accidental causes, or any workers' compensation disability benefit received or payable to any member because of disability incurred, while in performance of a specific act or acts of duty, shall be deducted from the disability annuity payable by the Fund on account of the same disability.

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.