

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8352. Benefits: Survivor Annuities for Class II Members.

(a) Upon death of a class II member while in service, having completed at least three years of membership service, if a surviving spouse or minor children survive the member, the following annuities shall be payable:

(1) If a spouse survives, an annuity shall begin as of the date of the death of the member if the surviving spouse has attained the age of at least 35 years, or, if the surviving spouse is under the age of 35 years at the date of death, payment shall begin upon his or her attainment of that age. The annuity shall terminate upon death of the surviving spouse or remarriage. Upon reaching 55 years of age, the spouse shall be entitled to an annual cost of living increase commencing on January 1 subsequent to reaching 55 years of age.

(2) If both the surviving spouse and minor children under age 18 survive the member, an annuity shall begin immediately upon death of the member without regard to whether the surviving spouse has attained the age of 35 years. The allowance for a minor child shall be payable until the child's attainment of age 18, marriage, or death, whichever first occurs. The annuity of the surviving spouse shall terminate upon death or remarriage, whichever occurs first.

(3) If a minor child or children under age 18 survive a member and no parent of the child or children is living, an annuity on account of any child shall be payable until the child's attainment of age 18, marriage, or death, whichever first occurs, to be paid to the legal guardian of such child or children for the child or children's benefit.

(4) Payment of the annuity or allowance for a minor child or children provided under subsections (2) and (3) of this subsection may be continued up to 22 years of age if the minor child or children are full-time students in an accredited college or university or educational institution.

(b) Upon death of a class II member after retirement, if a surviving spouse or children survive, annuities shall be payable to them at the same rate and under the same conditions applicable to survivors of a member whose death occurs while in service.

(c) Upon death of a class II member while in service, having completed at least three years of membership service, or after retirement on a service annuity, if a surviving child or children are disabled, annuities shall continue to be payable to them after age 18 at the same annual rate as if they were minor children under the age of 18; provided, however, that such continuing annuity shall be conditional upon the child being disabled and having been examined by two licensed physicians before attaining the age of 18 and found to be permanently physically or mentally disabled and incapable of self-support. The results of the examination may be submitted to the board at any time prior to the child's 18th birthday. The annuity shall continue until death or until such child loses his permanent disability and becomes capable of self-support, under the same terms and conditions applicable to disabled members.

(d) Upon retirement from service, any unmarried class II member, whether male or female, if in good health as determined upon medical examination, may elect to receive in lieu of his or her full service retirement annuity, on an actuarial

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equivalent basis, a reduced annuity payable during his or her lifetime with an annuity payable to his or her designated beneficiary at the same rate and under the same conditions as are applicable to survivors of a married member whose death occurs while in service. The reduced retirement annuity payable to the member under this option shall be 90 percent of the full service retirement annuity if the designated beneficiary is of the same age, or older, or less than five years younger than the retired employee. The retirement annuity shall be reduced to the extent of one percent for each additional year above five that the age of the member exceeds the age of the beneficiary; provided, that the annuity for the member shall in no event be less than 60 percent of the full service retirement annuity.

(e) Upon death of a class II member while in service or in receipt of a 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 to the individual designated by the member or if no designation has been made, to the member's estate.

Source: PL 6-17, ch. 3, § 83312, modified; amended by PL 8-31, § 10, modified; amended by PL 13-60, § 4.

Commission Comment: 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.