GOV. COMM. 20-198
(HOUSE)

RALPH DLG. TORRES
Governor

VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

2 4 APR 2018

The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Acha
4/24/18
3:45 pm

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-141, SD1 entitled, "To give the Department of Finance the authority to pay the obligated 25% retiree death benefit payments due to the survivors of CNMI deceased retirees.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-57**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Secretary of Finance; Northern Mariana Islands Retirement Fund; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

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DATE 4/27/18 TIME 11:57a

Twentieth Legislature
of the
Commonwealth of the Northern Mariana Islands

IN THE HOUSE OF REPRESENTATIVES

FOURTH SPECIAL SESSION

NOVEMBER 21, 2017

REPRESENTATIVE ANGEL A. DEMAPAN of Saipan, Precinct 1 (*for himself,* Representatives Francisco C. Aguon, Edwin P. Aldan, Blas Jonathan "BJ" T. Attao, Donald C. Barcinas, Ivan A. Blanco, Francisco S. Dela Cruz, Joseph P. Deleon Guerrero, Rafael S. Demapan, Joseph Leepan T. Guerrero, Alice S. Igitol, Jose I. Itibus, Janet U. Maratita, Gregorio M. Sablan Jr., John Paul P. Sablan, and Edmund S. Villagomez,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 20-141, SD1

AN ACT

TO GIVE THE DEPARTMENT OF FINANCE THE AUTHORITY TO PAY THE OBLIGATED 25% RETIREE DEATH BENEFIT PAYMENTS DUE TO THE SURVIVORS OF CNMI DECEASED RETIREES.

The Bill was referred to the House Committee on Ways and Means, which submitted Standing Committee Report No. 20-107; adopted 2/27/18.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FINAL READING, FEBRUARY 27, 2018;
without amendments and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Fiscal Affairs.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 8, 2018;
with amendments in the form of H. B. No. 20-141, SD1.

H. B. 20-141, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON MARCH 12, 2018.

The House of Representatives accepted the Senate amendments and passed H. B. No. 20-141, SD1 during its Fifth Day, Third Regular Session on March 16, 2018.

THE BILL WAS FINALLY PASSED ON MARCH 16, 2018.

Linda B. Muña, House Clerk

Twentieth Legislature
of the
Commonwealth of the Northern Mariana Islands

IN THE HOUSE OF REPRESENTATIVES

FIFTH DAY, THIRD REGULAR SESSION

MARCH 16, 2018

H. B. No. 20-141, SD1

AN ACT

TO GIVE THE DEPARTMENT OF FINANCE THE AUTHORITY TO PAY THE OBLIGATED 25% RETIREE DEATH BENEFIT PAYMENTS DUE TO THE SURVIVORS OF CNMI DECEASED RETIREES.

Be it enacted by the Twentieth Northern Marianas Commonwealth Legislature:

Section 1. Findings and Purpose. The Legislature finds that prior to the implementation of the Settlement Agreement between the Government and the Northern Mariana Islands Settlement Fund (NMISF), survivors of deceased retirees were entitled to a death benefit of $1,000.00. Once the Settlement Agreement was implemented, the NMISF was responsible for the payment of 75% of the benefit and the Northern Mariana Islands Retirement Fund (NMIRF) was responsible for payment of 25% of the benefit. However, the NMISF has taken the position that the 25% payment for the death benefit should be paid to the NMISF by the central government even though it is the obligation of the NMIRF. Paragraph 8.2 of the Settlement Agreement provides:

"8.2 Transfer of Liabilities. All liabilities of the CNMI Fund shall be transferred to the CNMI and are assigned as the liabilities of the CNMI except for the benefits payable to the Settlement Class Members as provided herein."

The Legislature further finds that survivors continue to wait for the payment of the 25% of the death benefit that they are entitled to.

The Legislature recognizes that Public Law No. 6-17 established the Northern Mariana Islands Retirement Fund as "an autonomous agency and a public corporation of the government of the Commonwealth of the Northern Mariana Islands".

To resolve the pending issue, the Legislature finds the government agency more suitable to issue payments for the 25% death benefit would be the Department of Finance, on behalf of the Commonwealth government.

Section 2. Enactment. Subject to codification by the Commonwealth Law Revision Commission, the following provisions are hereby enacted:

"**Section 101. Northern Mariana Islands Retirement Fund Retiree Death Benefit Payment.**

The Department of Finance, on behalf of the Commonwealth government, shall be responsible for payment of the obligated 25% of the retiree death benefit entitled to survivors of deceased retirees.

Section 102. Ratification of Actions.

Actions taken by the Northern Mariana Islands Retirement Fund with respect to the retirees death benefit prior to the enactment of this Act shall remain valid until and unless modified by the Secretary of Finance."

Section 3. Retroactive Application. The provisions of this Act shall apply to all retirees, alive or deceased, that were members of the Northern Mariana Islands Settlement Fund on or before August 6, 2013.

Section 4. Severability. If any provisions 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 the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. 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 the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by: _____
Linda B. Muña, House Clerk

Certified by: _____
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
20th Northern Marianas Commonwealth Legislature

APPROVED this 24th day of APRIL, 2018

_____
RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands