

GASETA

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April—June 2010

“Investing For The Future Financial Security of Our Members”



Special points of interest:

- Pension Troubles (p. 1)
- Highlights on the Retirement Fund Forum (p. 3)
- The Five-Point Plan (p. 5)

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CNMI NOT ALONE IN PENSION TROUBLES

By: Carolyn M. Kern, Fund Counsel

A recent study revealed that there is an estimated \$1 trillion gap between the pension, health care and other retirement benefits that States have promised to their active employees and retirees and the amounts the States have available to pay those obligations. This was the conclusion of the Pew Center on the States (a division of the Pew Charitable Trusts) report: *The Trillion Dollar Gap — Underfunded State Retirement Systems and the Road to Reform*, released in February 2010.

The study graded all 50 States on three criteria, and awarded each State up to four points: 2 points for having a funding ratio of at least 80%; 1 point for having an unfunded liability below covered payroll; and 1 point for paying on average at least 90 percent of the actuarial required contributions during the past five years. On this grading system, the NMI Retirement Fund would score zero points, but we're not alone. Eight States — Alaska, Colorado, Illinois, Kansas, Kentucky, Maryland, New Jersey and Oklahoma — all received no points. These eight, and 11 other States, were categorized as having “serious concerns.” Fifteen States received 2 or 3 points, and were categorized as “needing improvements.” Only Sixteen States were “solid performers” and scored four points. *See chart on the right.* Read the complete report at www.pewcenteronthestates.org

Eleven States have recently established task forces or study commissions to make recommendations for reform to their State pension programs. The Pew report identified five key reforms that have proven politically feasible and that can improve the performance of public pension funds: (1) pay the actuarial required contribution consistently; (2) lower benefits and increase the retirement age; (3) require members to share investment risk; (4) increase employee contributions; and (5) improve governance and investment oversight.

The report also examines Pension Obligation Bonds and States have successfully (and not so successfully) issued them. The Retirement Fund, and the joint Fund/CNMI government judgment payment negotiation team are considering and/or have already recommended/implemented some of these reforms.

HOW ARE STATES DOING?

PENSIONS		
Grade	Number of States	
SOLID	16	AZ, AR, DE, FL, GA, ID, ME, MT, NE, NY,
PERFORMER		NC, OH, SD, TN, UT, WI
NEEDS	15	AL, CA, IA, MI, MN, MO, NM, ND, OR, PA,
IMPROVEMENT		TX, VT, VA, WA, WY
SERIOUS CONCERNS	19	AK, CO, CT, HI, IL, IN, KS, KY, LA, MD,
		MA, MS, NV, NH, NJ, OK, RI, SC, WV

Source: Pew Center on the States Report

HAFA ADAI & TIROW!

It is with great honor to serve the members of the Commonwealth of the Northern Mariana Islands Retirement Fund as your Trustee and as a member when the Retirement Fund was first created, and now a retiree since May 1995. I watched the Fund with passion, noting every decision that former trustees made trying to educate myself where their decisions will lead the Fund. There were many days and nights when I pondered whether the money I was contributing will provide me the financial security for if and when I retire. Will the Fund be around if and when I decide to retire? Well it was there when I decided to retire and yes, my pension has provided me the financial security for my financial needs.

In the past couple of months I have gained more knowledge of how our Retirement Fund operates having directly involved myself in the policy and decision making to ensure that the future of the Fund will serve all retirees and future retirees. Yes, there are challenges, but with determination and perseverance these challenges can be overcome. There are sacrifices too that must be undertaken; but with proper education and determination to pursue the desired results, these

sacrifices will be easier to achieve.

These sacrifices will require the Legislature to enact certain legislation to amend laws created in the past unfavorable to the challenges the Fund faces with our financial market conditions. It will require the Legislature to enact legislation to correct certain benefits that are considered too generous. It will require the Legislature to enact legislation to directly appropriate a specific amount of money to pay for past unpaid employer contributions. It will require the members of the Retirement Fund, retirees or not, to speak to our legislature to prioritize the proposed legislation submitted by the Retirement Fund and the Executive Branch Negotiating Team to take the challenge and pass those proposed changes.

Your Board of Trustees are upholding their fiduciary duty by being diligent in managing the Fund and we are sincere in making sure the last retiree is paid their pension.

Respectfully,

JERRY P. CRISOSTOMO
Vice Chairman
Board of Trustees



Mr. Jerry P. Crisostomo
Vice Chairman, Board of Trustees

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HIGHLIGHTS ON THE RETIREMENT FUND FORUM

By: Esther S. Ada, Chief Internal Auditor

The NMI Retirement Fund conducted a public forum on June 15, 2010 at the Pedro P. Tenorio Multi-Purpose Center in its continuing efforts to increase awareness of the critical issues affecting the retirement program and of the efforts being made by the Fund to protect the program and its members. The half day afternoon session was attended mostly by retirees.

The Administrator and Deputy Administrator were on hand to answer questions and concerns and to present the Fund's Five-Point Plan, having already made the presentation to the Legislature and to the Honorable Judge Govendo in a status hearing of the lawsuit between the Fund and the Administration. In the first part of the public forum, the Administrator's presentation highlighted the differences between Class I and Class II retirement benefits. Ms. Tania Mesa from ASC Corporation, the third party administrator of the Defined Contributions Plan, provided a general overview of the Plan.

During the second part of the forum, the Deputy Administrator and the Chairperson of the Administration's Negotiation Team, Mr. Tony S. Muna,

presented the Five-Point Plan. (See *5-Point Plan on page 5*). The interactive session afforded the attendees the opportunity to ask questions regarding the plan, including the advantages and disadvantages of the Public Obligation Bond and the process of placing House Legislative Initiative (HLI) 17-1 on the ballot this November for the CNMI voters to ratify. (See *Pending Legislations on page 8 for details*). Attendees offered their suggestions to improving communication and dissemination of information to the members such as posting all pending legislations affecting the retirement program on the Fund's website and possibly holding quarterly town hall meetings and inviting the Legislators to participate.

The Fund is making every effort to address the concerns expressed during the forum and is in the process of posting all pending legislations on the website. The Fund agrees that the town hall meetings is an excellent suggestion and will continue to have public hearings and forums for members to be kept informed with Fund matters as it has in previous years. The Fund has had public hearings at least once a year for the past six years to bring awareness of the issues facing the Fund and have invited our leaders to participate. The Fund has, from time to time, made

special presentations to the Governor and the Legislature to advise them of the state of the Fund. The Board of Trustees complies with the Open Government Act and welcomes the public to attend its monthly meeting and allots time for the public to make comments. An email listing is being developed so that the Fund can disseminate information through its email database. Board meeting schedules are printed in the Saipan Tribune Newspaper as well as posted on the NMI Retirement Fund website. Please see back page for details in signing up to receive email communications from the Fund.

Overall, the public forum proved to be a useful tool in getting the members involved and well informed on the issues facing the Fund and the efforts being made to protect the Fund's assets so that beneficiaries continue to receive their pension well into the future. The Public Forum was the second member outreach program initiated by the Fund this year. Earlier in the month, the Administrator, Deputy Administrator and the President of the Commonwealth Retirees' Association were guests on the John Gonzales Show. The Fund would like to thank everyone who attended the forum for their comments and suggestions.



FAREWELL TO THE ADMINISTRATOR, MARK A. AGUON!



Mark A. Aguon, Administrator of the NMI Retirement Fund has announced that he will be retiring at the end of July. Mark leaves after 14 years of dedicated service to the Fund.

Mark joined the Fund in 1996 as a Loan Servicing Officer in the then newly created Member Home Loan Program (MHLP), where he helped many government employees become first time homeowners. Although he holds a Bachelor of Arts degree in Economics from the University of Hawaii, Mark in his own time, enrolled in college courses that allowed him to apply what he learned to reorganize and introduce innovative ways to improve the processes of the MHLP, enabling the program to function more efficiently, maximizing returns while reducing risk and eventually increasing the number of first time homeowners in the Commonwealth. With excellent technical skills and knowledge in automated accounting systems, Mark provided invaluable technical assistance and improved processes throughout the Fund, GHLI, and WCC. His dedication and

commitment to the Fund and its members was recognized by the Commonwealth when he was named in 1997-1998 the Overall CNMI Government Employee of the Year.

The Fund's management, recognizing Mark's exceptional organizational and analytical skills, propelled his progress through the ranks to other key positions including Technical / Financial Analyst and Investment Services Manager with greater responsibilities, culminating in his appointment as the Fund Administrator in 2006 by the Board of Trustees.

During his tenure as Administrator, Mark increased public awareness of the myriad of issues facing the Fund, utilizing his institutional knowledge and hands-on approach to strengthen efforts to implement Board initiatives and to ensure that the Fund institutes processes and strategies to safeguard its assets and improve collections . . . a monumental accomplishment considering all the challenges faced by the Fund. But the most striking quality is his calm resolve, especially when faced with challenges of tremendous magnitude.

We thank Mark for his invaluable contributions to the CNMI Government, the Fund, and most especially its members.

The Board of Trustees and Fund staff wish him all the best in his future endeavors!



THE 5-POINT PLAN

By: Richard S. Villagomez, Deputy Administrator

The Five-Point Plan (the Plan) is a collaborative effort between the CNMI Government (the Administration) and the NMI Retirement Fund (the Fund) in their continuing efforts to preserve the fiscal integrity of the Fund. The Plan is designed to address both sides of the pension equation: assets and liabilities. The Plan is in line with the Honorable Judge Govendo's Order for the Administration and the Fund to "continue negotiating to resolve the matter" in relation to the Fund's lawsuit against the CNMI Government for nonpayment of deficient employer contributions and appropriations to the Fund.

Please note that participation by our Legislators is vital in making most of the recommendations in the Plan work. You can help this effort by expressing your support of the Plan. The Plan is detailed as follows:

Recommendation 1 - Line Item Appropriation. This recommendation proposes to change the funding mechanism of the Fund from an actuarial rate basis to a line item appropriation. Currently, the employer contributions rate that is used to determine the amounts required by the Fund to meet its obligations on a yearly basis involves the following methodology:

1. An Actuary calculates the dollar amount required each year;
2. That resulting dollar amount is divided by the payroll of Defined Benefits (DB) members to get a percentage rate called the

"employer contribution rate" (dollars required ÷ DB payroll base);

3. The Actuary presents the employer contribution rate to the Board of Trustees, who in turn adopts the new rate; and

4. The Fund informs the CNMI Government of the new rate which shall be used to compute the employer contribution amount to remit to the fund.

When the Defined Contribution Plan (DCP) was created by P.L. 15-13 four years ago, it essentially closed the Defined Benefit Plan (DB Plan) by requiring all new employees hired on or after April 1, 2007 to be members of the DCP. With no new members coming on board the DB Plan, the Actuary would rely on the payroll of current active DB members as the basis for calculating the employer contribution rate. This payroll, however, will shrink over time as its members retire, cease working for the government, or withdraw their contributions. The liabilities of the DB Plan, on the other hand, will continue to increase as members' benefits accrue each year and as members retire, translating into higher payouts by the Fund. Given the current scenario, we are faced with a situation where we have 1) A shrinking DB payroll base and 2) An increasing amount of contributions required to fund liabilities, which will eventually result in a contribution rate that is astronomical and unrealistic to implement.

The recommendation to address this trend is to migrate to a Line Item Appropriation method of funding. With the Line Item Appropriation



concept, an Actuary would still be required to calculate the dollar amount, but instead of deriving a rate (dollars required ÷ shrinking DB payroll base), it would arrive at just a dollar amount which will be presented to the CNMI Government as the amount to remit to the Fund for employer contributions. The CNMI Government then would apportion that dollar amount to each government entity by branch, department, agency, and municipality. One methodology currently being discussed is to allocate the dollar amount proportionately to each entity's share of the budget, with the rationale that the government entity with the larger share of the budget would bear a greater share of the employer contribution.

Recommendation 2 - Pension Obligation Bonds (POB). This recommendation proposes to address the assets side of the equation by allowing the CNMI Government to float a POB. POBs are debt instruments issued by a government entity to fund all or a portion of the Unfunded Actuarially Accrued Liabilities ("UAAL") for pensions and other post-employment benefits. But to float a POB the CNMI Constitution must first be amended to allow for such debt. House Legislative Initiative HLI 17-1 proposes the required amendment however it

CONTINUED ON NEXT PAGE

5-POINT PLAN CONTINUED...

must be passed by both Houses of the Legislature. Once passed, HLI 17-1 can then be transmitted to the Election Commission in time to be placed on the November 2010 ballot for the voters to consider. If HLI 17-1 is ratified and the bonds are actually sold, the proceeds would be paid directly to the Fund to invest, along with its current asset portfolio.

Several States have issued POBs including Connecticut (\$2 billion in 2007), Illinois (\$10 billion in 2003), West Virginia (\$911 million in 2007), and the Commonwealth of Puerto Rico (\$8 billion in 2007). Because there are pros and cons associated with issuing POBs, the CNMI Government must carefully weigh all factors.

Recommendation 3 - Other Legislative Amendments. This recommendation proposes to address liabilities. Specifically, it aims to slow down the growth of liabilities by implementing the following:

1. Passage of HLI 17-1 (POB).
2. Amend PL 6-17 to change the employer contribution funding mechanism to a line-item budget item in the annual appropriations for the CNMI Government.
3. Allow conversion of Non-Vested DBP members to the DCP, which would eliminate the accrued liabilities associated with those members from the DB Plan.
4. Revise COLA to reflect as an annual bonus payment only rather than the current method of adding the COLA to the pension and compounding year to year which in effect adds to the unfunded liabilities. Changing COLA to an a

annual bonus type payment will eliminate this compounding effect, which according to the Fund's Actuaries, would result in a reduction in liability by \$84 million.

5. Introduce the Omnibus Bill (OB) or certain provisions that reduces the Fund's operating costs. One of the provisions in the OB is to transfer non-pension fund related functions such as the annual Government Health and Life Insurance Program and the Workers' Compensation Commission to another agency or department in order to reduce the costs associated with administering these two programs. Transferring these two programs out of the Fund would not only save money, but will streamline the cost structure of the Fund to strictly pension related costs.

Recommendation 4 - Hard Freeze.

The "Hard Freeze" of the pension plan is aimed at controlling and reducing liabilities by eliminating the accrual of benefits for active employees with all benefits that the employee has already accrued remaining intact. The result of the hard freeze is smaller payouts in future years. This is an option that is still being discussed and should be viewed together with the recommendation of allowing DB members to convert to the DC Plan, wherein the employee will no longer accrue benefits but will be allowed to convert to the DC Plan and will be entitled to benefits when they turn 62 if vested at the time of conversion.

Recommendation 5 - Phase Out.

Eventually, the number of DB members remaining in the Fund will continue to decline each year and the cost of running the Fund will no longer be economically sensible.

Looking far into the future, this recommendation proposes to eliminate the administrative costs to run the Fund by privatizing functions of the Fund to third parties such as an insurance company to process benefit claims and a financial institution to issue the checks and account for any remaining assets. The concept will only be implemented when it makes financial sense to do so. This scenario is best illustrated by looking at the evolution of the Government Group Health and Life Insurance Program (GHLI), which started as a self-insured activity within the Office of Personnel Management. GHLI was a fully functional section of the Personnel Office with full time staff and operating budget. By privatizing the GHLI and contracting AETNA as the third party administrator, the GHLI Program was eliminated and allowed the Government's health insurance program to be administered efficiently and more cost effective as the Government eliminated the operational cost of a section of the Personnel Office.

To view the PowerPoint presentation on the Five-Point Plan, please see our website at www.nmiretirement.com → scroll down to "Overview Investment Status" → Recommendation to Ensure the Fiscal Solvency and Viability of the CNMI Retirement System.

Again, please help this effort by expressing your support of the Plan to our policy makers.





PENDING LEGISLATION SUPPORTED BY THE FUND

H.L.I. 16-13: To amend and add a new section to the NMI Constitution Art. III, Section 20 to read as follows: *"c) The Legislature shall not increase benefits until all government obligations to the retirement fund system have been fully satisfied or the system is fully funded. Provided further that no law shall be enacted by the Legislature that will create an unfunded liability to the retirement system."* **NOTE: This initiative has been certified by the Legislative Bureau and has been forwarded to the Commonwealth Election Commission (CEC), whereby the CEC has advised the Fund that this initiative will be placed for vote in this year's election. By law, the CEC is mandated to have public education regarding this initiative. The amendment is VERY positive for the Fund, therefore, the Board of Trustees should direct the Fund to do all that is necessary to provide public education in support of the initiative. The CRA is invited to join in the campaign to vote in favor of the initiative.**

H.L.I 17-1: To pass a Legislative Initiative so that a constitutional amendment can be placed before the voters at the next election. The amendment would be to Article X and would allow the government to issue a pension obligation bond (at such time as the market conditions are favorable) for the benefit of the Fund.

H.B. 17-13: To transfer the Government Health and Life Insurance Program responsibilities from the Fund to the Department of Finance.

H.B. 17-14: To transfer the Workers' Compensation Commission responsibilities from the Fund to the Department of Commerce.

H.B. 17-77: To amend 1 CMC ' 8363 to allow annuitants' life insurance to be in the same terms and conditions in effect as those for current Government employees.

PENDING LEGISLATION OPPOSED BY THE FUND

NOTE: All legislation that increases benefits (without an independent funding source and/or without voter approval) or that reduces contributions to the Fund will be opposed by the Fund.



H.B. 17-11: To continue to allow early retirees to pay the difference between Class I and Class II employee contributions for the term of their employment in a lump sum at retirement in order to take early retirement without their pension being reduced for their age under 62 (if this bill is not enacted, this "pay-in" option will end 6/13/12 and thereafter all Class I early retirees will have reduced pensions based on their age).

S.B. 17-27: To allow early retirees to retire without their pensions being reduced for their age under 62 years (to be effective until 12/31/10).

PROPOSED LEGISLATION SUPPORTED BY THE FUND (NOT YET INTRODUCED)

- To provide for the government employer contribution (of an actuarially determined amount) to be made as a line-item appropriation to each Department, Agency, or subdivision, rather than as a percentage of DB member payroll.
- To change the COLA to an annual bonus rather than a compounding increase to pension amounts.
- To allow members who are vested (Class I with 15 years; Class II with 20 years service) to refund their contributions subject to a 25% penalty.
- To eliminate the \$1,000 lump sum death benefit divided among the designated beneficiaries of a member.
- To allow non-vested members (Class I with less than 15 years; Class II with less than 20 years service) to convert to the Defined Contribution Plan.
- To change the disability annuity amount to match the minimum retirement annuity of \$6,000 per year.
- To make payments from the Fund (pension, disability, survivor benefits) subject to CNMI tax.
- To add a representative from CRA to the Fund Board of Trustees.
- To eliminate surviving children benefits.
- To limit the liability to receive more than one payment from the Fund (survivor must choose either their survivor benefit or their own retirement or disability benefit, but cannot receive both).

COMMONLY ASKED QUESTIONS AND ANSWERS ABOUT WORKERS' COMPENSATION FOR EMPLOYEES.....



Q: What is the Workers' Compensation Program?

The Workers' Compensation Program is an insurance plan to provide cash benefits, medical care, and rehabilitative services to employees who suffer job-related injuries or deaths.

Q: How long must I be employed to be covered by this insurance?

It is required by law that your employer has coverage for you from the moment you are hired. Your employer must pay for workers' compensation insurance and cannot require you to pay any part of it. If you are being deducted from your salary or wages for the purpose of paying premiums for workers' compensation insurance, report it to the Workers' Compensation Commission (WCC) immediately.

Q: What type of benefits am I eligible to receive?

Type of benefits that you may be entitled to include: disability benefits, medical and hospital benefits, and death benefits. (For more details please contact WCC)

Q: How do I get my benefits?

In the event that you sustained a work-related injury, regardless of the extent of the injury:

1. *You must immediately report it to your supervisor or to the person designated to receive such a report. If you require treatment for your injuries, your supervisor will prepare the Authorization for Treatment Form (Form WCC-200A) for you to provide to the physician or treating facility. Be advised that your employer/carrier has the right to choose the doctor. Ask which doctor you should see. If you are not satisfied with that doctor, you may ask your employer to select another one. (Obtaining medical treatment not authorized by either your employer or his/her insurance carrier or not prescribed by your authorized treating doctor will be at your own expense and not reimbursable.)*
2. *Your employer shall file an Injury Report on Form WCC-203 with WCC within 10 days from the date of or knowledge of the injury or illness.*
3. *You must also file a Notice of Injury on Form WCC-202 with WCC within 30 days from the date of injury.*

Q: What if I don't receive my benefits?

If your employer/carrier denies you payment of compensation, you will receive a notice stating the reason for such denial. If you feel you have been wrongly denied compensation, you may file an Employee's Claim for Compensation with the Administrator on Form WCC-204, as soon as possible, to expedite the settlement of your claim. If you do not receive a letter stating the reason for denial, contact the WCC to follow up on the status of your claim.

For any questions concerning the Workers' Compensation Program, call the WCC at (670) 664-8018/24 or you may come and visit us at our office on the 1st Floor of the NMI Retirement Fund Building.

2010 COLA RATE

By: James T. Camacho, Member Services Manager

Wondering why there was an increase on your May 15th pension?

For those of you who were not aware, 1st and 2nd Quarter Cost of Living Allowances were included in your pension check or direct deposit for May 15, 2010 pay date.

One of the many benefits of being a Class I, Class II retiree, a surviving spouse or disability annuitant is receiving a Cost of Living Allowance, also referred to as "COLA". COLA is an adjustment made to a salary structure. The annual COLA rate used is subject to change each year and depends on the rate used by the United States of America Social Security System for its beneficiaries, but not less than 2%. The rate must be approved by the Board of Trustees. One determining factor on whether or not to approve COLA entitlements is the availability of funds as

appropriated by the CNMI Legislature.

As funds are received and adjustments are determined, a retiree or surviving spouse is entitled to such adjustment, beginning on January 1, following the anniversary of the member's retirement date upon reaching the following ages:

- R** Class I retirees: 55 years
- R** Class I surviving spouses with children: 62 years
- R** Class I surviving spouses without children: 55 years
- R** Class II retirees: 55 years
- R** Class II surviving spouses: 55 years
- R** Disability retirees: 62 years

The COLA rate for calendar year 2010 is 2% and is applied to the previous year's annuity amount.

For more information on COLA benefit and/or other benefits, please contact us or visit us at any of our offices on Saipan, Rota and Tinian.

JVA 10-004 INVESTMENTS SECTION

OPENING DATE: JUNE 25, 2010
CLOSING DATE: JULY 10, 2010

<u>POSITION</u>	<u>SALARY RANGE</u>
 MANAGER, INVESTMENTS	\$26,131.39 - \$44,685.90
 TECHNICAL FINANCIAL ANALYST	\$24,889.35 - \$42,558.00

Applicants must have graduated with a Bachelor's Degree in accounting, finance, economics, or related field.

Interested applicants must submit their application, resume, educational credentials, police clearance and others as outline in the JVA package. The complete package is available from the Fund, located on Capitol Hill, Saipan; or by e-mail through the Fund Administrator; or from our website at www.nmiretirement.com Mailed and hand delivered packages must be marked "**JVA 10-004 Confidential**" and must have the applicant's name and return address on the outside of the envelope.

Your Thoughts on the Fund . . .

This will be a new section in the next issue of the GASETA that will feature comments received from Fund members, as well as the public, on issues and events as it relates to the Retirement Fund Program.

Please see back page for details on submitting comments, inquiries or questions.

The GASETA
is a quarterly publication by:

NORTHERN MARIANA ISLANDS RETIREMENT FUND

Mark A. Aguon, Administrator

Sixto K. Igisomar, Chairman - Board of Trustees

1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building
Isa Drive, Capital Hill, P.O. Box 501247 CK, Saipan, MP 96950-1247
Phone: 670.322.3863 Fax 670.664.8080
E-mail administrator01@nmiretirement.com

Editor: Rima Y. Salas
Layout/Design: Roxanne M. Weaver
Contributors: Directors (Fund/WCC/GHLITF)

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www.nmiretirement.com

To be added to our mailing list to receive e-Notices and the GASETA please email your request to weaverrm@nmiretirement.com. Thank you!

Inquiries, questions or comments about the Fund may be sent via email to administrator01@nmiretirement.com. Or simply fill out the form below and drop it in our 'Comments Drop-Box' located at the front desk of our Fund Offices on Saipan, Rota or Tinian. Your comments may be published in future newsletters.

Note: Your contact information will only be used to send you the information you requested. Thank you!

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Name: _____	E-mail address: _____
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