

On My Mind
6/20/08

Now that the primaries are over in the U.S., it's time to focus on the November election. It's not too early for those interested in voting in November to make sure, now, that they are on the list to get an absentee ballot so they too can vote. For those who are not aware, the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) provides that citizens living overseas may vote in federal elections even if registered to vote locally.

Though the CNMI is not technically "overseas," the definition of what constitutes a state for purposes of the UOCAVA excludes the CNMI. Thus, while U.S. citizens in the U.S. Virgin Islands, Puerto Rico, or Guam cannot vote as "overseas citizens," those in the CNMI can do so, and many did, in the last presidential election.

Despite the fact that this year they will be also voting on a non-voting delegate to the U.S. Congress, until Congress changes the UOCAVA, U.S. citizens residing in the CNMI will be entitled to vote in the federal presidential election, provided they once had a residential address in one of the fifty states or the District of Columbia. The UOCAVA does not mention the possibility of the CNMI acquiring a non-voting delegate, and as I understand it, until it does, the existing interpretation is still valid.

Information on where to obtain an absentee ballot, what the deadlines are for your state, and procedures in general, is on the web site < <http://www.fvap.gov/> >.

For Democrats, there is also the "Democrats Abroad" organization, which has a web site at < <http://www.democratsabroad.org/> >. This group conducted primaries in which Democrats abroad could cast a ballot, and is considered a separate entity, with its own block of votes, in terms of representation at the Democratic convention this summer.

Representative Heinz Hofschneider has reportedly become frustrated with his colleagues' lack of action on legislative initiatives he has introduced, and has now started collecting signatures to turn them into popular initiatives instead. House Legislative Initiative 16-4 would amend the CNMI Constitution to allow private lands to be leased for 75 years, instead of 55, as the Constitution now provides. That would seem pretty straightforward and not all that controversial. However, another change has been included in this initiative that could lead to considerable problems of legal interpretation: the provision that any land transaction in violation of Article XII "shall be void ab initio" has been revised to read "may be voidable."

Hofschneider's second initiative, House Legislative Initiative 16-7, however, is more far-reaching. Touted as creating a part-time legislature - again, relatively non-controversial - HLI 16-7 includes a number of other provisions that are more debatable. The initiative would do away with the voting districts now in existence for House elections, and reduce them to the same three used in Senate elections: the islands of Rota, Tinian,

and Saipan (and the northern islands). Candidates for House seats would run at-large within each of the three districts - on each island, in other words, with Rota and Tinian still getting only one seat each; Saipan and the northern islands getting fifteen. HLI 16-7 would decrease the Senate from nine to six members, and authorizes the lieutenant governor to cast the deciding vote in case of a tie.

The local initiative would cut in half the budget allocated each member of the house to \$75,000 annually, and the operating budget for the presiding officer, previously set at \$400,000, to \$100,000. The legislative bureau director would be publicly announced, and selected by a special committee of the legislature in accordance with established objective criteria published in the *Commonwealth Register*.

Hofschneider would have a far easier time getting at least some parts of this initiative passed if he would split the measure in two, separating what amounts to a redistricting for House elections from the less controversial provisions for cost-cutting measures and for reforming the legislative bureau.

One of the more interesting things revealed in the recently released preliminary report of the economic impact of the Marianas marine monument was that the costs to the CNMI were difficult to calculate "since there currently is no economic activity in the area." Therefore, it would be necessary to speculate - to guess - about what activity might take place in the future.

The report, authored by Dr. Thomas Iverson, UoG economist, provides estimates of revenue derived from commercial fishing leases, or from pharmaceutical bio-prospecting, calculating that the revenue would fall far short of what monument status would bring. While extractive mining would run counter to both the constitutional protection of the islands, and the monument protection of the waters, if it were undertaken, he estimated that it would take leases of \$7 million with an aggressive growth rate of 10% over fifteen years to equal the perceived benefit of the monument to the CNMI.

Iverson said a final report would be forthcoming shortly. Hopefully, once it does, it will be made available on the web. A limited number of copies of the preliminary report are available from local Pew representative Angelo Villagomez at 285-6462 or <angelovillagomez@gmail.com>.

Short takes:

Kudos to Tony Pellegrino for putting together the Trades Academy. For those unfamiliar with it, check out the Q&A in this past Wednesday's *Saipan Tribune*. It takes an investment of time and money, but the rewards are substantial. Though learning how to repair a washing machine, or build a closet, could cause problems: all the relatives would want theirs done at no cost. Guess the Academy should make a point of teaching good business practices too!

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Kudos as well to columnist Bill Stewart, who, citing chapter and verse, has pointed out that contributions from non-U.S. citizens are illegal in federal election campaigns - as the campaign for CMNI's first non-voting delegate will be. His article appears in the 6/16/08 issue of the *Trib*.

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Ace *Trib* photographer Jacqueline Hernandez was featured in the February-March issue of *Island Locator* and has her own web site as well at < www.jacqhernandezgallery.blogspot.com >. I hadn't known she did other art forms as well. Her work is also included in the Womens' Art Show currently at the Arts Council Gallery on Capitol Hill. The Gallery is open during the show Monday-Friday from 9:00 a.m. - 7:00 p.m., on Saturdays from 9:00 a.m. - 12 noon.

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With gas prices still on the rise, I wish someone would establish a salesroom for scooters and mopeds on island. They would be much cheaper than a car, but there's just too much to choose from on the web! I want to be able to see it, sit on it, try it out before I buy one. Motorcycles can get almost as expensive as cars, and I'm not really into something that big and scary, but something smaller sounds more and more tempting.

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At long last, the table of contents for the *Commonwealth Register* would seem to again be available on line. At least, so far, the March, April and May tables of content have been listed. . The listing can be found on the web at < http://www.cnmilaw.org/commonwealth_register.htm >. The *Register* itself appears to be coming out rather late in the month, around the 20th-25th - rather than on the 15th, as it had in the past. Public access to the full text, however, appears to be available only through the Law Revision Commission, housed in the law library at the Guma Justicio.

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While it may sound encouraging that the House has passed House Bill 16-77, HS1, HD6, which calls for privatization of CUC, as Representative Tina Sablan and others have pointed out, it has a number of shortcomings, not the least of which is its seemingly unsubstantiated assessment of the worth of CUC as being \$250,000,000 - that a private agency taking over CUC would have to pay, together with making a 40-year minimum commitment. Among several other problem areas, it also sets some rather tight schedules for court procedures, should challenges be brought to court. Let's hope the Senate is able to introduce some sanity - including an opportunity for comment by affected government agencies and the public - into what is, after all, an extremely critical bill.

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I am dismayed at the number of people who tell me they enjoy reading my letters in the paper, but are not aware of the column, that I write something every week. Please help spread the word, and let others know about it - or forward them a copy? Thanks!