

On My Mind  
4/02/10

The good news is that the deadline isn't until April 13th.

The bad news is that the Saipan delegation (the subset of the House of Representatives responsible for Saipan local laws) has passed a bill amending Saipan's zoning code without holding any hearings, without providing any opportunity for public input, and without any explanation of what the changes are. All that's required to put it into effect is the governor's signature.

The affected areas, according to H.L.B. 17-2, are Saipan official zoning map sheets 09, 20, 23, 24, 26 and 27 of 29. As best as can be determined, these include Tanapag, Susupe, and San Antonio, but the sheets, as they appear on the web, give no indication of which lots in those areas would be changed, or how. The text of the bill can be found at: <

[http://www.cnmileg.gov.mp/documents/house/hse\\_lb/17/HLB17-002.pdf](http://www.cnmileg.gov.mp/documents/house/hse_lb/17/HLB17-002.pdf) >

The bill was introduced by Ramon A. Tebetub and Diego T. Benavente on 1/28/10, it was passed on first and final reading on 3/04/10, and the deadline - presumably for signature - is 4/13/10.

The water here is very muddy. At a zoning board hearing in Tanapag earlier this week, attendees were told that H.L.B. 17-2 gave the Café Waft - a proposed restaurant along the Tanapag shore line - permission to operate in what had been a residential zone. Alternately, the attendees were told that the bill was more general, and authorized "general" restaurants in residential zones as conditional uses throughout the island.

Wherever the truth may lie, and it is not yet altogether clear where that is, such secretive maneuvers by the Saipan delegation, especially in regard to the zoning code, do not speak well for the local delegation, do not bode well for the island.

Zoning is designed to protect land values, to protect island life-styles, to ensure some degree of stability of land use and to promote the economy by preserving the island's natural beauty.

By unilaterally making zoning decisions, the delegation has deprived the entire community of any voice in the protection of its resources.

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Zoning board officials, at the Tanapag session, lamented the fact that at some of the village hearings it has been conducting, attendance has been sparse. At one, no one came. At another only one resident showed up. Considering the nature of the discussion at the Tanapag hearing, and the prospect that the Kagman hearing, where residents will ask the zoning board to ban poker machines, will also see strong differences of opinion, it would appear that residents will indeed attend if they have issues with zoning. Where residents don't attend, it would appear there are no zoning issues - and rather than lament, the zoning board might want to view the "no show" as a positive

indicator, not a negative one.

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At least one section of the CNMI Attorney General's office seems to be working as it should. Consumer Counsel Michael Earnest reports that his consumer fraud program - which includes checking for outdated, mis-priced or unpriced merchandise on the shelves - is working well. "We've found an unfortunate amount of outdated foods," he notes, adding that there's been a noticeable expansion of the "outdated foods" section in affected stores as a result.

Though it's not a major subject on blogs, twitters or the coconut wireless, Earnest adds that the inspections and investigations have received wide public support. People are grateful that we are checking prices, particularly in today's economy, he said.

Earnest said his office welcomes reports of such incidents of consumer fraud - not only in regard to food stuffs, but to any merchandise - as well as fraud in services. The number to call is (670) 664-2341, or 664-2333.

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Despite his feeling wronged, one wonders why House Speaker Froilan Tenorio is so upset about who heads up the Legislative Bureau that he has to take the matter to court.

After all, the contract of incumbent Glenna Reyes expires in September, only five months from now, and in the meantime, the speaker does seem to have been able to function with the status quo. Moreover, what with the slow pace of the judicial process, it seems doubtful that the court would reach a verdict before the issue becomes moot.

The speaker has another four plus years in office. Rather than spinning wheels, spending money, expending his own time and energy, taking legislative counsels' time to try abrogate Reyes' contract, wouldn't it make more sense to just wait it out and get on with the business at hand?

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Thank goodness at least the separation of powers between the judiciary and the executive branch is still operating as it should, and as it was intended! The legislature, sad to say, has failed to maintain its separation from the executive, but so far, at least, the courts have managed to preserve theirs. Superior Court Associate Judge David Wiseman has insisted on observing the law, rather than yielding to the perverse logic expressed by the CNMI Attorney's office in the Vicente T. Aldan domestic violence case. At issue is the plea agreement signed by Aldan, in which he was ordered to turn in the gun he used against his former wife. Though he has already served part of his sentence, he has not yet turned in the gun, and the AG, having moved to withdraw the plea agreement, is now attempting to withdraw the withdrawal motion.

The case continues to erode whatever credibility Attorney General Edward Buckingham may have had, thanks to the irregular tactics being used by his office in the

case - not to mention the apparent problems in the AG's Criminal Division.

Short takes:

Kudos to Senator Ralph DLG Torres for publishing requests for comments on bills before his Standing Committee on Health and Welfare in the newspaper. Unfortunately, the notice seems to be appearing only in the <i>Saipan Tribune</i>. Up for discussion are S.B. 17-10, SS1, "To establish a population-based cancer registry in the CNMI," and SB17-11, 'To enact a new chapter of the CNMI Code to cover the Medical Consent Act of 2010.' Deadline for comments is 4/9/10. Comments may be sent to him at <[senatortorres@gmail.com](mailto:senatortorres@gmail.com)> or by mail to P.O., Box 500129. Additional information is available at (670)664-8874.

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The front page of today's *Tribune* features a picture of the governor signing one of the eight proclamations he signed yesterday. An interesting contrast to the statement he issued a little over two months ago, on January 25<sup>th</sup>, designating Lt. Gov. Eloy S. Inos as the authority to sign all proclamations declared by the Office of the Governor. There must be a story there somewhere.....

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The March issue of the *Commonwealth Register* was skeletal - only ten pages long! Once again, it appeared with no declaration of emergency for the Northern Islands, no declaration of emergency for CUC. Three days later, on March 25, however, the governor issued yet another CUC declaration of emergency. The purpose of the *Register*, which is under the control of the Attorney General's office, is to keep the public informed as to rules, regulations and other actions taken by the government. Should this lapse of coverage be viewed as deliberate? Or merely a case of poor timing? Or? Hopefully, this newest CUC declaration of emergency will appear in the April issue.

While on that topic, one might ask why the *Register* isn't available on line. It is, after all, public information.....