

On My Mind
10/22/10

Nine days until election day - when voters will choose their non-voting delegate to Congress for the next two years, and decide whether to again amend the CNMI Constitution. Yet information on the three proposed amendments up for a vote remains inaccessible and inadequate. The only way to view the actual text of the amendments - exactly what it is that will be added to the Constitution - is to go to the Election Commission web page, www.cnmivote.mp.org, and click on the three separate House Legislative Initiatives that are listed toward the bottom right side of the screen.

(Constitutional amendments may be proposed by House Legislative Initiative, Popular Initiative, or constitutional convention. The three on the ballot this year were all proposed via House Legislative Initiative.)

In each case, the actual text of the proposed amendment is preceded by a "Findings" section, which provides the reason why each amendment is being proposed - what problems the initiative is designed to solve, and how. This information, however, is available nowhere else - only on-line, on the Election Commission's web page.

Posters and pamphlets with information about the proposed amendments have now been printed, and are being industriously distributed by members of Northern Marianas College Department Chair Sam McPhetres' Social Issues Classes. The students are also appearing on tv, and radio announcements are being made as well, as are occasional newspaper notices about the proposed amendments.

None of the material, however, offers substantial discussion of the issues involved. In each case, only limited information is available, and much important background information is simply ignored. This is particularly critical to an understanding of H.L. Initiatives 16-18 and 17-1, both of which involve considerable amounts of money, and would have a significant impact on future government income and expenditures.

While H.L.I. 16-13 also involves future income and expenditures, it is far less controversial, and not nearly so difficult to understand. It prohibits the legislature from adding more benefits to the retirement plan until it is fully funded, or has met all its obligations.

Allegedly due to a shortage of funds the Election Commission, which is legally responsible for educating the public in regard to proposed constitutional amendments, turned that responsibility over to the office of the Attorney General, and it is the AG's office that provided what text does appear in the pamphlets, posters, and ads. Both agencies have failed miserably in meeting the obligation to educate the public on the mea-

sures.

A fuller discussion of the issues is available in an earlier column. Go to <
<http://net.saipan.com/cftemplates/omm/archives.cfm> > and click on the 10-15-10 column.

The Retirement Fund itself has conducted a series of meetings about H.L.I. 16-13 and H.L.I. 17-1, advertising them as "Public Education," but the presentations made at these meetings are not neutral or even-handed. They reflect only the interests of the Retirement Fund, and should not be confused with the "public education" mandate to the Election Commission.

The Retirement Fund has also sent out "on behalf of the Board of Trustees" e-mails to Fund members urging passage of the two proposed amendments. The most recent includes a letter by a retiree that claims "receivership" of the Retirement Fund would be inevitable if the amendments did not pass, and that this would destroy the Fund

Members of the Commonwealth Retirees Association have also lobbied for the passage of the same two initiatives.

No coherent counter-lobbying effort has materialized, but the letter to the editor in today's *Marianas Variety*, "Biased Fund board - biased advice?" from retiree Betty Johnson certainly does a good job, and should be required reading for all voters!

Also available are sample copies of the ballot that will be used on November 2nd. Here the failure to provide required information to voters is more blatant, more egregious. For both H.L.I. 16-18 and 17-1, the ballot asks a question briefly describing what it is the amendment would do. For H.L.I. 16-13, however, no question is asked. The ballot only asks "Do you approve of House Legislative Initiative 16-13 to amend Article III, Section 20 of the Constitution of the Commonwealth of the Northern Mariana Islands?"

Voters will have to remember, to know ahead of time, that this amendment refers to the awarding of unfunded benefits to retirees.

Whatever else one may say or think about Gregorio Kilili Sablan, one thing is certain. Under his unblemished and capable leadership of the Commonwealth Election Commission over the past ten years, such abysmal failures never occurred, not even once.

While it would seem inevitable that lay-offs, or reductions in force, will occur in the face of the worsening economy, there is no reason why those affected should simply be shown the door, and then ignored. The government has a moral responsibility, if not a legal one, to offer them help and guidance in dealing with their new joblessness. The CNMI does not have unemployment insurance, but there are other ways that support could be provided. Those who've been RIFed might need help in evaluating their own skills or short-comings, help with such job-seeking skills such as writing resumes or being interviewed, help finding options and opportunities for cross-training, help finding new jobs.

Whether the Office of Personnel Management or some other government agency could provide such services within its present staff and budget is not clear. Perhaps a grant would be necessary. But however it is done, it would seem the right thing to do. Given the concern so repeatedly expressed by the administration that jobs should be preserved at all costs, perhaps establishment of a safety net of sorts would make the idea of lay-offs more palatable.....

Short takes:

It seems most peculiar that the legislature would pass a law affecting CNMI youth without consulting them. But, at least according to media reports, there was no communication with any member of the existing Youth Congress, or with any other youth, for that matter, in the process of voting on House Bill 17-87, which the governor has now signed to become Public Law 17-87. The law changes the number of delegates to the Youth Congress, changes the "precincts," and changes the date of election from October to March.

The purpose of the law is "to allow youth to prepare to meet the challenges of the future and to make recommendations to the policy makers on youth programs." If youth are not interested, maybe this is an expenditure that could be shelved until the economy is stronger?

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Thank-you to the *Saipan Tribune* for re-running my letter to the editor about the initiatives on Monday of this past week with all the formatting for bold, italics, etc., intact!

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The latest *Commonwealth Register*, dated September 22, but received only on October 20th, includes 35 "Directives" dating from 1/15/94 through 5/23/94 that were "previously issued and not published." Apparently, the intent is to publish all such unpublished Directives over the next several months. Just why this is necessary or required is not clear. The early ones, issued by Froilan C Tenorio as governor, make for some interesting reading, ranging from telephone etiquette and official correspondence to Compliance with the Open Government Act and his reorganization plan.

Correction: Kyle Calabrese's letter in the 10/13 *Trib* appeared not only as a full-page ad, but also as a letter to the editor. Calabrese wrote to express the Chamber of Commerce's concern regarding proposed tax and fee increases being considered at the legislature.

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My take on the three initiatives? Vote "yes" to H.L.I 16-13; vote "no" on the other two.

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Addendum: The legislative initiatives can also be found by on the legislature's web page < <http://www.cnmileg.gov.mp/> > but not quite as easily.