

On My Mind
11/12/10

The October 22 issue of the *Commonwealth Register*, which I received only this week, has yet another Executive Order declaring a state of emergency regarding CUC's "imminent generation and other failure, and the need to provide immediate reliable power, water and waste water services." Twenty-seven pages long, it goes into considerable detail as to the difficulties CUC faces in attempting to maintain reliable services - most of which come down to the lack of trained personnel.

CUC is unable to obtain trained personnel, apparently, because the legislature has refused to amend P.L. 16-14 - which sets a 19-person cap on the hiring of skilled non-U.S. professionals - and allow it to hire sufficient off-island workers to meet its needs.

The need is exacerbated by the lack of adequate maintenance the water, power, and sewer systems have had in the past, as well as the aging of the systems themselves. To repair, replace, and maintain those systems and to keep them operating smoothly and effectively requires a level of manpower unavailable within the CNMI. Yet the legislature, despite many requests to raise the cap set in P.L. 16-14, has sat on its hands and done nothing.

One wonders why House Public Utilities, Transportation and Communications Committee Chairman Stanley T. Torres is not focussing on providing CUC with the support it needs to keep the CNMI's water, power and sewer systems up and running, instead of putting so much effort into harassing the zoning board, promoting something as controversial as legalizing marijuana. How much effort would it take to amend the law, and raise - or even remove - the cap? Nor does one hear from his Senate counterpart, Juan M. Ayuyu, chairman of the Senate's utilities' committee. Aren't they supposed to be serving the needs of the people of the CNMI? Isn't a reliable, smoothly operating utilities system the most important need in the CNMI?

The *Register* also contains emergency regulations raising the rates for government health insurance premiums, and emergency regulations proposed by the Coastal Resources Management Office restricting the removal of sea grass along the shore. Both regulations went into effect upon publication and will stay in effect for 120 days unless adopted sooner. Public comments should be submitted prior to November 22.

This issue adopts as final, emergency amendments to the government life insurance program that were published in July. The amendments related to a life insurance

cap, limits to life insurance coverage for those retiring or disabled after August 10, 2010, and restrictions to eligibility for the health insurance program.

The issue also includes Attorney General Opinion 2010-12 regarding Fair Labor Standards Act provisions in relation to "volunteer" work by government employees when the government shuts down. Finally, it contains more past Directives - all issued while Froilan Tenorio was governor; many deal with his reorganization efforts. It is not clear why it has become necessary to publish these past Directives, but efforts to find an answer will continue.

Those who support doing away with the restrictions on land ownership contained in Article XII of the CNMI Constitution insist that the people of the Commonwealth are now sophisticated enough to deal with the carpet-baggers, sharks, and real estate agents who would soon be on their doorstep making offers for their land. It's not clear, however, where the people of the Commonwealth are supposed to have learned such things, or, indeed, that many of them have.

There would be far less objection to the abolishment of Article XII if, instead of focusing only on the wondrous economic boom that supposedly would result, those supporters paid some attention to the Tan Marias and Tun Pedros involved, to make sure their interests were protected and that they benefitted as well.

It is not too soon - since the abolishment of Article XII does seem inevitable - to begin work on establishing a safety net, if you will, for present land owners. The Chamber of Commerce - a long-standing supporter of the abolishment and therefore morally if not legally obligated to address the consequences of its position - could take a lead here by developing programs for present land owners that explained such things as land appraisals, licensing of realtors, land payment options, title searches, land surveying, mortgage procedures, how to choose an attorney, interest calculations, fee structures, relative values, penalty clauses and the many other considerations that could be involved in negotiating a sales agreement with a prospective land owner. The information could be made available through Northern Marianas College, through the newspapers, radio and tv, through village gatherings and workshops.

Depending on the terms, sales that dealt with hundreds of thousands or millions of dollars could get technical, complicated. Providing land owners with the tools and the information to make good decisions would benefit not only the individual land owner, but also the buyer, and everyone else involved.

Even if the sale were in cash, up front, for the total amount, such information would help land owners decide whether the amount was satisfactory.

Those who want Article XII abolished have a responsibility to see to it that those who are affected - i.e., those whose lands will be sold - have been fully informed about the many details that are involved in negotiating fair and equitable instruments of sale. The time to begin is now.

For those of you who don't read the *Saipan Tribune* - and you should - its top reporter, Haidee Eugenio, is excellent, as are most of its syndicated editorials - one of today's syndicated columns is particularly instructive. Unfortunately, the syndicated columns don't appear in the *Trib*'s on-line version, so you'll have to track down a hard copy, or find it on the web (< <http://seniorlivingmag.com> >). The article, "America, he's your President, for goodness sake," by Canadian author William Thomas, chides the people of the U.S. for their lack of respect for the President, for their lack of appreciation for his accomplishments, for the general demise of good manners. "The man is being challenged unfairly, characterized with vulgarity and treated with the kind of deep disrespect to which no previous president was subjected. It's like the day after electing the first black man to be president, thereby electrifying the world with hope and joy, America sobered up and decided the bad old days were better," he writes.

"In President Barack Obama, Americans have a charismatic leader with a good and honest heart. Unlike his predecessor, he's a very intelligent leader. And unlike that president's predecessor, he's a highly moral man. In President Obama Americans have the real deal, the whole package and a leader that citizens of almost every country around the world look to with great envy," continues Thomas.

"Please. Give the man a fair, fighting chance. This incivility toward the leader who won over Americans and gave hope to billions of people around the world that their lives could be enhanced by his example, just naturally has got to stop," he concludes.

Of course, if you don't, you should also read the *Marianas Variety*, with its coverage of the rest of Micronesia, its editor's feisty commentaries and editorials, its exploration of local restaurants and scenic spots. Reading both papers gives a fuller picture of the news, since not all stories, not all viewpoints, make both papers.

Short takes:

Whoever gave "free radicals"(bad) and "anti-oxidant" (good) their labels sure got it backwards - at least from this liberal's point of view. It seems counter-intuitive to speak of free radicals as something bad - isn't freedom good? Aren't radicals, sometimes, at least, the leaven that brings progress? And oxidant - isn't oxygen good? So how could an anti-oxidant be good? It's all very confusing.

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Senate Bill 17-44, which proposes to exempt CUC from paying its 1% share to the Public Auditor's Office amounts to, in effect, a shell game. The argument is that if CUC has to pay the public auditor, its rates will have to go up to cover the cost, and thus, this bill saves the people money. However, if the Public Auditor is left short of funds - and CUC's contribution is one of the larger ones among government agencies - the Public Auditor's Office will not be able to do its job properly, and the people will lose out benefits the office is supposed to provide - the control of proper expenditure of public funds. The bill is on the governor's desk for signature. It should be vetoed.

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Explanation: The oxygen concentrator announced for sale two weeks ago was a back-up, originally purchased for use when traveling. With traveling now no more likely, there is no use for it.....

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This will be the last weekly column for a while. Instead, the column will appear every second Friday of the month - not due to poor health, but due to a shift of priorities - like finally sorting through, organizing, decades of accumulated papers.....