

On My Mind
3/15/02

What a breath of fresh air - that page-one headline in Wednesday's <I>Variety</I>: "Gov't will not hire lobbyists." No hemming and hawing, no equivocation, no qualifications. Instead, a clear, decisive, and reasoned statement: "we will not hire a lobbyist to buy votes." According to the paper, the statement came earlier this week from Acting Governor Diego T. Benavente. It's been a while since we've seen anything like it from the governor's office, and it's refreshing.

The statement came in the face of increasing pressure from the garment industry and the Chamber of Commerce that the CNMI government (re)hire a lobbyist to "protect" the CNMI from the threat of federal takeover of its immigration and minimum wage control.

Also promising is yesterday's announcement by the Governor, now back on island, that he supports a tiered approach to raising the minimum wage, along the lines of what has been proposed by the Chamber of Commerce. A legislative committee has been holding hearings on what is being called the "Fair Pay" bill, which would increase the minimum wage across the board, but which the Chamber strongly opposes.

An increase in minimum wage is long overdue, having last been raised six years ago. The approach proposed by the Governor is similar to the one being used in American Samoa, which adjusts the minimum wage on an industry-by-industry basis. While the <I>Variety</I> reports that the Governor hopes to put the tiered wage in place through federal legislation - in an effort to end federal take-over threats - there is no assurance when or whether such a bill would ever make it through the U.S. Congress. Rather than waiting for Congress, it would seem far more productive to pass the tiered system as a CNMI law, and have Congress federalize it later.

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Before work on developing another version of zoning goes too far, I would hope that someone pulls another Hofschneider (as in Heinz S.) to allow for frank and open discussion on all aspects of the issue. The House Speaker said that the first such gathering he called together - an executive session among all interested parties to discuss fixing Public Law 13-1, the hastily-passed civil service law - was both productive and instructive. An amendment acceptable to all parties was agreed to, and should be forthcoming shortly.

Zoning for the CNMI - or even just for Saipan - presents even more thorny issues than does administration of the civil service system. Defining the physical scope of a zoning plan might be a first concern: should the plan cover the entire CNMI - including the Northern Islands, or only Saipan, Tinian and Rota, or only Saipan? Depending on the form the plan takes, it is conceivable that parts, at least, could apply to the entire CNMI. The distance prescribed between a church and a nightclub, or a factory and a village, for example, would probably be applicable to all the islands. So it might be useful to include the entire Commonwealth - at least at the beginning.

Another issue: should the plan apply only to public lands? Only to private lands? Or to both? Assuming that land use zoning is done to protect the quality of life for individual residents, to minimize destruction of the natural eco-system, and to ensure orderly development, it would seem clear that both public and private lands should be covered in a zoning plan. Many zoning components - for everything from building height to view corridors - apply equally to both sectors.

If public land are included in the zoning system, accommodation for future homesteads becomes a major issue, since land use determinations would presumably depend - at least in part - on where homesteads are located. It would make sense to look at the question of how much land needs to be set aside (and where) for future homesteads before a comprehensive zoning plan is drawn up.

The homestead program, of course, is itself an issue that is long overdue for open discussion. Homesteads were originally envisioned only for those who did not have land, or money to purchase land. They were not envisioned as a universal right for all indigenous people - which it seems they have become. The program is badly in need of re-assessment. As a land use question, it would appear fitting that it be addressed - and resolved - within the framework of developing a zoning program.

Another issue: determining what criteria to use for dividing up and allocating the available land among the various use options: residential (including homesteads), commercial, industrial, or agricultural, for tourism development, for wildlife and resource protection. Logically, land use designations should follow the inherent characteristics of the land itself. One doesn't take the best agricultural land on island, for example, and designate it for industrial development. Or take land areas rich in wildlife and designate them for commercial development. Or designate as homesteads land with highly erodible soil.

Then there is the issue of whether the CNMI's zoning program should follow traditional lines, where rules are set in terms of specific measurements, or whether it should follow a performance approach, where "rules" are set in terms of what the outcome is. Should buildings, for example, be required to maintain fixed distances from property boundaries, or should they be allowed to vary, provided that noise control, privacy, etc., are provided for? While traditional zoning could be easier to administer, performance zoning is generally better able to adapt to varying circumstances.

To what extent such decisions can be made at a single session, or whether the discussion should be thrown open to the public, is open to debate. But clearly much preliminary work is needed before specific zoning requirements are defined. Providing an opportunity for uninhibited discussion among the stakeholders would be a good way to begin.

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The "Recommendation for Development of a Simplified Zoning System" prepared by a task force

back in 1998 and now again under discussion recommends that planning begin with an extensive analysis of what went wrong with the 1993 Zoning Code. I would beg to differ.

Times are very different then than they are now, and it's not at all clear that the assumptions made then are still valid. It was a boom time with a flourishing tourism industry, and no end in sight for the garment industry, either. Growth and expansion were the keywords of the day, with little thought given to their long-range impact. The 1993 zoning plan reflects this point of view.

Nearly a decade has passed. A different norm exists today. There is more concern about wise use of resources, and more recognition of the limits to growth. Certainly, it would be useful to review the data and research materials that were collected in the process of putting that code together. And it is possible that parts of the existing code could still be made use of today.

However, the 1993 code is standards-oriented rather than performance oriented, as I recall, which also skews its requirements. A new framework, a fresh perspective, is needed, not a regurgitation of what has gone before.

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An invitation for bid has been issued to have garment factory remnants - which constitute nearly 60% of daily trash going to the Puerto Rico dump - disposed of elsewhere. Apparently there are brokers for garment remnants in nearby countries to whom the local remnants could be marketed without too much difficulty.

Instead of sending all of the garment remnants off-island - according to the IFB, some 30 tons per day - it would be nice if some were diverted for local use. For instance: to set up a "cottage industry" where people not able to go out to work (the man'amko, single mothers, the physically disadvantaged) could earn money by making such items as braided area and scatter rugs, braided place mats, pillow covers, pot holders, and rag dolls from the remnants. If it were set up as a co-op, participants could learn bookkeeping in setting up accounts for the project, time and resource management in arranging delivery of remnants to the homes, marketing in finding outlets for the finished products, personnel management in enlisting more people into the business....

No one's saying why it has taken so long to get those remnants out of the dump. But now that it seems likely, let's hope a way will be found to let some of the remnants stay in and benefit the community at large.