

On My Mind

9/21/07

Those people up on Capitol Hill sure are getting cleverer and cleverer - or, at least, trying to. This time it's the administration, not the legislature, that is attempting to win votes through government policies and action. The September issue of the *Commonwealth Register* contains proposed regulations that would force private sector employers to pay "benefits" to their local employees equal to those given foreign workers: at least \$100 per month for housing, at least \$2.00 for every meal also provided foreign workers, \$2 per day for transportation, \$42 per month for health insurance, to be paid in cash or in-kind.

And, should no public comments be received regarding the proposed regulations - or should those comments be ignored - a press release from the office of the Governor notes that those wonderful benefits could go into effect as soon as October 22 of this year.

The law providing for the "equivalent" benefits was passed as Public Law 11-74 in March of 1999 as an amendment to the original Resident Workers Fair Compensation Act of 1995. But up until now no regulations had been issued, and the law had not been enforced. Eight years later, it's suddenly been decided that now would be a good time to start enforcing the law.

Just where the government thinks private sector employers are going to get the money to pay their local residents another \$150 or so per month the government is not saying. Given the poor economy, and given the fact that employers have just had to increase their employees' pay due to the recent increase in the minimum wage, imposing yet more punishment on local businesses seems the height of irresponsibility. Unless the administration plans on giving them tax breaks as compensation???

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As if that weren't enough, the administration has also promulgated proposed regulations implementing the recent Public Auditor's job study report and recommendations. This would mean employers would no longer be allowed to hire foreign workers if they find that no local workers are available. Based on a survey conducted some time ago, there are allegedly already trained and experienced ship and boat captains, motorboat operators, cashiers and truck drivers, among others, available for hire in the local work force, so employers would no longer be able to hire foreign workers in those categories. Since positions such as human resource manager, and bookkeeping, auditing and accounting clerk involve "relatively short training times," foreign workers could no longer be hired in these categories either - the employer would be expected to hire a local worker and conduct the appropriate training.

A healthy economy depends on a healthy private sector, but seems like the administration is going out of its way to harm, not help, the private sector. There have been many complaints that the present administration is not concerned with private sector issues, problems, needs, and, in fact, tends to ignore them. Imposing these regulations on the private sector at this point sure gives credence to such complaints.

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Looks like the administration's spin doctors have been hard at work as well. A story that appeared in the *Saipan Tribune* - with a source identified only as (PR), which stands for "press release," in this case presumably from the administration - takes a book review aired by National

Public Radio last week and turns it into a slam against the federal government and the proposed federalization bill. The NPR broadcast, an interview with the author of a memoir, reveals that the author's 81-year-old uncle fled from Haiti to the U.S., asked for asylum, was shackled, denied his medicine, and died 24 hours later. Tragic - nay, outrageous as that is - the book, *Brother, I'm Dying* by Edwidge Danticat, is not about that incident, but about the close relationship between the author's father and her uncle, about growing up in Haiti, the sacrifices her family makes as immigrants in the United States and Haiti's growing political instability.

The press release then quotes CNMI Attorney General Matthew Gregory as saying, "Unlike the asylum abuse Cohen seeks to bring to the CNMI under the guise of federalization, the CNMI has not had one single, solitary problem with the treatment of any of its application for protection. Not one."

Clever tie-in, eh?

Then there's the story carried by both papers this past week about Guam's senators opposing the proposed federalization of CNMI labor and immigration. What gives it away is the strange timing of the story. Why now? Why not when U.S. Congressional action first threatened? Why not at any of the hearings? A spontaneous act? Not likely.....

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Since the table of contents for the *Commonwealth Register* is no longer available on-line, herewith the contents of September's issue: the regular notice re volcanic activity on Anatahan; **Emergency Regulations** for management of the Tinian Municipal Cemetery; **Proposed Rules and Regulations** amending Immigration Regulation 302 regarding proper attire of immigration inspectors; the full text of proposed regulations for the Commonwealth Board of Accountancy; proposed amendments to Alien Labor Rules and Regulations to include implementation of the Public Auditor's job study report recommendations and enforcing the Resident Workers Fair Compensation Act; proposed rules and regulations raising fees for administration and services of the Commonwealth Medical Professional Licensing Board; proposed rules and regulations amending existing Board of Professional Licensing regs for real property appraisers; proposed rules and regulations for the Tinian Municipal Identification Card program; **Notice of Adoption** of rules regulating the use of irrigation water for the Kagman commercial farm plots; and **Legal Opinion** 07-04, declaring condominiums exempt from Article XII restrictions on long-term interest in land.

It's a hefty volume this month - nearly an inch thick - but that's because it's all printed, for some strange reason, on only one side. Think of all the paper wasted on that one!

All proposed rules and regulations are open to public comment for 30 days from date of publication, which was September 17.

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Short takes:

For all I know, they didn't even notice, but in case someone did, I neglected to mention, in my last column, that that great letter in support of libraries appeared in both papers, not just the *Trib*. My apologies.

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Walt Goodridge's column, "Practical responses to a changing environment," in Wednesday's *Trib*, offers some helpful advice to all of us as we try to adapt to the changes the CNMI is

currently experiencing. But it applies to more than just individuals. Prime "corporate" entity I thought could benefit: the Marianas Visitor's Authority.

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Was anyone else struck by the absurdity of the fact that the Tinian municipality has 287 full-time employees, as was reported in a *Marianas Variety* article on Wednesday? What do they all do? And is paying them really the best use of the funds involved?

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I'm always intrigued by Rik and Janel Villegas' use of analogy in their regular Thursday column in the *Trib*. Each week, they take some ordinary event and translate it into a base from which to offer advice on an aspect of doing business. This last week, though, I think they outdid themselves - they used a not-so-successful hike up to Mount Tapochau. They drew lots of lessons from that one! Fascinating!

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Dr. Khorram's article in today's *Trib* talks about happiness. I was particularly struck by the four pillars of Gross National Happiness that he quotes from the web's Wikipedia: "the promotion of equitable and sustainable socio-economic development, preservation and promotion of cultural values, conservation of the natural environment, and establishment of good governance." Seems there's lots of action, in the CNMI, in the second and third element, but not so much in the first and fourth. So are we now a two-legged stool in the language of GNH?

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The Coastal Resource Management Office gave a report on Managaha erosion Thursday evening. Spokesperson Kathy Yuknavage said that the agencies involved in deciding the issue have agreed with a University of Hawaii report to record sand behavior for another two years, and then decide what physical structures, if any, are needed. In the meantime, they plan to plant indigenous vegetation to hold accumulated sand, to provide shelter to the shearwaters nesting there, and to provide shade. Managaha is a sand cay, she said, as are many other Pacific islands, and lessons learned from dealing with them throughout the Pacific clearly indicate that any physical alterations will have negative consequences.

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A fun outing this week-end for a good cause: the Marianas High School 30 Beats' cross-country team's fund-raising "Hour in the Jungle Hash Run." The Run is open to everyone. Registration is at Pau Pau Beach from 3:00 p.m. to 4:00 p.m. on Sunday, September 23. A fee of \$10-\$20 - as the donor wishes - includes a BBQ dinner on the beach after the hash.

Hash participants must be at Pau Pau no later than 4:15 p.m. on Sunday; those arriving later are invited to help cook the chicken(!), and will only be charged \$5.00, though here too, larger contributions are welcome. Funds raised will be used to send MHS athletes to the Asia Pacific Invitationals on Guam this October.

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Another worthy offering: the no-cost "Breathe Free" sessions to help people stop smoking, stop chewing tobacco, scheduled for September 24-27 from 7:00 to 8:30 p.m. at the SDA clinic on Quartermaster Road in Chalan LauLau.

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New movies: *Resident Evil: Extinction*, and *Death Sentence* - both rated R, for a total of FOUR R's, four PG-13's.