

On My Mind
10/03/08

There's little more than a month left before the presidential election on November 4th, making the *Saipan Tribune's* publication, this past Tuesday, of information on how people in the CNMI could also participate in that election most timely. Thank-you, *Tribune*! The feds should be thanked too - their web site at < www.hvap.gov/ > is wonderfully easy to use, and provides convenient access to all sorts of necessary and related information.

As stated in the *Trib's* article, any U.S. citizen who once lived on the mainland and now lives in the CNMI is eligible to cast an absentee ballot - provided he or she once had a residential address on the mainland.

For those skeptics who still aren't sure the whole thing is legal and safe, herewith an excerpt from an e-mail from one of the Assistant Attorneys General who worked on this issue during the last election: "...if you are voting pursuant to UOCAVA [Uniformed and Overseas Absentee Voting Act] then you are telling the IRS that you live in the CNMI for both voting and tax purposes - and are registered to vote only as an *overseas* voter, meaning you don't live in the U.S., meaning you shouldn't have a problem with claiming the CNMI as your residence for tax purposes. You can be registered to vote in the CNMI as a CNMI voter, and also register to vote in Federal elections under UOCAVA. Registering to vote in Federal elections under UOCAVA is a declaration to the Feds - whichever branch of the Feds is interested - that you are living overseas and are NOT registered to vote in any U.S. jurisdiction. (Recall that the CNMI was the only U.S. jurisdiction that was considered to be "overseas" under this statute - so for UOCAVA purposes, the CNMI is not a U.S. jurisdiction.)"

And here's an excerpt from an e-mail the CNMI's Acting Attorney General Gregory Baka sent me earlier this week: "...exercising one's UOCAVA rights on a "federal ballot" only is not the same as voting in a state, county, or municipal election on the mainland that could indeed have potential tax consequences as well as certainly resulting in one's removal from the CNMI election rolls.1 CMC § 6206(a)(8), N.M.I. Pub. L. 12-18. This is because, in the unseemly haste with which the deeply flawed [!] "federalization" bill was passed, Pub. L. 110-229, tit. VII, Act of May 8, 2008, the U.S. Congress [again - as it did in the original UOCAVA] forgot to include the CNMI within the definition of "state" when granting us a delegate. 42 U.S.C. § 1973ff-6(6) & (8). Until this oversight is corrected, unlike any other territory, we will continue to have the best of both worlds."

Of course, the deadline for registering and applying for an absentee ballot in some states may have already passed - check the web site to be sure.

The September issue of the *Commonwealth Register* has just been released - at 175

pages, it is one hefty issue! At a time when government should be pinching every penny, it sure seems wasteful that the *Register* is still being printed on only one side of the paper.

If there are customers out there who scan the document, for whom two-sided printing might cause difficulties, why not just print a limited number of copies one-sided, and the rest two-sided? It would still save money! and paper!

The issue contains 48 pages of Executive Orders - which either declare emergencies of one kind or another, or are labelled "reorganization" plans. There are 15 Executive Orders altogether - eleven disaster declarations, and four reorganization orders, two of which deal with CUC, the other two with CPA. Quite a number are rescissions or corrections/ amendments - indicating that they were apparently first issued rather hastily, sloppily.

This issue also contains AGO legal opinion 08-01, stating that it is the Attorney General's opinion that the CNMI Constitution requires that members of the House receive funding equal to that given members of the Senate. There's no indication of what prompted that opinion, however.

The bulk of the issue - 105 pages - is given over to proposed rules and regulations once again amending employment rules and regulations. According to the submission from the Department of Labor, "the proposed revisions are to renumber the regulations to conform to the numbering system adopted for the N.M.I. Administrative Code, to incorporate emergency regulations for the implementation of the federalization cap and the exclusion of unskilled workers, and to incorporate new practice brought about by the implementation of the automated processing system and interactive website that are now integral parts of the Department."

The only other proposed rules are for the Saipan Higher Education Financial Assistance Program: adoption of amendments to add the field of Criminal Justice as a priority field of study as of spring 2009, and clarification of the intent to restrict SHEFA performance-based scholarship recipients from taking any remedial or below-level course or repeating any course previously taken for credit or grade.

Copies of the *Register* maybe found at the office of the Attorney General, or at the law library at the Guma Hustisia.

One last item of interest, buried in this tome: a report of total hours since last overhaul of the CUC engines in Power Plant #1. Diesel Engine #1 has gone 61,019 hours since its last overhaul; Diesel Engine #8 has gone only 5,444.4 hours since its last overhaul; the other six have gone an average of 26,450.883 hours since their last overhaul. The chart appears on page 028755 as partial justification for Executive Order 2008-02 declaring a state of emergency re the "CUC's inability to provide critical power generation services to the CNMI."

Short takes:

It occurred to me too late to submit to the planners of the recent annual Chamorro conference, but I think a good project for promoting and preserving the Chamorro language and culture would be publication of a collection of local traditional sayings or

proverbs. I've come across a few in the newspapers - but I always forget to write them down, so don't have them when I'd like one. It sure would be helpful if there were some way to look up what might be a local equivalent to such standard haole sayings as shutting the door after the horse has been stolen, or a bird in the hand is worth two in the bush, or haste makes waste, or a stitch in time saves nine..... Humanities Council, are you listening?

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I have nothing against Perry Inos, but given the fact that the CNMI Supreme Court is not suffering from an overload of cases, and given the high cost of supporting each of the justices, it seems profligate to have gone ahead and sworn him in at this point. Especially in light of the absence of a hearing, or of polling members of the Bar, both of which are usually done in the process of adding another judge or justice to the bench. Wonder if there's a way to "unswear" him?

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Sure would be nice if a way were found to "unswear" the governor and lieutenant governor at the same time, rather than sequentially, as the impeachment process requires. I have no argument with the "innocent 'til found guilty" precept, but who wants a federally-indicted governor? Puerto Rico has one (the indictment was announced in March of this year), but that doesn't make having one here any more acceptable. Yet, as Dr. Arkle pointed out recently, when leaders continue to abuse their power, the people have a duty and an obligation to "throw them off."

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The newest evidence of such abuse of power was featured on the front page of Thursday's *Tribune* which showed the proposed House Budget for 2009, with a full 47.93% - or nearly half - subject only to the whim and fancy of the governor, now that he has managed to obtain full re-programming rights over the entire Executive Branch budget.

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It should be noted that the "simple" solution to cutting costs offered by Guam's Simon Sanchez at Wednesday's Chamber of Commerce meeting - to switch Saipan's generators to heavy fuel - only works if maintenance of the generators is done effectively, correctly, and continuously - activities for which Saipan's work crews have a notoriously bad reputation.

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Question of the week: Just exactly what assets does CUC have that justify the requirement that anyone interested in taking it over must first shell out \$250 million? Those eight poorly-maintained generators? The dilapidated building they're in? The leaking, aging fuel tanks? Even at the risk of being seen as once again doing a flip-flop, the legislature should revoke that portion of the privatization bill ASAP.