

4/13/12

The prevailing question of late would appear to be, "What is going to happen to the CNMI?" accompanied by "Has it hit bottom yet?" The questions become more urgent, pressing, with the announcement this week that Triple J's Super Fresh Market will close at the end of the month, that Coral Ocean Point will be shutting down all but its golf course and related restaurant as of May 13. The prevailing response: it's anyone's guess.

So far, there've been no solutions in sight, only signs of an ever-worsening situation. Families are moving off-island because they can't afford the high cost of power, of gas at the pump, the shrunken pay under austerity, the lack of jobs. Nurses, teachers, are quitting their jobs in order to retrieve their investment in the Retirement Fund. The Retirement Fund itself is about to collapse. CHC may not be far behind. Utility use is declining, lowering income to CUC, already struggling to maintain operations.

Yet there are still cars on the road, the movies are still open, restaurants and grocery stores abound, Public Works still seems to be functioning. And, the legislature, apparently blind to it all, continues to bicker about non-essentials while reveling in its bountiful full-time budget. Life goes on.

In terms of hard answers, however, it doesn't look like they will come from the incumbent governor - and it is the governor, after all, who sets general policy. He has developed no plan, suggested no remedies, offered no guidance, made no list. The bottom line would appear to be that until the governor steps down, conditions will not change.

True, there are reports that the La Fiesta complex in San Roque will be revived, of a new airline starting up. But such stories have circulated before - and not come to fruition.

This fall's elections could make a difference - provided enough people were elected who were willing to join and work together, not only to overcome executive apathy, but to forge meaningful solutions to CNMI's dilemma as well.

That's seven months until election, nine months until new legislators take office, ten or eleven months before they'd have begun to have the time to turn things around. In the meantime? One can only hope - and pray.

Meanwhile, here is but one example of how the CNMI got where it is today. The following is taken from a recently issued opinion by the CNMI Supreme Court:

"A brief history of the evolution of public land management agencies in the Commonwealth is useful to avoid confusion. The Marianas Public Land Corporation was a semi-autonomous agency created pursuant to Article XI, Section 4 of the Commonwealth Constitution [ratified in 1977] and charged with the administration of public lands within the Commonwealth.

"Pursuant to Article XI, Section 4(f) of the Commonwealth Constitution, in 1994 Executive Order 94-3 dissolved MPLC and transferred its functions to the Division of Public Lands within the Department of Land and Natural Resources.

"In 1997, the Commonwealth Legislature passed Public Law (◆PL◆) 10-57, which established a Board of Public Lands as part of the Division of Public Lands within the Department of Land and Natural Resources.

"In 2000, PL 12-33 separated public land management from the control of the Department of Land and Natural Resources by establishing an independent Board of Public Lands with control over an Office of Public Lands.

"In 2001, PL 12-71 abolished the Board of Public Lands and Division of Public Lands and established the Marianas Public Lands Authority (◆MPLA◆) as an independent public corporation within the executive branch.

"In 2006, PL 15-2 abolished MPLA and established DPL as an independent department within the executive branch.

from < http://www.cnmilaw.org/pdf/supreme_court/2012-MP-02.pdf >.

The Department of Labor and the Office of Personnel Management, among others, have also undergone numerous changes in organization and scope of authority over the years - many the result of power plays rather than logic. Stability, in other words - or, actually, the lack thereof - has been a major weakness in CNMI governance, and consequently, a significant deterrent to sound investment.

In keeping with this pattern of frequent change and instability, this year's ballot may have as many as five proposed amendments to the Constitution: to elect the attorney general, to legalize casino gambling (both already submitted to the Commonwealth Election Commission), to repeal Article XII re land ownership (for which signatures are now being solicited), to sell public lands fee simple, and to distribute Marianas Public Land Trust money to people of Northern Marianas descent (both still pending in the legislature).

That is, of course, a far cry from the 44 amendments that were proposed - and passed - in 1985, or the re-vamp of the Constitution that was proposed, but failed, in 1995. But it continues an on-going pattern of tinkering with the CNMI's founding document, with any number of further amendments having been proposed and passed over the succeeding years, that undercuts any assurance that what was in place will continue for any length of time. (Unfortunately, the CNMI's is not structured so that the amendments are appended at the end of the basic document, as is true of the U.S Constitution, so the number of actual changes is not so easily counted.)

The Election Commission director has expressed doubt that his budget can cover the cost of the Commission's mandated education of the general public on the proposed changes. Which raises the specter that disgruntled voters, unhappy with a particular outcome, might take it upon themselves to sue the CEC for its failure to provide adequate education on the issue.

Short takes:

- Kudos to *Marianas Variety* reporter Tammy Doty for laying out the NAP vs SNAP issue in this past Wednesday's issue. Looks like it's the up-front implementation costs that are the issue in switching from one food stamp program to the other. SNAP requires that an Electronic Benefit Transfer card be used for all transactions - which might also explain the opinion expressed in the article that SNAP implementation could be difficult in the CNMI, what with the need for point of sale terminals, use of a PIN by clients, and more sophisticated accounting procedures. An interesting story of an experiment with scrip instead of EBTs at a Hilo farmers market can be found at < <http://www.fns.usda.gov/snap/ebt/> >.

- Saipan Southern High School's Manta Ray band is zealously raising funds for its trip later this summer to participate in the London Olympics in England. Those wishing to contribute - in addition to buying \$50.00 raffle tickets for a \$5,000 top prize, which will be awarded at a May 4 gathering at the Fiesta Hotel, or sponsoring flame tree plantings for \$100 each - should send their contribution to Jesse Tudela, Principal, Saipan Southern High School, P.O. Box 500268, Saipan, MP 96950. Raffle tickets are available at the school, or at the 670 RockSteady shop in Gualo Rai, which would also be happy to accept donations for the band.

- In response to last week's comment in this column on the plight of the Chinese honeymoon couples who were robbed at Ladder Beach, an official from the MVA wrote in to say, "A lot of tourism/government officials, including Perry and his staff, worked daily since the incident with the federal government, airlines, officials in Seoul and China to ensure the honeymooners were able to get back into their country in spite of their passports, tickets, etc. being stolen. You guys have no idea of what we do on a daily basis." Ah, MVA *et al.* may have done good, but if no one says anything about it, how is one to know?

- Openings are still available for high school students to assist in the ECO-EXPO scheduled to be held from 8:30 a.m. to 2:30 pm April 17-19th at American Memorial Park in celebration of Environmental Awareness Month. Contact Susan Fishman-Tudor at 234-7207 Ext. 2022.

Openings are also available for eligible high school students in the Youth Conservation Corps summer program - which pays \$7.25/hr for an 8-week 40hrs/week commitment from June 18-August 10, 2012. Applications will be accepted at American Memorial Park until 5:00 p.m., Saturday, April 14.