

6/29/12

The session was brief, but the technology was awesome. On Tuesday morning, June 26, in the Horiguchi building's District Court for the CNMI, Judge Robert J. Faris in Hawaii heard a motion submitted in Boston, Massachusetts by Brown Rudnick's Jeremy Coffey representing the CNMI Retirement Fund, represented on Saipan by local attorney Braddock Heussman. It was all done with cameras, screens, cables, and who knows what other high technology. But each party could clearly see and hear the other. Impressive!

The issue: continued payment of full benefits to Retirement Fund members. Coffey asked that the Retirement Fund be allowed to continue making payments in full. Neither the Creditors' Committee, represented by Don J. Gelber, also in Hawaii, nor anyone else voiced an objection, and the Judge, accordingly, granted the motion then and there. He asked Coffey to prepare the formal motion for his signature.

If the bankruptcy petition had prevailed, pensions to retirees were scheduled to be cut by as much as 48% beginning with the 6/30 payment. Where the funding will come from to sustain a full payout of pensions over more than the predicted two years remaining of available assets is not known.

The next scheduled event is a hearing in District Court at 9:30 a.m. on July 27, 2012, when Judge Faris is expected to rule on the billing amounts submitted by "all professionals retained by the Fund and any other party wishing to assert an administrative expense" in the case.

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The newest cliff-hanger: will the CNMI House of Representatives join the Senate in amending the governor's executive order taking over the Retirement Fund? The Senate has passed a resolution making changes to the terms of the executive order, but if the House takes no action on the Senate proposal, the Senate changes will have no effect.

According to stories in both papers, the Senate accepted most of the recommendations made by Retirement Fund staff in reducing the size of the Board, making it independent, and in protecting the Trust and its funds, among other things. The changes were made as a resolution rather than a bill, since a bill would be subject to the governor's veto, whereas a resolution is not.

Depending on one's interpretation, the House may have until September to decide whether to support the Senate action. In the meantime, at least retirees have been assured they will receive their full benefits - for the time being.

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Attendance was sparse at the hearing held earlier this week on U.S. Air Force plans to use either Saipan or Tinian airport as a "divert"/back-up destination should circumstances make it impossible to use any of Guam's airports, military or civilian. The Air Force brought in a dozen officials, more than a dozen posters, multiple copies of the executive summary, flyers, brochures and of the nearly inch-thick full text of the Environmental Impact Statement prepared in connection with the plan, as well as boxes of sandwiches, donuts, lumpia, fresh cut oranges and watermelon.

The event was given a fair amount of publicity - with announcements of the hearing appearing in the paper, the event featured as a story, and listed under community events. But still, few came to learn, listen, comment.

It does seem a fairly benign project - extending either the Saipan or the Tinian runways and adding some support structures - without any significant impact on the environment or its inhabitants. With predicted use of the facilities only a few times a year once construction is completed, other than some temporary increase in noise level in the Kagman and Dandan areas, it would nevertheless appear to promise increased activity in the economic sector - most welcome to the islands' floundering economy. Though a Miss Arriola (first name not caught) did raise the interesting question as to how this project fit with other military plans for the Marianas as described in the Mariana Islands Training and Testing EIS within the Mariana Islands Range Complex.

The Air Force preference is to use Saipan's airport as the "divert" destination, rather than Tinian's - for obvious reasons. Strangely, the governor has said he'd prefer the development take place on Tinian.

Either way, even if it is approved by the U.S. Congress - and it requires four Congressional committees' approval prior to that - activity would not start until FY 2014.

Comments on the EIS, which can be found at < [www.PACAFDivertMarianasEis.com](http://www.PACAFDivertMarianasEis.com) >, can be submitted until midnight, 7/23/2012. The final EIS is scheduled to be issued in October, with release of the official Record of Decision scheduled for December 2012.

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Short takes:

- Friend and neighbor Clarence E. White, otherwise known as "Bud," was awarded the "Citizen of the Year" award by the Saipan Rotary Club this week (and he's not even a member of the Rotary any more!). We'd like to add our congratulations - Bud has managed to stay under the horizon despite the many good works he has contributed to the island, many of its individuals, to the village of Tanapag - and to commend the Rotary as well, for recognizing his philanthropy.
- The U.S. Supreme Court was its same old unpredictable self this week: contrary to expectations, it upheld the ObamaCare health law! Many are not happy about it, of course, but those who have benefitted already, and the millions more who will in the future can now breathe a sigh of relief - at least for the time being.....
- Wordplay: the dictionary shows "divert" as being a verb - as in to change, or re-direct. It does not show it as being an adjective, as the Air Force is using it in its latest EIS to make it to the CNMI. It could have used the words "back-up" or "alternative" just as effectively. "Divert" as an adjective sort of grates on the ear.....
- More: the concept of a "Blue Continent," as mentioned in accounts of the recent meeting of the Association of Pacific Island Legislatures, is also fairly new. It apparently gained popularity as a result of the British travel channel reporter Camille Anderson's series of the same name.
- Pundits have it that there is an increase in real estate activity on island - witness the recently granted local franchise for worldwide real estate company Re/Max - in anticipation of the repeal of Article XII, which limits land ownership to those of Northern Marianas Descent. They say that those with money, who are eligible to own land, are buying it up with the expectation that they can sell it at a considerably higher price once anyone can own land - and that there are Chinese and Russian buyers, ready to purchase.

For those who worry about their children losing the right to own land, requiring all prospective land owners to have lived in the CNMI for 10 years, say, and to be eligible voters, would accomplish the same thing without having to worry about blood quantum - and would open ownership to long-time citizens as well.

- Would be nice if the administration would attach some figures to its promises regarding Social Security participation. How much would employees have to pay? What could they expect in the way of benefits? What would happen to the moneys they've already invested in the Retirement Fund? How much would the CNMI have to contribute per employee? Would both Defined Benefit Plan and Defined Contribution Plan active employees be eligible to join?

- Notice the reflective blue lights that have appeared on some roads? They are being installed by the Fire Department to indicate fire hydrants nearby, thereby helping firefighters find them. Long overdue good idea! :-)

Upcoming events:

- Wednesday, July 4th, 10:00 a.m., Liberation Day parade, starting at National Office Supply on Beach Road all the way to the Garapan Fishing Base.

- June 29-August 17 - Free family-friendly films twice a day every Friday at 2:00 p.m. and 6:00 p.m. in the Visitor Center auditorium at American Memorial Park (except first Fridays of the month). June 29: **2:00 p.m. only:** *How to Train Your Dragon*, a 2010 Dreamworks production; July 6, 2:00 p.m only: *Ratatouille*, 6:00 p.m. DEQ "First Friday Film" TBA.

- Every first Saturday for the rest of the year, from 8:00 a.m. - noon: Friends of the Library book sale at the JoeTen-Kiyu Public Library in Susupe.

- This column will not appear next week - and perhaps not the following week - as my older daughter will be visiting.