



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

**Charlotte Amalie, V.I. 00802
340-774-0001**

January 1, 2015

VIA MESSENGER

The Honorable Shawn Michael Malone
President
Thirtieth Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802

Re: Governor's Action on Bills Numbered 30-0173, 30-0288, 30-0417, 30-0426, 30-0438, 30-0494, 30-0505, 30-0517, 30-0523, 30-0530, 30-0534, 30-0535, 30-0536, 30-0537, 30-0538, 30-0539, 30-0540, 30-0541, 30-0542, 30-0543, 30-0544, 30-0545, 30-0546, 30-0547, 30-0548, 30-0553, 30-0562, and Resolutions Numbered 1814 and 1815.

Dear Senator Malone:

I write to advise you that, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954, as amended, I have acted on Bills numbered 30-0173, 30-0288, 30-0417, 30-0426, 30-0438, 30-0494, 30-0505, 30-0517, 30-0523, 30-0530, 30-0534, 30-0535, 30-0536, 30-0537, 30-0538, 30-0539, 30-0540, 30-0541, 30-0542, 30-0543, 30-0544, 30-0545, 30-0546, 30-0547, 30-0548, 30-0553, 30-0562, and Resolutions numbered 1814 and 1815.

I have approved the following zoning measures: Bill No. 30-0173, rezoning Parcel Nos. A-1 and A-2 Estate Hoffman and Nullyberg, St. Thomas from A-1 (Agricultural District) to R-3 (Residential – Medium Density) with a use variance and rezoning Parcel A-Remainder (Consolidated) Estate Hoffman and Nullyberg from A-1 (Agricultural District) to R-2 (Residential – Low Density – One and Two Family); Bill No. 30-0530, rezoning Plot No. 90 Estate La Grande Princess, Company Quarter, St. Croix from R-2 (Residential – Low Density – One and Two Family) to A-2 (Agricultural Zone); Bill No. 30-0534, granting a use variance to Plot No. 20A Strand Street and Plot No. 5BB Smith Street, Christiansted, St. Croix; Bill No. 30-0535, amending the Official Zoning Map No. SCZ-12 from R-2 (Residential – Low Density – One and Two Family) to B-3 (Business-Scattered) for Plot No. 10-A Estate Castle Coakley, Queen Quarter, St. Croix; Bill No. 30-0539, granting a zoning use variance for Parcel No. 46A Estate Nisky, St. Thomas, to allow for car rental company and used car sales; Bill No. 30-0540, rezoning Parcel No. 3J-2A Estate Mariendahl, No. 3

Litigation to the General Fund; Section 3, allowing the Superior Court to expend, during the Fiscal Year 2015, any balances from the prior year; Sections 4 and 5, relating to the Legislative Youth Advisory Council; Section 6, allowing the funds appropriated to the University of the Virgin Islands in Section 12 of Act No. 7684 to be used for traveling to the Host school in Mayaguez, Puerto Rico and to recruit and retain new cadets as determined by the Program Commander; Section 7, amending title 3 of Virgin Islands Code as it pertains to the Tier II Retirement Benefits Program with the support of the Government Employees Retirement System; Section 8, allowing the Commissioner of Property and Procurement to enter into Services Rendered Contracts on behalf of the Department of Human Services, with Iglesia Metodista Unida Hispana De St. Croix, Inc., Euzebe Birmingham and Sion Farm Service Station; Sections 11 and 12, amending the Virgin Islands Code to require compliance with the relative industry codes for the issuance of professional licenses and permits for installation of pools, spas and hot tubs; and Section 13, amending Act No. 7650 naming of the park at the *Northeastern end of Veterans Drive* after William Henry Hastie, Jr.

Despite my approval of the remaining sections of Bill No. 30-0523 and without exercising my line item veto authority, I must bring certain concerns to light. To begin with, the appropriations contained in Section 2, while necessary, further exacerbates a substantial Fiscal Year 2015 projected budgetary shortfall according to the Administration's Fiscal Year 2015 revenue projections. Additionally, with respect to Sections 9 and 10 amending Title 3 of the Virgin Islands Code as it pertains to the Virgin Islands Board for Career and Technical Education ("Board"), multiple contradicting errors are contained therein. Although I understand the intent of this amendment, there are errors in drafting that nullify any effect this amendment was intended to achieve. The amendment strikes the language transferring the Board to the Department of Education ("DOE") for administrative purposes in an attempt to make it a semiautonomous board within the executive branch. However, this intent is negated by the inclusion of language in the amendment placing the board "*under the Department of Education for administrative purposes*". Finally the amendment is contradicting to the extent that on one hand it places the Board under DOE for administrative purposes, then in the last phrase states that it is "distinct from the Department of Education for all purposes". If the Board is to be under DOE for administrative purposes, then it should be distinct from DOE for all *other* purposes. The language needs to be clarified in order to allow the board to function properly and efficiently. Also, Section 14, amending Act No. 7647 honoring Career Ambassador Terence Alphonso Todman, requires further amendment to ensure that the historical facts for future scholars as well as the signage to be erected on the airport access road on Route 302 on the island of St. Thomas are correct.

Bill No. 30-0548, authorizing the Commissioner of the Department of Property and Procurement to ratify and affirm a certain contract entered into by the Department of Health with Austin Moorehead d/b/a Kraal Environmental Management Services; and Bill No. 30-0562, amending Title 9, Section 183 of the Virgin Islands Code, to add an interest rate floor to small loans, have also been approved;

It is only fitting that I approve Bill No. 30-0553, honoring and commending Senator Celestino A. White, Sr. for his service and dedication to the people of the Virgin Islands by

Red Hook Quarter, St. Thomas, from R-2 (Residential – Low Density – One and Two Family) to B-3 (Business-Scattered); and Bill No. 30-0545, amending Official Zoning District Map No. SCZ-6 to allow for the rezoning of Plot No. 237 Estate Glynn, Queen Quarter, St. Croix from A-1 (Agriculture) to C (Commercial).

Additionally, I have approved the following coastal zone permit measures: Bill No. 30-0505, ratifying Minor Coastal Zone Management Permit No. CZT-9-13 (FL) to (Percy's) Bus Stop, Inc.; Bill No. 30-0536, ratifying Major Coastal Zone Permit No. CZT-06-14 (W) issued to Neal K. Henderson; Bill No. 30-0538, ratifying Major Coastal Zone Permit No. CZT-09-11 (L&W) issued to Tropical Marine, Inc.; Bill No. 30-0542, ratifying Major Coastal Zone Permit No. CZX-30-13W issued to The Buccaneer, Inc.; Bill No. 30-0543, ratifying Major Coastal Zone Permit No. CZT-03-12 (L&W) issued to the Virgin Islands Department of Public Works; Bill No. 30-0544, ratifying Major Coastal Zone Permit No. CZT-02-14 (W) issued to the Virgin Islands Water and Power Authority; Bill No. 30-0546, ratifying Major Coastal Zone Permit No. CZT-5-14 (FL) issued to MSI Building Supplies, Inc.; and Bill No. 30-0547, ratifying Major Coastal Zone Permit No. CZT-01-12 (L&W) issued to AT&T Virgin Islands, Inc. Though, I have also approved Bill No. 30-0537, ratifying Major Coastal Zone Permit No. CZT-04-13 (W) issued to the St. Thomas Sports Fishing Center, Inc., I must point out that the bill cites to the incorrect permittee in the enactment section. Section 1 of Bill No. 30-0537 states that the permittee is the Virgin Islands Water and Power Authority when in fact the intended permittee is the St. Thomas Sports Fishing Center, Inc. Notwithstanding this apparent oversight, I have approved this measure as the correct permit number is cited.

I have also approved Bill No. 30-0288, which amends title 14 of the Virgin Islands Code by adding a new section 743, criminalizing the manufacturing or possessing of a false driver's license or identification card. With the support of the Virgin Islands Water and Power Authority ("Authority") and other key stakeholders, I have signed into law Bill No. 30-0426, relating to renewable energy and the Net Metering Program administered by the Authority. Likewise, I am pleased to approve, with the support of the Virgin Islands Police Department, Bill No. 30-0494, enacting *The Missing Minors and Dependent Adult Act*. With respect to Bill No. 30-0517, which I have signed into law, designating Strand Street in Frederiksted a one-way street operating in a northerly direction and amending Act No. 7081 relating to an appropriation for replacing waterlines in the town of Frederiksted on the island of St. Croix, Section 2 is of the utmost importance as it will enable the Territory to offer another product that will assist the marketing for increased cruise ship calls to the island of St. Croix.

I have approved Bill No. 30-0438, amending Title 31 Virgin Islands Code, Chapter 23, section 236a making the Preferred Bidders Act applicable to all government entities and providing for alternative methods of surety for performance bonds for bidders. Furthering small business development and engagement, ensuring that the circulation of government funds for contracts remain within the local economy, and encouraging businesses to obtain preferred bidder status, all justify my approval of this measure.

Turning to Bill No. 30-0523, without reservations, I have approved: Section 1, allowing me to transfer funds from the partial settlement of the South Shore NRD

naming the senior citizen home located at Parcel No. 62-4 Estate Thomas, No. 6A New Quarter, St. Thomas, Virgin Islands in his honor and by awarding him the Virgin Islands Medal of Honor for public service. Very early on in his career, Senator White declared himself a champion of affordable housing and invested the necessary time and effort over the years to master that field. Senator White learned how the federal government finances developments for affordable housing and how the industry operated to the point that he was able to be a champion for public-private partnerships to build additional housing through the use of tax credit financing. Senator White's accomplishment for the people of the Virgin Islands is noteworthy and deserving of this recognition.

Regrettably, as one who supports diversification of our economic platform, I must veto Bill No. 30-0417, repealing and reenacting with amendments Title 29, Virgin Islands Code, chapter 12, subchapter III relating to sustainable tourism through arts-based revenue stream production (i.e. the "STARS" bill). Most importantly, the bill, as written, seems to have sacrificed our local music and audio production industry in an attempt to appeal to the worldwide film industry. Although music and audio production companies are eligible for benefits through the Economic Development Commission, these smaller artists and companies cannot absorb the cost of entry or regulatory requirements to make it a viable option. This is in fact an emerging area that appeals to our younger generation and requires our careful nurturing. Additionally, the instant amendments create an entirely separate department within the Economic Development Authority ("EDA"), without providing the necessary funding to support its operation. I implore the sponsors to take the time and pass a measure addressing these concerns so that we can pursue an all-encompassing agenda to market the United States Virgin Islands as a destination for audio, video, television and film production while simultaneously supporting homegrown artists. Not only do we have the local talent to be successful in this area, we are also able to market to and attract out-of-Territory companies to further their artistry within our islands and we should strive to ensure that the vehicle is beneficially attractive for both segments.

I must also veto Bill No. 30-0541 on the basis that the measure as passed is wholly inconsistent with the original petition and the recommendation by the Department of Planning and Natural Resources. The original intention of the underlying request was to amend Official Zoning Map No. STZ-4 for the island of St. Thomas by changing the zoning designation for Parcel No. 48C Estate Lindberg Bay, No. 4a Southside Quarter, consisting of approximately 1.01 U.S. Acres from R-1 (Residential – Low Density) to R-3 (Residential-Medium Density). However, it appears that a drafting error has resulted in a change to R-2 (Residential – Low Density – One and Two Family), though the actual zoning designation is nonexistent. To approve this measure would incorrectly rezone the aforementioned parcel of land to the R-2 zoning designation, which would keep the current use of the property in nonconformity, when the intent was to align such use to the Territory's zoning laws.

I hereby acknowledge Resolutions numbered 1814 and 1815, recognizing, honoring and commending Megan C. Hodge for her outstanding performance in the sport of volleyball and honoring and commending Joseph Olmeda for his Dedication and service to the people of the Virgin Islands, respectively.

January 1, 2015

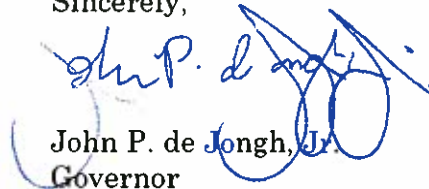
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I acknowledge and fully respect the Legislature's veto override authority. This power notwithstanding, I must reiterate my concerns regarding the inequities contained within Bill No. 30-0018, the veto of which this body overrode. Though I support the decriminalization of marijuana, to put all three (3) branches of the Government of the United States Virgin Islands - as single largest employer in the Territory - at a disadvantage in the ability to properly manage employee conduct, as compared to such right by private employers is simply unfair. It is my sincere hope that these matters as noted here and in my transmittal of October 13, 2014 will be reconciled so that the full potential of this measure on the Territory's criminal justice system will be achieved.

Lastly, I am compelled to note that two measures passed during the legislative session held on the December 19, 2014, namely Bill No. 30-0520, amending Title 19 section 243 of the Virgin Islands Code by allowing the St. Croix District Governing Board of the Virgin Islands Government Hospitals and Health Facilities Corporation to appoint two (2) members to its respective Governing Board; and Bill No. 30-0561, amending Title 29 Virgin Islands Code to allow a casino resort to have a maximum of eight stories in the R-3 and R-5 St. Croix zoning districts, have not yet been presented to me for consideration. I trust this was an oversight and will be dealt with in short order.

On a more concluding note, I congratulate you and the members of the 30th Legislature on the legislative journey of the past two years. The decisions we make as public servants are often difficult and the compromises are hard fought, but at the end of the road is the fact that everyone has displayed extreme dedication as we strive to make what we believe is right a reality for the betterment of this Territory. On behalf of the People of the Virgin Islands, I thank you.

Sincerely,



John P. de Jongh, Jr.
Governor

Enclosures