



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

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

July 9, 2018

VIA MESSENGER

The Honorable Myron D. Jackson
Senate President
Thirty Second Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802

Re: Governor's Action on Bills numbered 32-0055, 32-0064, 32-0129, 32-0146, 32-0148, 32-0177, 32-0179, 32-0197, 32-0200, 32-0212, 32-0214, 32-0217, 32-0219, 32-0222, 32-0223, 32-0227, 32-0228, 32-0231 and Resolution Nos. 1844 and 1845

Dear Mr. President:

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 today acted on the following legislative bills:

I am signing into law, Bill No. 32-0055, now an Act providing for the Virgin Islands Department of Public Works to replace public parking signs that refer to "handicap parking" with signs that refer to "persons with disabilities" and making an appropriation from the Transportation Trust Fund for the placement of the new uniform signs and for other related purposes.

I am also signing into law, Bill No. 32-0064, now an Act amending title 34 Virgin Islands Code, chapter 16, adding subchapter II, providing for the establishment of a registry for persons 60 years and older with disabilities living independently.

Bill No. 32-0129 is now law amending title 14 Virgin Islands Code, chapter 3A relating to human trafficking. This Act is entitled, "The Virgin Islands Uniform Prevention of and Remedies for Human Trafficking Act" and also amends title 5 Virgin Islands Code, chapter 303, section 3541 relating to the statute of limitations for prosecuting the crime of human trafficking.

I have approved Bill No. 32-0146, to honor and commend Irvin "Brownie" Brown, Sr. for his significant contributions to the culture and music heritage of the Virgin Islands. The Bill renames a portion of General Gade from the intersection of Veterans Drive up to the intersection of Silke Gade "The Irvin "Brownie" Brown, Sr. Street".

I approve Bill No. 32-0148, to amend title 1 Virgin Islands Code, chapter 11 by adding section 200i establishing the month of May as Virgin Islands Stroke Awareness Month.

I approve Bill No. 32-0177, to amend title 27 Virgin Islands Code, chapter 1, subchapter IV, section 97(a) relating to renewal of nursing licenses.

I approve Bill No. 32-0197, to amend Title 19 Virgin Islands Code adding chapter 68 relating to Animal Shelters' to provide for a minimum standard of care for sheltered animals and for other purposes.

I have signed Bill No. 32-0200 into law granting a zoning use variance for Plot No. 17 of Parcel No. 2 Estate Concordia, West End Quarter, St. Croix, Virgin Islands to allow for a retail clothing store and a bakery.

I have approved Bill No. 32-0214, ratifying my approval of Minor Coastal Zone Permit No. CZT-23-16W issued to William P. Shea for the continued use and occupancy of a 36'x4' straight pier with a 20'x 8' "L" head and two 12'x36' concrete strips serving as a ramp.

I have approved Bill No. 32-0219, to amend the Official Zoning District Map SCZ-6 to allow for the rezoning of Plot No. 10-D Estate Constitution Hill, Queen's Quarter, St. Croix, Virgin Islands from R-1 (Residential-Low Density) to R-2 (Residential-Low Density- One and Two Family).

I have approved Bill No. 32-0222 granting a zoning use variance for Plot No. 2AF Estate Upper Love, Prince Quarter, St. Croix, Virgin Islands to allow a guest house to be used as a bed and breakfast business.

I have approved Bill No. 32-0223, to amend the Official Zoning Map No. SCZ-12 by rezoning Plot No. 1-C Estate Clifton Hill, King Quarter, St. Croix, Virgin Islands, from C (Commercial), to B-2 (Business-Secondary/Neighborhood).

I have approved Bill No. 32-0227, to amend title 27 Virgin Islands Code, chapter 4A, subsection 202, subsection (b) changing the amount of years, from two years to four years, that five of the seven board members of the Virgin Islands Board of Licensed Counselors and Examiners are to be appointed.

I have signed Bill No. 32-0228 into law amending title 19 Virgin Islands Code, chapter 16, section 245a relating to the Government Hospitals and Health Facilities Corporation's competitive bidding process to require advertisement for bids to be published through electronic media or in the newspapers of general circulation, and to make technical amendments.

I have approved sections of Bill No. 32-0179; Sections 1, 2, 3, 4, and 9 as they relate to the apprenticeship standards and recognizes the Virgin Islands Department of Labor as the State

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Apprenticeship Agency in the nationally recognized Registered Apprenticeship Program. The Virgin Islands Department of Labor will work collaboratively with the U.S. Department of Labor to ensure that territorial programs conform to published standards and are eligible for federal support. This measure is helpful as we work to improve the vocational skills of our workforce to meet the needs of the many jobs that are available, and those becoming available with the expansion and growth of our economy. However, I strongly urge the Legislature to make some much needed technical amendments if this measure is to fully help our people. First, Section 1, subparagraph (c)(5) adds a new paragraph to the statute and mandates that the Virgin Islands Department of Labor consult with the Virgin Islands Department of Planning and Natural Resources. This appears to be a typographical error beyond my authority to correct. The more appropriate department that the Virgin Islands Department of Labor should be in consultation with is the Virgin Islands Department of Property and Procurement. I ask that the Legislature makes this change. Second, the bill requires an initial bi-annual analysis to determine the vocational skills and training, educational, and professional needs of employers in the public and private sectors, including companies that are beneficiaries under the Economic Development Authority's programs, small business and new emerging industries. The bill provides a work period of this analysis of ninety days (90) from the date of enactment. I urge the Senate to provide a more realistic period of time.

With great hesitation, I approve Section 5: an appropriation of \$125,000.00 to the Supervisor of Elections to conduct the 2018 Democratic Party Primary Elections. I only approve this measure because I do not wish to cause bedlam in the Democratic Party primary elections thereby negatively affecting the Democratic Party senatorial candidates and those who vote in the Democratic Party primary elections.

It is clear to me, and, I suspect, to everyone else, that the three Democratic Party gubernatorial teams who are aspiring to be the titular head of their party should take the lead and recruit dues paying members of the Democratic Party and also raise funds for the Party so that it can pay for its own primaries or conventions. Taxpayers should not have to carry this burden.

I approve Section 7, which amends title 27 Virgin Islands Code, chapter 1, section 45a relating to the definition of telemedicine; and I approve Section 10, amending title 27, Virgin Islands Code, chapter 10, section 333 relating to the authority over license issuance by the Board of General Construction Contractors and the Commissioner of Licensing and Consumer Affairs. For the record, as it should not go unnoticed, the Legislature chooses to enact flawed legislation by overrides and then slip me the corrections made clear in my veto messages.

I approve Sections 11 and 12, providing for an appropriation of \$100,000 from the St. Croix Capital Improvement Fund to the Department of Agriculture for the 2018 Agricultural Fair and providing that the sum remains available until expended.

I line-item veto Section 6. This section attempts to procure and fund a vendor contract, which does not exist. Why is the Legislature invoking itself into the procurement process of the

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Executive Branch of Government? Your actions in this regard reek of impropriety as it appears vendors can seek out Members of the Senate to attempt to enact contractual obligations upon the Government. I will not join you in this most inappropriate way to procure goods and services for the people of the Virgin Islands. I want you to know that should you resort in this instance, to your usual response of overriding bad law; no one in my Government will give that action the light of day. The Legislature cannot negotiate and fund contracts to named vendors on behalf of the Government.

I also line-item vetoed Section 8, which amends title 24 Virgin Islands Code, chapter 14, section 362(g)(5) relating to the exclusion of certain provisions from the definition of public employees for purposes of the Virgin Islands Public Employees' Relations Act. This measure seeks to impair a valid Collective Bargaining Agreement. Why does the Legislature believe that it has the authority to add and/or remove individuals from collective bargaining units at its whim without considering consequences to the Government? The last time the Legislature interfered with our collective bargaining agreements; it cost the taxpayers \$63 million dollars. Are we back to this again? In light of the U.S. Court of Appeals for the Third Circuit's decision in the VIESA case and the opinion of the Court, I must line-item veto this section. Who in the Legislature does not get this?

I have line-item vetoed Section 13 amending title 22 Virgin Islands Code, chapter 44, section 1065 relating to the termination of portable electronics insurance. This measure lacks clarity as to the true intent of its purpose. It is unclear why such a provision in law would be necessary. Is it to prohibit the binding and/or purchasing of insurance by portable electronic means? Is the Bill intended to restrict the transactions regarding insurance by portable electronic devices? We cannot decipher the intent of the language.

I also line-item vetoed Section 14, which adds "any other dwelling place" to the 1000-foot prohibition of the storage of hazardous chemical or activities from nurseries, elementary or secondary schools, playgrounds, hospitals or senior citizen centers. The addition of the phrase "any other dwelling place" is overly broad and would clearly run afoul continued growth in the private sector. As the Members of the Legislature is aware, I have submitted to the 32nd Legislature a refining operating agreement between Limetree Bay Refining, LLC and the Government of the U.S. Virgin Islands to restart the refinery on St. Croix. Should the Legislature ratify the refining operating agreement, Limetree Bay's intent and work to set up dwelling man-camps for its construction workers will be seriously impacted by the language of this section.

I have line-item vetoed Section 15 amending Bill No. 32-0002 which I previously vetoed on June 9, 2017, and which was overridden by the Legislature on June 14, 2018. Section 15 requires the West Indian Company Limited to conduct an appraisal of the Estate Catherineberg property and to deduct the appraised value from the balance of the delinquent payment in lieu of taxes owed to the Government.

So our legislative branch of government can conduct real property transactions in formal sessions? The Legislature can set the sale or transfer price of property and settle the tax, financial or pilot claims of the Government all with ten (10) affirmative votes?

Well, let me tell you, no number of affirmative votes of the Legislature can trample upon the co-equal powers and responsibilities of the Executive Branch. I want you to know that no action of the Government will be taken to effectuate the transfer of the named property.

I have vetoed Bill No. 32-0212, an Act amending title 19 Virgin Islands Code, chapter 37, subchapter III, adding section 870 to allow for the pronouncement of death by registered nurses, physician assistants, and nurse practitioners. A number of states and jurisdictions have adopted similar statutes, but in each case, the jurisdictions require the promulgations of rules and regulations for the appropriate exercise of this authority. I am fully prepared to agree with adopting similar law in the Territory; however, I ask the Legislature to require that the Department of Health promulgate and issue appropriate regulations to allow for the exercise of this authority for the protection of our citizens.

I have also vetoed Bill No. 32-0217 by the vigorous recommendation of the Department of Planning and Natural Resources. The Bill seeks to rezone Plot No. 56 of Parcel No. 67 of Estate Mount Welcome, East End Quarter 'A', St. Croix from R-2 (Residential-Low Density-One and Two Family) to R-3 (Residential-Medium Density). The Department has raised a number of very valid concerns as it affects other property owners in Estate Mount Welcome.

I have vetoed Bill No. 32-0231 to amend title 29 Virgin Islands Code, chapter 12, section 705 relating to the powers of the Economic Development Commission, and sections 713a and 713b relating to tax reduction benefits for EDC beneficiaries and chapter 23, section 1308 relating to the Hotel Development Trust Fund. This measure asks us to give access to 25% of our current hotel occupancy tax revenues to hotel owners and operators for hotel development and expansion. How is the U.S. Virgin Islands going to compete in the fastest growing tourism region if we give up much needed advertising dollars to pay to build or expand hotels? In the proposal I sent you regarding the proposed operating agreement with Limetree Bay on the refinery restart; we have included a hotel project for Yacht Haven Grande. You will note in that agreement that the Government retains all of its hotel occupancy taxes for promoting the Territory. What we did allow, was that Island Global Yachting can add 600 basis point on the prevailing rate of the occupancy taxes and divert this addition to help recruit its investment. I ask the Legislature to adopt a similar standard and not give away much needed promotional dollars that we collect from hotel occupancy throughout the Territory.

I acknowledge Resolution No. 1844 (Bill No. 32-0170), a Resolution honoring and commending Lorna Lenise Freeman for her outstanding charitable performances for the community and her many contributions to the people of the Virgin Islands. Ms. Freeman is a great ambassadress of the Virgin Islands. It is no secret that the people of the U.S. Virgin Islands have been blessed by the beautiful and melodious voice of our V.I. Commissioner of Song—Ms. Lorna

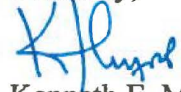
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Freeman. She is a Territorial treasure who exemplifies all that is great about the U.S. Virgin Islands. Lorna has so willingly shared her talent with us and with the world often without requesting anything in return. Her love for our beloved Territory goes without question, and it is my pleasure, and my honor, to acknowledge this Resolution honoring Ms. Freeman.

I acknowledge Resolution No. 1845 (Bill No. 32-0226), a Resolution encouraging the people of the Virgin Islands to observe July 22, 2018, as a remembrance of the devastation and human suffering caused by hurricanes Irma and Maria and as supplication for protection during the 2018 hurricane season.

As always, thank you for your continued work on behalf of the people of the Virgin Islands.

Sincerely,



Kenneth E. Mapp
Governor

Enclosures