



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

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

October 7, 2016

VIA MESSENGER

The Honorable Neville James
President
Thirty First Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802

Re: Governor's Action on Bills numbered 31-0256, 31-0314, 31-0329, 31-0334, 31-0337, 31-0349, 31-0366, 31-0367, 31-0372, 31-0376, 31-0379, 31-0385, 31-0388, 31-0394, 31-0401, 31-0449, 31-047, 31-0458, 31-0465, 31-0469, 31-0470, 31-0471, 31-0473 and Resolution No. 1836 (Bill No. 31-0450) Regular Session held on September 20, 21 and 22, 2016

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 Bills:

I have approved Bill No. 31-0256, which amends 30 V.I.C. § 9a relating to the interest paid by the Virgin Islands Water and Power Authority ("WAPA") and which mandates that (WAPA) pays interest on cash deposits it is holding from its customers, as a condition precedent to receiving services, at a rate equal to the average prevailing interest paid by local banks on savings accounts. While I am pleased to approve this measure and commend its sponsors, I am asking the Senate to amend the new law to include all utilities who hold cash deposits as security interest. In addition, utilities should also be required to provide its customers with an annual statement advising them of the interest earned on their cash deposits.

I have approved Bill No. 31-0314, which provides for an identification system for high-performing, low income students, gifted programs, and for an accountability system for the achievements and growth of all students in the Virgin Islands public school system.

I have also approved Bill No. 31-0329, which amends 3 V.I.C. § 302 to require that the Department of Sports, Parks and Recreation create, maintain and submit a listing of all vacant and

occupied vendor spaces as part of its annual executive budget submitted to the Legislature and that it annually publishes on the Department's website a listing of all vacant and occupied public spaces. While I have approved this measure, the Commissioner of the Department has advised me that the department currently maintains and provides this information to the Senate.

I have approved Bill No. 31-0337, which mandates that the Virgin Islands Department of Education implement a structured civics course taught to students in grades nine (9) through twelve (12), which utilizes materials relevant to the U.S. Virgin Islands and includes the functions of the three (3) branches of Government and the roles of public officials.

I have approved Bill No. 31-0349, which eliminates the ban on receiving food assistance under the Federal Food Stamp Act of 1977 or other benefits under the Temporary Assistance for Needy Families ("TANF") Block Grant Programs, against persons who have been convicted of a drug-related felony. It also requires that individuals who are on the Supplemental National Assistance Program ("SNAP") with children under the age of eighteen (18) complete a class of not less than six (6) hours on parenting and budgeting provided by the Department of Human Services as a component of the SNAP Employment and Training Program.

I have approved Bill No. 31-0372, which provides that police officers, firefighters, and corrections officers who have attained the age of fifty-five (55) may continue in government service until they attain the age of sixty-three (63) as long as they submit to annual physical and psychological examinations. The measure also requires that the examinations be done by a licensed practitioner and that the results be certified by the practitioner and the Commissioner of Health indicating that the employee is physically and mentally able to continue in the position.

I have approved Bill No. 31-0376, which provides funding to the Department of Human Services solely for the farming and mechanics programs at the St. Croix Youth Rehabilitation Center ("YRC"). This measure will give our youth currently housed at the YRC an opportunity to acquire marketable skills.

I have approved Bill No. 31-0379, which regulates the use of plastic bags in the Territory. This is the first of three bills I submitted to the Legislature to grapple with our long-standing practice of mismanaging our waste at our landfills. I urge the Members of the Legislature to pass my proposed bills on source separation (Bill No. 31-0380) and on comprehensive waste reduction and recycling programs (Bill No. 31-0316). These proposed practices have been implemented on a national level and have proven to be quite successful. We must adopt these measures if we truly want to preserve the beauty and purity of the Virgin Islands. These measures will result in a significant reduction in the amount of waste going into our landfills. I want to thank the Members of the Legislature and the members of my administration who worked efficiently and collaboratively to ensure the passage of this landmark legislation in the Territory, but we cannot stop now. Once we have fully enacted all three of our recycling bills, the Territory will be well on its way to a cleaner and greener community.

I have also approved Bill No. 31-0385, which repeals the current cancer registry and re-enacts a new registry with amendments. This registry known as the Virgin Islands Central Cancer

Registry Program details, in pertinent part, the types of cancers to be registered, who are healthcare providers and facilities subject to the registration requirements, and penalties for any violations of the program.

I have approved Bill No. 31-0388, which removes the salary cap for the Office of Film Production.

I have approved Bill No. 31-0401, which amends 32 V.I.C. § 518 by changing the recipient's name from "Jobs for Virgin Islands Graduates" to "Jobs for America's Graduates Virgin Islands".

I have approved Bill No. 31-0449, which commemorates the 250th Anniversary of the establishment of the town of Cruz Bay in St. John, U.S. Virgin Islands.

I have approved Bill No. 31-0457, which rezones Plot No. 253 Estate Glynn, Kings Quarter, St. Croix, U.S. Virgin Islands from A-2 (Agricultural District) to C (Commercial).

I have approved Bill No. 31-0458, which rezones Plots No. 39 & 40-B Strand Street, Frederiksted Town, St. Croix, U.S. Virgin Islands from W-1 (Waterfront-Pleasure) to R-3 (Residential-Medium Density).

I have approved Bill No. 31-0470, which appropriates the sum of \$250,000.00 to the Department of Sports, Parks and Recreation from the Virgin Islands Education Initiative Fund ("VIEI") to further develop after-school programs in the Territory divided equally among the districts. While I have approved this legislation, I must advise that the VIEI Fund, by legislation, is fully obligated. The Fund which was established to provide imprest accounting funding for each school in the Territory, to be spent within specified guidelines, represents approximately \$3-\$4 million dollars per year. Pursuant to Act No. 7693, the Virgin Islands Department of Education may use up to 80% of the available fund balance after the allocation to the Territory's schools for the purchase of textbooks. To that end, I am asking the Senate to amend this authorization to draw the funds from the Internal Revenue Matching Fund, annually.

I have approved Bill No. 31-0471, which delays the implementation of tipping fees for solid waste until January 1, 2017 so that the Virgin Islands Waste Management Authority can conduct a public education and awareness campaign on tipping fees for solid waste.

I have approved Bill No. 31-0473, which establishes the Bottle Water Act of 2016 and authorizes the Government of the Virgin Islands to enter into a public/private partnership to develop, construct, and operate a bottle water plant for distribution and sale of bottled drinking water within the U.S. Virgin Islands and to export out of the U.S. Virgin Islands.

I have vetoed Bill No. 31-0334, which creates the Centennial Living Treasure Award Program and the Centennial Living Treasure Award Program Fund. The measure mandates that the Department of Human Services, upon certifying the eligibility of a Centurion, award such person the sum of four thousand dollars (\$4,000.00), and upon their death the sum of one thousand

dollars (\$1,000.00) to go towards their burial expenses. The measure further provides that the Legislature will make an annual appropriation of twenty-five thousand dollars (\$25,000.00) to the Fund. While I commend the intent of the sponsor, I must ask the Senate if you collectively believe that we should tax our citizens and our economy to provide birthday presents to others? Is this an appropriate use tax revenues? In addition, the Department is not required to determine if the recipient is in need of such a bequest. Should a centurion of means and wealth receive this gift? Should a centurion who may not be of sound mind, who is unable to rationalize this gift; receive it? I sincerely urge the Senate to recognize Centurions through Resolutions passed by the Legislature acknowledging a centurion. For the record, survivors of persons in the territory who die and have no means to pay for their burial are now able to receive assistance from the Department of Human Services. Again, why should the government be required to pay \$1000.00 towards the funeral expenses of a centurion who passes when that centurion may have adequate life insurance, savings, means or wealth to cover the cost of their funeral expenses? Helping survivors of centurions in need is one issue; requiring the government to give cash awards to survivors of centurions without any demonstration of need is another, particularly when we are borrowing money to close the budget gap.

I have vetoed Bill No. 31-0366, which extends the length of time someone can be committed on an emergency basis from a minimum of three (3) days to a minimum eight (8) days and from a maximum of five (5) days to a maximum of ten (10) days; both amendments in subsection (c) of 19 V.I.C. § 722. The measure also increases the time a person can be committed under subsection (e) from five (5) days to ten (10) days. While I generally support mandating stabilizing care, evaluation and treatment remediation, as well as the extension of maximum holding days to ten (10), extending the minimum holding days to a mandatory five-day "emergency commitment" may place individuals who require a lesser period for stabilization as determined by a license medical practitioner to remain committed to adhere to the requirements of this bill.

I have also vetoed Bill No. 31-0367, which extends the length of time someone can be involuntarily committed from five (5) days to thirty (30) days, without considering the decision of a license medical practitioner's evaluation and prognosis of the patient. In short, if a doctor determined that a ten-day (10) period of involuntary commitment is sufficient, the patient would have to remain committed for an additional twenty (20) days to comply with the statute. The language should read "up to thirty (30) days." In addition, the measure also deletes language that required the Court to determine that the Department of Health is able to provide adequate and appropriate treatment for the individual and that the treatment would benefit the individual.

As you are aware I recently declared a state of emergency on mental health in the Territory. While the intent of the measure is good, the language as constructed will do more harm than good. My Health Commissioner is available to work with the Members of the Legislature to craft the language to advance the benefits this bill is intended to provide to our community.

I have vetoed Bill No. 31-0394, which grants a zoning variance for Plot No. 115-A Estate Green Cay, St. Croix, U.S. Virgin Islands to allow for a Veterinary Medical Clinic. The Department of Planning and Natural Resources recommended approval of the variance on the condition that no more than one person be employed other than a member of the household. It is

on that basis that I approved the requested variance and submitted it to the Legislature for your consideration. However, the measure as submitted to me does not include the most important recommendation of conditioning the variance. Without these conditions, the business owner will be permitted to conduct any depth of business without regard to any negative impact to the adjacent property owners or neighbors.

I have vetoed Bill No. 31-0465, which relates to the zoning designation of Parcel Rem, 10-A Estate Emmaus, St. John, U.S. Virgin Islands. The description of the property contained in this bill does not exist nor have any of the recommendations of the Department of Planning and Natural Resources been included.

I have vetoed Bill No. 31-0469, which repeals the length of time someone employed or under contract with the Government of the Virgin Islands granted a temporary license may practice in the Territory. The original statutory provision provided that a temporary license could only be granted for up to twelve (12) months. This measure leaves the length of time one can possess a temporary medical license up to the Board of Medical Examiners. While I support the intent of bill, the measure gives the Virgin Islands Board of Medical Examiners unfettered discretion to issue a temporary license for any length of time; one (1) year, five (5) years or even ten (10) years because herein we are removing the restriction of up to twelve (12) months. In the spirit of compromise, may I suggest we cap the issuance of a temporary license to practice medicine to not more than thirty-six (36) months.

The bill's language is also vague when referencing subsection "(a)(3)" which would require that all successful applicants shall work under the supervision of a licensed physician. This language should be more fully defined to ensure that the supervising physician possess a valid U.S. Virgin Islands medical license and that their license is not under review. Again, my Health Commissioner is available to meet with the Members of the Legislature to work on the language of this bill.

I hereby acknowledge Resolution No. 1836 (Bill No. 31-0450), which observes the 50th anniversary of the Virgin Islands Olympic Committee and honors the founding members of the Organization.

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

Sincerely,



Kenneth E. Mapp
Governor

Enclosures