



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

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

January 21, 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 Bill number(s) 31-0087, 31-0105, 31-0124, 0129, 31-0145, 31-0155, 31-0172, 31-0178, 31-0181, 31-0225, 31-0258, 31-0261, 31-0284; 31-0285, 31-0286, 31-0288, 31-0290, 31-0291, 31-0296, 31-0297, 31-0299; Resolution Nos. 1824 (Bill No. 31-0116), 1825 (Bill No. 31-0121), 1826 (Bill No. 31-0253), 1827 (Bill No. 31-0254), 1828 (Bill No. 31-0272), 1829 (Bill No. 31-0262), 1830 (Bill No. 31-0280), and 1831 (Bill No. 31-0293)

Dear President James:

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 Bills numbered 31-0087, 31-0105, 31-0124, 0129, 31-0145, 31-0155, 31-0172, 31-0178, 31-0181, 31-0225, 31-0227, 31-0258, 31-0261, 31-0284; 31-0285, 31-0286, 31-0288, 31-0290, 31-0291, 31-0296, 31-0297, 31-0299; Resolution Nos. 1824 (Bill No. 31-0116), 1825 (Bill No. 31-0121), 1826 (Bill No. 31-0253), 1827 (Bill No. 31-0254), 1828 (Bill No. 31-0272), 1829 (Bill No. 31-0262), 1830 (Bill No. 31-0280), and 1831 (Bill No. 31-0293)

I have approved the following Bills:

I have approved Bill No. 31-0105, an act amending Title 3, Virgin Islands Code, Chapter 14, section 231 requiring the Director of the Bureau of Motor Vehicles to transmit to the Director of the Virgin Islands Taxicab Commission all information pertaining to the cancellation of any insurance policy a taxicab operator is required to maintain.

I have approved Bill No. 31-0124, an act amending Title 15, Virgin Islands Code, Chapter 1, section 18, which permits a child born after the making of a will to collect from a decedent's Estate, buy authorizing the establishment of paternity through DNA testing.

I have approved Bill No. 31-0129, an act amending Title 31, Virgin Islands Code, Chapter 20, adding section 169 providing for the sale of surplus motor vehicles. This measure allows for the Territory to acquire some much needed revenue into the treasury, and it further allows for government employees and their families to be able to participate in the sale program. However, I must bring to the attention of the Legislature that the measure creates a conflict which will need to be corrected. The measure mandates that the Deputy Commissioner of the Department of Property and Procurement have the authority to sell the vehicles. Such a mandate is in conflict with the statutory authority granted to the Commissioner of the Department of Property and Procurement. We will not be able to implement this statute until the conflict of appropriate authority is resolved. I urge the Legislature to revisit this measure, and make the appropriate corrections.

I have approved Bill No. 31-0145, an act establishing a forensic crime lab in accordance with national standards and making an appropriation of \$500,000 to fund the crime laboratory. The bill provides a first phase of funding to support our law enforcement efforts through forensic science. Let us work together to work to identify additional funding to ensure that the crime lab is opened, operational, and fully accredited by national standards.

I have approved Bill No. 31-0155, an act amending Title 3, Virgin Islands Code, Chapter 1, section 8a, subsection (b) by adding a new paragraph (11) relating to the duties of the Office of Veterans Affairs in connection with inscribing names on memorials. This measure would ensure that the names of our honorable men and women who give the ultimate sacrifice in service this country will be placed on the Territory's memorials. I agree that the Office of Veterans Affairs be responsible for ensuring that the names of these individuals be perpetually memorialized in history.

I have approved Bill No. 31-0172, an act amending Title 17, Virgin Islands Code, Chapter 9, establishing a daytime curfew. This bill is timely and ensures that our students are in classrooms of instruction rather than on our streets loafing and engaging in illicit activity.

I have approved Bill No. 31-0178, an act amending Title 23 Virgin Islands Code, Chapter 9, section 605 to provide for the determination of occupancy load factor for public buildings and the posting of signage indicating their occupancy load factor. We do acknowledge that there are licensed establishments that accept patrons into their establishments at levels which cause safety issues and where there is lack of adequate exits in the event of an emergency. This measure is important and allows the Virgin Islands Fire Service to assess and make determinations on matters of public safety in licensed private establishments hosting public functions in order to protect members.

I have approved Bill No. 31-0181, which appropriates from the General Fund the sum of \$100,000.00 to the Virgin Islands Police Department for its Criminal Investigation Impress Fund. Any additional funding which would assist the Virgin Islands Police Department efforts to combat crime is welcomed providing that the funding has a proper funding source and can be maintained. Perhaps the Legislature may consider as a funding source for this measure the Community Facilities Trust Fund rather than utilize funds from the Virgin Islands Police Department's budget with funds appropriated to hire police officers.

I have approved Bill No. 31-0186. The bill appropriates the sum of \$35,000.00 from the Casino Revenue Fund to the Department of Finance as matching fund requirements of the USDA Support Service Grant Program to expand the farm to school activities in the Territory. As you are aware, the Farm to School Program is an initiative my Administration strongly supports as we have made it possible to provide additional funding and resources to the Virgin Islands Department of Agriculture. Agriculture will play a significant role in the Territory's economic diversity, and it gives an opportunity to fully commit ourselves to a healthier lifestyle which in turn reduces health care costs and health insurance premiums.

I have approved Bill No. 31-0225. The bill authorizes the use of \$90,000.00 from the Communities Facilities Trust Account for the repair and renovation of the Horace Clark Ballpark. Currently the Department of Sports, Parks & Recreation cannot provide a ballpark facility to the residents of Frederiksted nor conduct a baseball/softball program or practices due to the Paul E. Joseph and Terrence Martin Ballparks having been demolished for reconstruction. Renovating the Horace Clark Ballpark is important to serve Frederiksted athletes and particularly the children and youth of that community.

I approve Bill No. 31-0258, an act rezoning Parcel No. 10A Estate Mariendahl, No. 4 Red Hook Quarter, St. Thomas, from R-2 (Residential Low Density one and two family to B-3 (Business Scattered).

I approve Bill No. 31-0284, an act rezoning Parcel No. 48C Estate Lindberg Bay, No. 4a Southside Quarter, St. Thomas, Virgin Islands from R-1 (Residential-Low Density) to R-3 (Residential-Medium Density).

I approve Bill No. 31-0285, an act amending Official Zoning Map STZ-7 for the island of St. Thomas, rezoning Parcel No. 5-2 Estate Raphune, No. 5Ba New Quarter, St. Thomas from R-2 (Residential-Low Density-One and Two Family) to B-2 (Business Secondary/Neighborhood.

I approve Bill No. 31-0286, an act to commend the musical group R. City for the group's contribution to the music industry, designating September 27, 2016 as "R. City Day", amending Title 1, Virgin Islands Code, Chapter 7, adding section 103a to establish the official Key to the Virgin Islands.

I approve Bill No. 31-0288, an act ratifying Minor Coastal Zone Permit No. CZJ-12-14W between the Government of the Virgin Islands, Department of Planning and Natural Resources and Great Cruz Bay Home Owner's Association, Inc.

I approve Bill No. 31-0290, an act ratifying Minor Coastal Zone Permit No. CZT-09-14FL and Lease Agreement between the Government of the Virgin Islands, Department of Planning and Natural Resources and Challenger's Transport Services, Inc.

I approve Bill No. 31-0291, an act ratifying Major Coastal Zone Permit No. CZT-03-14(F) issued by the St. Thomas Committee of the Virgin Islands Coastal Zone Management Commission to Gottlieb's Quickway Service Center, Inc. and the Lease Agreement between the Government of the Virgin Islands, Department of Planning and Natural Resources and Gottlieb's Quickway Service Center, Inc.

I am vetoing the following measures:

I have vetoed Bill No. 31-0087, an act amending Title 1, Virgin Islands Code, Chapter 13 requiring that all agreements requiring ratification by the Legislature be submitted to the Legislature no less than forty-five (45) days before the effective date of the agreement. As a former member of the Legislative Branch of Government, I recognize and understand the desire for Senators to have sufficient time to review agreements they are asked to approve and ratify. However, there are times when such extensive period of time to review is not realistic, feasible or available. There are business transactions driven by time and money, and the Territory's ability to seize on those opportunities could be lost with such a mandate. Even if such a mandate were considered constitutional, it is too rigid a schedule to meet the ends the measure seeks to obtain.

Moreover, and quite simply, this measure would violate the Separation of Powers Doctrine. The Revised Organic Act of 1954, as amended, provides that the Governor may call special sessions of the Legislature. Such authority does not place any limitations of time for which the special may be called. To that end, any measure which would attempt to restrict my ability to place a matter before the Legislature would constitute a violation of the Separation of Powers Doctrine and conflict with the Revised Organic Act of 1954, as amended. As I have said before, it will not be the practice of my Administration to "sand bag" the Legislature or force them into agreements without sufficient time to conduct its due diligence.

I also veto Bill No. 31-0297, an act amending Title 32, Virgin Islands Code, Chapter 21, Article II, relating to the membership of the Virgin Islands Casino Control Commission (the "Commission"). The bill seeks to reduce the number of Casino Control Commissioners from five (5) Commissioners to three (3). I have vetoed this measure because the reduction in membership would not serve the public's interest, particularly at this time. The Commission is not presently operating as intended with sufficient input on important decisions from all of its Commissioners. Each Commissioner has an independent fiduciary obligation to provide input in the important decision-making process, and to be allowed to create sound and ethical policies. If the number of Commissioners is reduced to three (3), then the current failures of the Commission to properly function and serve the people of the Territory will be exacerbated by resulting in a

concentration of power which is detrimental to the Commission's statutory functions. This concentration of power is now negatively affecting the business of the Commission, and has become the catalyst for an audit investigation and an oversight review by the Office of the Inspector General and the Department of Justice, respectively. Given the complexity of a number of issues facing the Government regarding the Commission, having less members is not the way to go at this time. Soon I will be sending a new nominee for your advice and consent given that the terms of two of the Commission members expire in June 2016. Finally, as the audit of the Commission proceeds, it is prudent that we await the results of the audit before making any far-reaching changes to the organizational structure of this entity. Accordingly, I must veto this measure.

I have vetoed Bill No. 31-0299, an act amending Title 33, Virgin Islands Code, Chapter 111 pertaining to Government funds establishing the Legislative Reinvestment Initiative Fund. On January 14, 2016, I received correspondence from the Senate President requesting that I veto Bill No. 31-0299 after both us consulted on the matter. In light of this request, I have vetoed Bill No. 31-0299.

I hereby acknowledge the following Resolutions:

Resolution No. 1824—A Resolution petitioning the United States Congress to offer full care medical services in the Virgin Islands for veterans living in the Virgin Islands;

Resolution No. 1825—A Resolution honoring and commending former Senator Bingley G. Richardson, Sr. for his career accomplishments and contributions to the Virgin Islands through his service in government, the marine industry, media, culture, and the arts;

Resolution No. 1826—A Resolution recognizing, honoring, and commending Retired Police Corporal Renholdt "Rookie" Jackson for his contributions and years of service with the Virgin Islands Police Department and his continued outstanding and dedicated service to the community and to the people of the Virgin Islands;

Resolution No. 1827—A Resolution honoring and commending Delyno "Pressure" Brown for his outstanding achievements in reggae music;

Resolution No. 1828—A Resolution honoring and commending Mr. Winthrop A. Hector, Sr. on the celebration of his centennial anniversary;

Resolution No. 1829—A Resolution to honor and commend Mr. Irvin "Brownie" Brown for over 50 years of radio broadcasting device, and for many other contributions to the people of the Virgin Islands;

Resolution No. 1830—A Resolution to amend Rule 601 of the rules of the Thirty-First Legislature of the Virgin Islands; and

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Resolution No. 1831—A Resolution honoring and commending Stanley Jacobs for his outstanding public service and his pioneering contributions in folkloric local music and culture.

Sincerely,



Kenneth E. Mapp
Governor

Enclosures