

COMMITTEE ON RULES AND JUDICIARY

09/15/2020-AMENDED AND REPORTED OUT TO THE FLOOR
02/27/2020-HELD

BILL NO. 33-0211

Thirty-Third Legislature of the Virgin Islands

October 18, 2019

An Act amending title 3, chapter 16, section 273 of the Virgin Islands Code by establishing minimum criteria for Public Services Commission members and changing the number of its members

PROPOSED BY: Senators Alicia V. Barnes, Kenneth L. Gittens and
Javan E. James
Co-sponsor: Stedmann Hodge, Jr.

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 3 Virgin Islands Code, chapter 16, Section 273 (b) is amended
3 by: (1) “inserting appointed by the Governor with the advice and consent of the Legislature”
4 after “nine members”

5 (2) Striking paragraph (1);

6 (3) In paragraph (2):

7 (A) striking “Two members of the Legislature appointed by the President,
8 one a resident of the District of St. Thomas-St. John, and one a resident of the District
9 of St. Croix, who shall serve as nonvoting members. Of the seven members appointed
10 by the Governor, three”; and inserting in its place “Four”;

1 (B) striking the word “three” where it next appears in the sentence and
2 inserting “four” in its place;

3 (C) after “St. John” inserting an exception clause that reads: “however, a
4 maximum of three board members may reside on the United States mainland.
5 Members residing on the United States mainland shall have either been born in the
6 U.S. Virgin Islands or graduated from a U.S. Virgin Islands’ high school or the
7 University of the Virgin Islands.”

8 **SECTION 2.** Title Virgin Islands Code, chapter 16, Section 273 (c) is amended by
9 striking “four” and inserting “five” in its place; by striking “appointed by the Governor” and
10 inserting in its place, “with at least one member who is a resident from St Croix”; by inserting
11 a third sentence that reads “Virtual attendance of Commission meetings is allowed, and
12 members attending virtually are included in the quorum count.”; and by striking the word
13 “three” and inserting in its place “four of the”.

14 **SECTION 3.** Title 3 Virgin Islands Code, chapter 16, section 273 (f) is amended by
15 striking “\$50” and inserting in its place “\$100”; and by inserting “Members residing on the
16 United States mainland shall attend regular meetings of the Commission virtually” at the end
17 of the section.

18 **SECTION 4.** Title 3, Chapter 16, Section 273 of the Virgin Islands Code is amended
19 by adding sections as follows:

20 “(h) The Commission may sue and be sued in its own name. The Commission
21 may retain counsel for its representation, notwithstanding Title 3, Section 114 of the Virgin
22 Islands Code.

23 (i) Members of the Commission must have training and experience in at least one
24 of the following categories:

1 (1) Engineering, Power Generation, Energy or Natural Resources
2 Conservation; or

3 (2) Economics, Accounting, or Finance; or

4 (3) Public Administration, Telecommunications, or Law; or

5 (4) Solid Waste Engineering, Solid Waste Management, Water
6 Treatment, or Environmental Protection.

7 (j) (1) No member of the Commission may have any financial interest in, or be
8 an agent or employee of, any public utility, as defined in 30 V.I.C., § 1

9 (2) If any member acquires a financial interest in, or becomes an agent or
10 employee of, any public utility, that member shall cease to be a member of the
11 Commission unless the member, within 60 days of acquiring the financial interest or
12 the position, divests himself of the financial interest or the position.

13 (3) For purposes of this subsection, “financial interest” means financial
14 interest as defined in 3 V.I.C., §1101(1)

15 (k) (1) No member of the Commission may be an immediate family member of a
16 person serving in an executive capacity at a public utility subject to regulation by the
17 Commission.

18 (2) For purposes of this subsection,

19 (A) An immediate family member means a spouse, parent, child,
20 aunt, uncle niece or nephew.

21 (B) A person serving in an executive capacity means a person who
22 holds any of the following titles at a public utility:

23 (i) Chief Executive Officer or Assistant Chief Executive;

24 (ii) Chief Financial Officer or Assistant Chief Financial
25 Officer;

1 (iii) Chief Operating Officer or Assistant Chief Operating
2 Officer;

3 (iv) Executive Director or Assistant Executive Director;

4 (v) President;

5 (vi) Vice President; or

6 (vii) Any other senior management position responsible for
7 strategic and tactical management of any portion of the public utility.

8 (1) (1) No person serving in an executive capacity at a public utility may serve as
9 a member of the Commission for at least two years after leaving employment with the public
10 utility;

11 (2) No more than four members may be from the same political party;

12 (3) No member may hold any other public office or an elected office in
13 the local or federal government; and

14 (4) (A) No member may raise funds or solicit contributions for any
15 political candidate or political party, or actively campaign for any candidate for public
16 office, except that a member may actively campaign for an immediate family
17 member.

18 (B) The mere attendance of a member at a political event or
19 politically oriented event does not constitute a violation of paragraph (1).

20 (5) No member may enter into an employment relationship, a consulting
21 or representation agreement, or other similar contract or agreement with either an
22 entity regulated by the Commission or a subcontractor of the entity for a period of
23 one year after the member ceases to serve as a member of the Commission.”

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Bill Summary

This Bill amends title 3, chapter 16, section 273 of the Virgin Islands Code by establishing minimum criteria for Public Services Commission members and changing the number of members on the Commission.

BR19-0779/October 2, 2019/LMW/Reviewed by EEM