

Acting Governor's Action on bills numbered:
32-0054, 32-0093, 32-0097, 32-0102,
32-0126, 32-0132, 32-0136, 32-0137,
32-0143, 32-0155, 32-0165 and Resolution
1842 (Bill No. 32-0166)



Received By: BATHISE, LYLO

THE UNITED STATES VIRGIN ISLANDS

Date: 4/10/18

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

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

Time: 18:29

January 10, 2018

OFFICE OF THE
SENATE PRESIDENT
18 JAN 10 PM 8:41
SENATOR
MYRON D. JACKSON

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 32-0054, 32-0093, 32-0097, 32-0102,
32-0126, 32-0132, 32-0136, 32-0137, 32-0143, 32-0155, 32-0165, 32-0166**

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 below referenced legislative bills.

I have approved Bill No. 32-0093 establishing anti-doping statutes to be enforced by the Virgin Islands Horse Racing Commission in the horse-racing industry and allocating funds received from the racino tax. As we continue to build our horseracing industry, this measure further ensures the integrity of the industry in the Territory.

I have approved Bill No. 32-0097, a act barring the cancellation of voter registrations except in the case of the voter's death.

I have approved Bill No. 32-0132 which amends Title 15 Virgin Islands Code by enacting the Uniform Fiduciary Access to Digital Assets Act.

I have approved Bill No. 32-0143 granting a zoning use variance from C (Commercial) zoning to Plot No. 45-A Estate Glynn, King Quarter St. Croix, Virgin Islands, consisting of approximately 0.2755 acres to bring into compliance the current use of the two-story residence as a halfway house by the property owner, Seventh Day Adventist-North Caribbean Conference. This use variance allows the property owner to renovate the residence and offer outreach services to approximately 12 individuals including ex-inmates, homeless veterans and others requiring transitional housing, counseling and daily-life skills for their successful integration into society.

I have approved Bill No. 32-0126, Lease Agreement between the Government of the Virgin Islands, Department of Property and Procurement and Cruzan Group, LLC d/b/a AY-AY Palace;

I have approved Bill No. 32-0155, Minor Coastal Zone Permit No. CZJ-22-16(W) issued to WVJD, LLC to install four swimming buoys spaced approximately 40 feet apart, and one channel marker to create a 190-foot wide swimming area and a 38-foot wide dinghy access channel seaward of Parcel No. 4A Estate Cruz Bay, St. John, Virgin Islands and authorizes the installation of two private moorings a minimum of 15 feet from the swimming area; and,

I have approved Bill No. 32-0165, Major Coastal Zone Permit No. CZX-2-16(W) issued to Carden Beach Recreation Association, Inc. to replace the wooden deck on the 120-feet by 8-foot wide approach bridge, which has a 110-foot long by 9-foot with T-head dock, and to allow the Permittee to remove the uncolonized debris and piles from the previously installed boat lift and replace the decking, and to span the area with the missing pile cap using aluminum beams on an area located offshore of Plot No. 21 Estate Coakley Bay, East End "B" Quarter, St. Croix, Virgin Islands.

I have vetoed Bill No. 32-0054, an act granting the Supervisor of Elections the authority to set places, days and times for early voting. Early voting has become another vehicle for electors to be able to exercise their fundamental right to cast a vote in elections. Title 18, Virgin Islands Code, Section 94a(b) mandates that the Supervisor of Elections designate early voting sites no later than thirty (30) days before an election; and subsection (d) mandates that early voting begins on the 14th day before an election and ends on the 3rd day before an election, and must provide for no less than 8 hours and no more than 12 hours per day at each early voting site. However, the bill before me removes all of these statutory mandates and leaves the early voting structure to the unfettered discretion of the Supervisor of Elections with the approval of the Board of Elections. While the right to early voting has not been repealed, this measure does not provide for any statutory or regulatory guidelines which would ensure the electors' fundamental right to free access to the voting booth. The measure simply does not ensure that voters are provided some certainty for early voting. Accordingly, to ensure that the fundamental right to access to voting is not abridged, I must veto this bill.

I have vetoed Bill No. 32-0102, an act to repeal Act No. 6110 §10 and Act. No. 6463 §25, the provisions that allow persons who are receiving a retirement annuity from the Government Employees Retirement System ("GERS") to return to work for the Government of the Virgin Islands without making contributions to the GERS. While I believe that it is absolutely necessary for us to address the GERS unfunded liability, we must do so in a manner that is clear and designed to adequately address the issues plaguing the GERS. The measure before me is far-reaching. The lack of a proper impact assessment on how the mandates of this bill will affect the Territory's ability to provide services while balancing the protection of the retirees gives me great concern. Our ability to save our pension system must be done with our ability to be fair and objective to all stakeholders. Accordingly, I must veto this measure as I believe it requires more work on the impact it will have if enacted into law.

Acting Governor Osbert E. Potter's Letter to Senate President Myron D. Jackson

Re: Governor's Action on Bills numbered 32-0054; 32-0093; 32-0097; 32-0102; 32-0126; 32-0132; 32-0136; 32-0137; 32-0143; 32-0155; 32-0165; and Resolution No. 1842 (Bill No. 32-0166)

January 10, 2018

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I have vetoed Bill No. 32-0136 which clarifies existing provisions contained in the Hotel Development Act ("HDA") and adding new sections. The bill provides for an expansion of the economic development financing tools for hotel development by allowing the combination of Tax Increment Financing and Hotel Development Act sources of revenues to facilitate economic activity and jobs in the Virgin Islands. However, the language in the bill regarding a statutory lien is faulty and problematic as it is inadequate to create an enforceable statutory lien under the Federal Bankruptcy Code. Consequently, as there are no appropriations in this bill that would allow for me to line-item veto the statutory lien section, I have no choice, but to veto the bill in its entirety.

I have vetoed Bill No. 32-0137, an act amending Title 29 Virgin Islands Code, chapter 22 pertaining to Tax Incremental Financing for the same reason that I have vetoed Bill No. 32-0136. The measure includes language that is faulty and problematic and inadequate to create an enforceable statutory lien under the Federal Bankruptcy Code.

Finally, I acknowledge Resolution No. 1842 (Bill No. 32-0166) reorganizing and reestablishing the Majority Caucus, the officers, chairpersons, vice-chairpersons and memberships of the standing committees of the Thirty-Second Legislature.

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

Sincerely,



Osbert E. Potter
Acting Governor

Enclosures



The United States Virgin Islands

Office of the Governor
Government House
No. 5047 Kongens Gade
Charlotte Amalie
St. Thomas, U.S. Virgin Islands 00802-6457

OFFICE OF THE
SENATE PRESIDENT
18 JAN 10 PM 8:41
SENATOR
MYRON D. JACKSON

HAND DELIVERY TRANSMITTAL RECEIPT

TO: Hon. Myron D. Jackson
Senate President
32nd Legislature of the Virgin Islands
Capitol Building, Charlotte Amalie
P.O. Box 1690
St. Thomas, USVI 00804

DATE: Wednesday, January 10, 2018

Document:

- Acting Governor Osbert E. Potter's Letter to Senate President Myron D. Jackson
 - Re: Acting Governor's Action on bills numbered:
 1. 32-0054
 2. 32-0093
 3. 32-0097
 4. 32-0102
 5. 32-0126
 6. 32-0132
 7. 32-0136
 8. 32-0137
 9. 32-0143
 10. 32-0155
 11. 32-0165
 12. Resolution 1842 (Bill No. 32-0166)
 - Return of Bill No. 32-0010:
 - Return of Original Overridden Vetoes - Act Nos. 8016, 8017, 8018, 8019

Received by: LYBAYTIS

Sign Name: [Signature]

Date Received: 1/10/18

Time Received: 18:28