

No Votes Taken to Amend V.I Code as Legislative Symposium Meets for the Second Time

Departments and agencies propose updates to Virgin Islands Code, including changes to overtime pay, firearm regulations, and vehicle license plate enforcement.

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Work to update antiquated sections of the Virgin Islands Code continued on Monday morning with the second leg of the Legislative Symposium. Hosted by Senator Diane Capehart, chair of the Committee on Rules and Judiciary, the symposium aims to “expedite proposed amendments to the sections of the Code that directly impact each department's operations and functions.”

?This time around, seven government entities were invited to testify on sections of the Code that they identified as needing reform. Among the invited agencies were the Department of Justice, Department of Personnel, Bureau of Motor Vehicles and V.I Fire and Emergency Medical

Services. Several of their proposals are in addition to the approximately [1,000 required changes](#) that Code Revisor Iver Stridiron has already pinpointed.

Apart from listening to testimony, Senator Capehart intended for committee members to vote on approximately 10 bills that facilitated minor changes to the V.I Code, arising from what Legislators “talked about in the symposium on Monday.”

Some lawmakers were not keen on pressing ahead with immediate legislative changes, despite Senator Capeheart’s eagerness to vote through some amendments. Senator Angel Bolques, who was not present during the [first iteration of the meeting](#), noted that “when we discuss these suggested changes to the laws, it’s crucial that we understand that this isn’t something that we should rush.” It’s a reality that is understood by several stakeholders, with Mr. Stridiron explaining that the process could outlive several Legislatures.?

“Each section of the code needs to be carefully reviewed and debated upon, or we may risk making hasty decisions that could have long-lasting unintended consequences,” warned Mr. Bolques. He encouraged “examination, stakeholder participation, [and] opponents who can present their perspective” to ensure all proposed amendments are “well informed, balanced and legally sufficient.”?

He made these remarks after listening to testimony from the entities highlighted above, including the Division of Personnel which suggested changes to Title 3 V.I.C. Section 560, relating to overtime, holiday pay and compensatory time. The recommended change would ensure that “overtime for employees shall only be accrued for all hours in excess of 40 hours per workweek.” “This change will align our government with the standard federal overtime policy under the Fair Labor Standards Act,” explained DOP’s director, Cindy Richardson.?

It was among a long list of proposals from the department, including another change to Section 560, stipulating that “compensatory time off shall be taken within six months after the date upon which such time was earned.” Another recommendation includes clarifying the role and function of both the Government Employees Services Commission and the Health Insurance Board.

Attorney General nominee Gordon Rhea tabled proposals on behalf of the Department of Justice. Notable among them was a request to amend Title 23 V.I.C. Section 481 by adding one sentence, thereby making possessing a firearm without a serial number illegal in the Virgin Islands. “Ghost guns are being produced without serial numbers, and those guns are entering the territory,” Mr. Rhea said. Aware of the magnitude of the task being undertaken by the Committee on Rules and Judiciary, Mr. Rhea suggested “[establishing] committees composed of representatives from the affected agencies and the Legislature to conduct this level of scrutiny.”

The laundry list of proposed amendments by the Bureau of Motor Vehicles will also require scrutiny before any changes to the law could be made. BMV’s assistant director Patrick Sprauve says the Bureau knows that “dealers are utilizing [dealer] plates for their personal use,” and therefore proposes additions to Title 20 Chapter 33 Section 336 “to give law enforcement the authority to remove and confiscate license plates from vehicles that are in violation.” The practice leads to liability issues, Mr. Sprauve explained. “These vehicles are not insured, therefore, in the event of an accident, no one will be compensated,” he told lawmakers.

?Senator Kenneth Gittens also used his time to question how the revision process was being facilitated. First, he argued that the scope of work was too ambitious for the allotted time frame. “I’m not going to even attempt trying to flesh out seven agencies before us in seven minutes. Totally impossible,” he remarked.

Next, he questioned the legislative method being used. "Some of these things shouldn't be in the form of an amendment. It should be in bill form, so that it could be before the proper committee, so that we could do the total fleshing." Expressing appreciation for Ms. Capeheart's good intentions, he opined that a more granular approach was needed. "It is the responsibility of the agency head to submit to the Legislature any respective amendments that they need to help them with the operations of their department," Mr. Gittens noted. "Doing it in this manner is just convoluted, and this is how we make mistakes," he argued.

?The agency heads before the committee admitted that they had not submitted any of their recommended statutory changes to the legislature previously. Nevertheless, Ms. Capeheart insisted that while the entire process was a lengthy one, her committee was ready to begin passing some of these legislative tweaks right away. "There will probably be five amendments we voted on today, not all the 99 you may have before you. This is just a start," she declared. "We're going to have lunch and we're going to talk about these amendments, then we're going to come back on the floor, and then we're going to vote on those that legal counsel has already approved."

Senator Marise James struck somewhat of a middle ground. "We can clearly in this committee...clean up through this symposium, a lot of the antiquated language," she offered, while suggesting that "anything that's substantive" be sent to the relevant committee for more in-depth vetting.?

By the end of the round of questioning, the committee chair had changed her mind about moving ahead with votes, and adjourned the meeting instead. "I don't want to shove nothing down nobody's throat," said Senator Capeheart. "Because these are some impactful amendments that may have repercussions." She promised that working groups would be convened "behind the scenes" to consider the over 100 amendments already received. "This is just the beginning," Senator Capeheart declared.