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Bryan Approves Mental Health Education, Election Funding and Housing-Related Measures, Vetoes Sections on Candidate Eligibility and Sign Fees

The governor acted on bills passed May 28, approving measures on mental health instruction, paid leave for parents of children with disabilities, green waste disposal, C-PACE, election funding, GERS and hospital financing, zoning and honor bills.

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Governor Albert Bryan Jr.

Governor Albert Bryan Jr. has acted on a series of bills passed by the Thirty-Sixth Legislature during its May 28 session, approving measures addressing mental health education, paid leave for parents of children with disabilities, election operations, green waste disposal, public school

maintenance, GERS, healthcare facilities, zoning, land transfers and recognition of several Virgin Islanders.

In a June 10 transmittal letter to Senate President Milton Potter, the governor said he had acted on Bill Nos. 36-0009, 36-0114, 36-0133, 36-0149, 36-0191, 36-0207, 36-0232, 36-0236, 36-0238, 36-0248, 36-0257, 36-0266, 36-0268, 36-0270, 36-0275, 36-0283, 36-0288, 36-0289, 36-0291 and 36-0294.

Among the measures approved was Bill No. 36-0133, which amends Virgin Islands law to provide for mental health education and instruction. Governor Bryan also approved Bill No. 36-0207, which requires employers to grant parents or legal guardians of a child with a diagnosed disability four hours per month of paid leave to attend the child's medical appointments.

The governor also approved Bill No. 36-0232, which authorizes the disposal of green waste using controlled incineration technologies, including air curtain incinerators.

Bill No. 36-0238 was also approved. The measure redirects hotel development net bond proceeds to the Government Employees' Retirement System of the Virgin Islands and the Virgin Islands Government Hospitals and Health Facilities Corporation.

In approving the bill, Governor Bryan described it as "a well-intentioned piece of legislation," but said it should be clarified so that whether or not the hotel assets are sold, they become the property of the retirement system once the debt obligation is met. He said that clarification "would ensure greater solvency for our retirees and the system on a whole."

Governor Bryan also approved Bill No. 36-0248, the Commercial Property Assessed Clean Energy Act, known as C-PACE. However, he said implementation should not move forward until additional policy protections are in place.

Before any assessment contracts are approved, the Virgin Islands Energy Office must promulgate rules and regulations governing the administration of C-PACE. At a minimum, those rules must require that financing entities are properly licensed to conduct business in the territory and registered with Banking and Insurance; that property owners are advised of the financial impact of any C-PACE agreement, including the effect of a priority lien; that construction estimates are prepared by licensed professionals and evaluated for reasonableness; and that construction is performed by licensed contractors in compliance with applicable building codes.

Governor Bryan said "it would have been prudent to include these provisions in the original bill" and said he trusts that the Legislature will make the amendments.

The governor also approved Bill No. 36-0283, which limits income tax refunds for economic development program beneficiaries. He said the measure "stands to secure our coffers against double dipping by beneficiaries and ensuring that we can pay the refunds to our constituents in a timely manner."

Bill No. 36-0294 was also approved, appropriating \$400,000 from the General Fund of the Treasury of the Virgin Islands to the Election System of the Virgin Islands. The appropriation allows the primary election to be conducted before the general election.

Governor Bryan also approved Bill No. 36-0236, a broader measure that addresses several matters. The bill increases the amount of money that must remain in the Virgin Islands Insurance Guaranty Fund before any interest can be deposited into the General Fund, amends limitations on

political contributions, incorporates several St. Croix roads into the public road system, appropriates \$2.1 million to the Bureau of School Construction and Maintenance for school facility maintenance, appropriates \$100,000 to the Department of Sports, Parks and Recreation for the Virgin Islands Senior National Women's Basketball Team, and amends early voting provisions.

However, the governor line-item vetoed Section 3 of Bill No. 36-0236, which dealt with ineligibility for public office. While he said "ensuring the capacity and integrity of our public officials is a worthy objective," he encouraged revisions "to ensure clear legislative intent, consistent and uniform implementation, and to minimize the risk of candidate certification challenges and related litigation."

Governor Bryan said additional consideration should be given to clearly defining the scope of the law's applicability to district, territorial and Delegate to Congress races, if such coverage is intended. He also said the measure should define the mental impairments that would disqualify a candidate from seeking or holding office and establish a process for making those determinations.

The governor further stated that if the intent is for candidates to undergo fingerprint-based criminal background checks, the bill should include statutory language necessary to authorize access to FBI records, such as requiring applicants to "submit to a national criminal history check" or "submit fingerprints to the FBI" for screening purposes.

He also noted that the bill requires three separate items to verify that a candidate is not ineligible based on conviction for a disqualifying criminal offense: a criminal history report, a verified background check, and a signed and notarized affidavit. Those requirements, he said, "appear cumbersome, redundant, and may impose unnecessary costs on candidates, potentially creating a financial barrier to seeking office."

Governor Bryan also said lawmakers should seek further clarity on crimes of moral turpitude and list them in the definitions to reduce litigation. He said the bill should also establish a clear process for determining a candidate's disqualification and, when applicable, for the removal or expulsion of an elected official found to be ineligible to hold office.

The governor also line-item vetoed Section 9 of Bill No. 36-0236, concerning the omission of non-commercial signs from political fees. He said "road signs can be an ugly impediment to our territory's natural beauty and fines or fees are necessary to maintain order for the erection and removal of such signs in a timely manner."

Several zoning measures, a lease agreement and a land transfer were also approved.

Bill No. 36-0266 rezones Parcel 15 Estate Susannaberg, No. 17A Cruz Bay Quarter, St. John, from R-4 Residential-Medium Density to R-3 Residential-Low Density.

Bill No. 36-0268 grants a zoning use variance from the P Public zoning designation for Parcel No. 300-B Revised Cruz Bay Town, Cruz Bay Quarter, St. John.

Bill No. 36-0270 rezones Parcel Nos. 11-F and 11-G Estate Penitentiary Land, Company Quarter, St. Croix, from R-3 Residential-Medium Density to P Public.

Bill No. 36-0288 rezones Plot Nos. 242, 243, 563 and 564 Estate Strawberry Hill, Queen Quarter, St. Croix, from R-2 Residential-Low Density-One and Two Family to R-4 Residential-Medium Density.

Bill No. 36-0289 grants a zoning use variance from the R-2 Residential-Low Density-One and Two Family zoning designation for Plot No. 395 Estate Whim, Westend Quarter, St. Croix.

Bill No. 36-0291 grants a zoning use variance to Plot No. 295-D-2 Estate Barren Spot, King Quarter, St. Croix, to allow for warehouse and storage services.

Bill No. 36-0275 approves the amended lease agreement between the Government of the Virgin Islands, acting through the Commissioner of the Department of Property and Procurement, and Hearts In Service Association, Inc., for the leasing of Parcel No. 175C Estate Anna's Retreat No. 1 New Quarter, St. Thomas. The property will be used to provide eligible programs and services to homeless families, individuals, veterans and at-risk youth, and for the operation of a soup kitchen and related purposes.

Bill No. 36-0257 transfers Parcel No. 2C Estate Ross, 8 New Quarter, St. Thomas, from the Virgin Islands Housing Finance Authority to the Virgin Islands Department of Education for use by the Charlotte Amalie High School.

Governor Bryan also approved several honor bills.

Bill No. 36-0009 honors and commends Steven van Beverhoudt for his years of dedicated service and numerous contributions to the people of the Virgin Islands and names the Office of the Virgin Islands Inspector General building "The Steven van Beverhoudt Inspector General Building."

Bill No. 36-0114 honors and commends Dilsa Capdeville for her contributions to the Virgin Islands community through social services and advocacy for abused women and children, and names the Bolongo Bay Head Start Facility the "Dilsa Capdeville Head Start Facility."

Bill No. 36-0149 honors and commends Janeisha John for her achievements, pioneering spirit and contributions to entertainment, modeling and television production, while recognizing her role as a cultural ambassador, trailblazer and inspirational leader of the Virgin Islands.

Bill No. 36-0191 honors and commends Detective Delberth Phipps Jr. posthumously for his service with the Virgin Islands Police Department and the Virgin Islands community. The measure renames the portion of Hospital Gade where it intersects with Veterans Drive, at the Alexander Farrelly Criminal Justice Complex, to the beginning of Maude Proudfoot Drive, the "Detective Delberth Phipps, Jr., Memorial Street."

Governor Bryan also acknowledged Resolution No. 1926, Bill No. 36-0194, urging the United States Congress and the Office of the United States Trade Representative to expand and modernize the Caribbean Basin Initiative to further support economic growth and development in the Virgin Islands and the wider Caribbean region.

He also acknowledged Resolution No. 1927, Bill No. 36-0297, petitioning the United States Congress to express support for and solidarity with Taiwan in its effort to gain meaningful participation in international organizations.

Finally, Governor Bryan thanked the Legislature for its favorable action on the nominations of the Honorable Denise M. Francois as Associate Justice of the Supreme Court of the Virgin Islands and Attorney Renee M. Andre as Judge of the Superior Court of the Virgin Islands in the District of St. Thomas and St. John.

"I wish to express my gratitude to the members of the Thirty-Sixth Legislature for their work on behalf of the people of the Territory," Governor Bryan wrote.

