

Violet Wins Vote to Send Southland Bill Back to Committee, Leaving St. Croix Racetrack Plan in Limbo

Ten senators backed Kurt Violet's motion to send Bill 36-0313 to the Budget Committee, delaying a final vote while lawmakers seek changes to gaming exclusivity, revenue sharing, financial analysis and the proposed live racing agreement before passage.

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Sen. Kurt Violet appears alongside horse racing imagery and an aerial view of the current Randall "Doc" James Racetrack site, where the proposed Southland Gaming development remains under legislative review.

A majority of senators on Wednesday declined to take the expected final vote on the Southland Gaming racetrack package, instead sending Bill 36-0313 to the Committee on Budget,

Appropriations and Finance for additional review of provisions including electronic-gaming exclusivity, revenue sharing, financial analysis and the proposed live racing agreement.

The measure had received a lengthy hearing before the Committee of the Whole on Monday, and lawmakers were expected to decide its fate during Wednesday's legislative session. When the bill came up, however, Senator Kurt Vialet moved to assign it to committee.

Senators Marvin Blyden, Novelle Francis, Hubert Frederick, Kenneth Gittens, Marise James, Franklin Johnson, Clifford Joseph, Avery Lewis and Milton Potter joined Sen. Vialet in voting yes.

Senators Dwayne DeGraff, Carla Joseph, Alma Francis Heyliger and Ray Fonseca voted against the referral.

Senator Angel Bolques Jr. did not vote. He told his colleagues that he had expected lawmakers to reach a decision Wednesday, particularly because several amendments were expected to be offered.

"I thought we were trying to find a solution today. However, when it does go to the committee, I'll be more than willing to support and do what I need to do as a legislator in this body to make sure that we find a solution," Sen. Bolques said.

Sen. DeGraff, who opposed sending the bill to committee, argued that lawmakers had already had "ample time to make this decision before." He acknowledged that whatever course the Legislature takes, it would "always have a backlash."

Sen. Vialet stressed that the referral should not be interpreted as an effort to kill the legislation.

"The bill is not dead, and the members had no intention of killing this particular measure because we understand the importance of horse racing and the importance of the industry," he said.

He pointed to previous instances in which major legislation was delayed and amended before returning as a "better bill for the people of the Virgin Islands."

Among the changes that had been expected Wednesday was an amendment in the nature of a substitute.

Sen. Vialet said several parts of Bill 36-0313 still require closer examination, particularly the provisions granting Southland Gaming exclusivity over certain electronic gaming operations.

"For this body to enter into any agreement with that type of exclusivity, you tying the hands of every other Legislature after this one," he said.

He also criticized the absence of what he described as a sufficient "financial analysis to make a determination as to what the government is receiving." Senator Marvin Blyden raised a similar concern.

Sen. Vialet also questioned the disparity between the proposed five-year franchise term and a 20-year exclusivity term, asking Southland Gaming to "revisit that particular section."

He requested clearer definitions of various provisions in the package as well as "performance standards" that would factor into any renewal period.

Another issue was the proposed 75/25 revenue split, under which Southland Gaming would retain 75 percent of certain revenues while the remaining 25 percent would be distributed among several purposes, including horse-racing purses.

Sen. Violet also continued to insist that the live racing agreement negotiated between Southland Gaming and the horsemen be incorporated into the franchise agreement and therefore subject to legislative ratification.

“This wasn’t a vote ‘no’ to horse racing. This is a vote ‘yes’ to horse racing, but let’s get the bill right,” he said. “We’re asking for Southland Gaming to cooperate, to be that good corporate business person that they have been on St. Thomas.”

The referral now places Bill 36-0313 before the Committee on Budget, Appropriations and Finance, but no hearing date was announced Wednesday.

Sen. DeGraff asked that a date be provided immediately. Senate President Milton Potter responded that one would be announced later.

Senator Alma Francis Heyliger called the lack of an immediate date a “ridiculous stall tactic.”

“I hope this is not another situation where it goes into that particular committee, and all of a sudden, an election roll around, and not a thing happen before this entire Legislature done, because I’ve witnessed it before,” she stated.

Senator Marise James also raised a legal question that could affect how lawmakers approach revisions to the agreement. She asked legislative counsel whether the Legislature could “unilaterally” alter terms of an agreement negotiated between the executive branch and another party — in this case, Southland Gaming.

The attorney answered no.

Bill 36-0313 concerns the construction and operation of the territory’s two racetracks, franchise agreements tied to those facilities and provisions governing electronic gaming, including exclusivity rights. The measure will now remain in committee while lawmakers continue examining the disputed provisions.