

The Virgin Islands Consortium

Bryan Signs Nearly Two Dozen Bills Into Law, Vetoes 6, Including Measure Giving PSC More Oversight Power Over WAPA

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Aerial shot of WAPA's Richmond, Christiansted power plant. By. ERNICE GILBERT FOR VI CONSORTIUM

Government House said Tuesday that Governor Albert Bryan on Monday signed 23 bills into law while vetoing six measures, including a bill aimed at giving the Public Services Commission [more oversight strength](#) over the V.I. Water and Power Authority.

Bill No. 33-0055, sponsored by Senator Janelle Sarauw in collaboration with a number of other lawmakers, also sought to give the commission oversight of wireless

telecommunication providers, though that authority would be limited to service issues only. For example, if the PSC reasonably suspects a pattern of customer abuse, the commission may, on its own motion, initiate investigations into the activities of wireless telecommunications providers offering cellular service.

According to Government House, Mr. Bryan vetoed Bill No. 33-0055 because it is “overly punitive and overly expensive” and because “its overreach conflicts with federal law.” The governor said one of his biggest concerns with the bill is that it sets up the PSC as an autonomous agency and, as such, would fund the agency through charges, penalties and fees to the utilities that will be passed on to the ratepayers. The administration did not cite which federal law the measure is purported to violate.

During a hearing in November, Ms. Sarauw said a court ruling indicated that the PSC could not regulate as it should because the V.I. Legislature did not give the commission such authority. She said lawmakers have been working on Bill No. 33-0055 since the 32d Legislature.

"The bill is a bipartisan effort. It's an effort of the institution and really not of me," said Ms. Sarauw during the November hearing, pointing to Senator Novelle Francis, who she said added the portion of the measure relating to telecommunications firms, along with contributions from Senators Allison DeGazon and Alicia Barnes.

Governor Bryan said the cost of the would-be law would fall on taxpayers. “Our V.I. residents do not need to add the cost of maintaining the PSC to their utility bills, whether electricity, water, waste management, communication or internet bills. On behalf of the people of the Virgin Islands, this is not acceptable, and the Legislature needs to fund the PSC fully and its consulting and investigative fees to not add a greater burden on the utility companies and the V.I. residents.”

Other action

Among the bills Mr. Bryan approved was a measure providing amnesty for property owners who have enclosed portions of their homes without submitting building plans. The governor also approved a bill providing tax incentives to businesses that employ persons with disabilities; a bill pertaining to online learning requirements; and an amnesty period until June 30, 2021, waiving penalties for people who have not paid income taxes.

Regarding Bill No. 33-0360, which pertains to setting and implementing standards and requirements for online learning, Mr. Bryan noted that the Virgin islands Department of Education already is in compliance with the new regulations through recovery funds from the COVID-19 State of Emergency, according to Government House.

“I must raise the concern that funding will require constant attention in the future for the continued compliance with this Act on behalf of our children,” wrote the territory's leader in his transmittal letter to the Legislature. “As the pandemic has caused the need that propelled the Virgin Islands education system forward with technological advancement, I encourage the Board of Education and the Department of Education to fully develop the policies to effectuate the intent of the Act.”

The governor also approved Bill No. 33-0367, which relates to the composition of and the new duties for the Commission on Aging. However, he noted that some of the

government departments required in the new commission are not necessary to its goal, and he said what is more important is that the commission meet and carry out its mandates to establish programs that meet the needs of aging residents, according to Government House.

Mr. Bryan also expressed reservations about Bill No. 33-0369, which authorizes the appropriation of \$20,000 from the St. Thomas Capital Improvement Fund for the removal of the bust of King Christian IX from Emancipation Garden and replacing it with “The Conch Shell Blower” statue.

“I must reiterate the cautions testified to by the Virgin islands Council on the Arts that the statue ‘The Conch Shell Blower’ is not appropriate in shape and style to replace the bust of King Christian IX at the location in Emancipation Garden,” he wrote. “Additionally, the appropriation of \$20,000 for the relocation of the two statues will most likely fall short of the cost of the project.”

Governor Bryan also approved Bill No. 33-0438, which comprises four separate legislative items:

- Appropriating \$75,000 from the Centennial Special Fund to the Department of Education for Charlotte Amalie High School’s centennial activities.
- Creating regulations regarding the transfer of vehicles to beneficiaries in cases of death and giving beneficiary transfer designations on vehicle title certificates precedence over wills and other testamentary instruments.
- Removing personal care products from the prohibition on selling, importing or distributing sunscreen and other products containing oxybenzone, octocylene or octinoxate.
- Providing for the continuation of service for board members of the Virgin Islands Public Broadcasting System until a successor is found, divesting board members’ per diem payments and exempting the property of the Public Broadcasting System from judicial processes, taxes and special assessments.

Veto

The governor vetoed six measures, including Bill No. 33-0004, which would require that 1 percent of total capital improvement project costs be expended for works of art placed in public building.

“To require funding of 1% of all capital improvement projects to be expended for works of art is not an effective way to plan construction of our government buildings, especially while the Territory has not recovered fully from the two hurricanes of 2017,” Mr. Bryan wrote in his transmittal letter. “Most of the government construction projects in the near future will be funded by federal funding, and such funds cannot be applied for the purpose set out in the Bill. Hence, a separate funding source would be required; none is provided.”

The governor also said the measure’s requirement that departments spend funds for procuring art at the start of construction would require finding and paying for storage places.

Mr. Bryan also vetoed Bill No. 33-0041, which would establish requirements for the construction and repair of roads and highways in the Territory, because of the lack of a funding source.

“Although I support construction, as well as repair, of the roads and highways of the territory and mandates that call for ADA compliance as well as sidewalks for all ages, I want the Virgin Islands to be able to achieve this goal, which requires funding to implement,” the governor wrote.

Bill No. 33-0250, which would add to the duties of the Department of Public Works when administering and coordinating capital improvement projects was vetoed because it would slow the recovery process by causing delay to those types of projects, according to the governor.

“Our goal should be to improve and expedite the process of completing capital improvement projects by increasing the threshold readiness and allowing for a clearer definition of projects that fall under capital improvement, as well as the flexibility to utilize alternative procurement methods, such as ‘design – build,’ which allow for time and cost-saving measures,” he wrote. “Further, the Bill does not define what ‘front-end engineering’ is and also does not define ‘capital improvement projects.’ I cannot support a Bill that slows this Territory’s recovery at this time or under the proposed threshold.”

The chief executive also vetoed Bill No. 33-0282, which seeks to add the Athletic Director of UVI and the Little League Administrator to Virgin Island Sport Commission.

“The Commission has sufficient members and raising the number of members to 14 is simply cumbersome and inefficient,” he wrote.

Mr. Bryan also vetoed Bill No. 33-0364, which seeks to recognize the territory’s indigenous tribes through the creation of the Virgin Islands Indigenous Tribe Identification Card, for several reasons, including lacking sufficient definition of requirements for providing proof of qualification; strict requirements for indigenous peoples’ organizations to identify their members; and limitations to the use of the identification card and any perceived rights beyond identification.

“This issue, unfortunately, has been abused by certain persons claiming to Sovereign Nation Persons who are not subject to laws of the United States of America or the Territory,” he wrote. “This matter needs more critical discussion and re-drafting.”

Other Bills

Other bills Governor Bryan signed into law are:

- Bill No. 33-0198, which increases penalties for illegally importing snakes and other nonindigenous species that may spread disease into the Territory. The Governor also cited a number of corrections needed to solidify the measure’s effectiveness.
- Bill No. 33-0220, which provides for the construction of ramps or walkways providing access for persons with disabilities for at least two beaches in each island district.
- Bill No. 33-0232, which adopts the Uniform Residential Mortgage Satisfaction Act.

- Bill No. 33-0303, which relates to internet gaming and gambling licensing and fees requirements.
- Bill No. 33-0351, which provides an amnesty for property owners who have enclosed or have started to enclose usable space under their homes without submitting building plans to the Department of Planning and Natural Resources or without the issuance of a building permit.
- Bill No. 33-0355, which relates to the Small Business Administration Development Agency and adds a section providing an income tax deduction to businesses that employ persons with disabilities.
- Bill No. 33-0362, which appropriates \$900,000 from the St. John Capital Improvement Fund to the Virgin Islands Port Authority for improvements to the Lorence Boynes Sr. Ferry Terminal in Cruz Bay.
- Bill No. 33-0376, providing a \$180,000 appropriation from the General Fund and requiring the Department of Agriculture to develop a territorial agricultural plan.
- Bill No. 33-0425, which renames the South Side Road on St. John to the Rudolph A “Pimpy” Thomas, Jr. Road.
- Bill No. 33-0432, which names the University of the Virgin Islands St. Thomas Campus after Dr. Orville Edward Kean.
- Bill No. 33-0433, which relates to the composition of the Cannabis Advisory Board.
- Bill No. 33-0435, which makes needed changes and corrections to some of the monetary amounts in the 2021 Budget Act.
- Bill No. 33-0436, which appropriates \$1,665,637 from the St. Croix Capital Improvement Fund to the Virgin Islands Port Authority for improvements at Henry E. Rohlsen Airport.
- Bill No. 33-0449, which extends eligibility for scholarships from the Virgin Islands Higher Education Scholarship Program to students in the Dual Credit Program.
- Bill No. 33-0439, which waives until June 30, 2021, penalties for payments of outstanding income taxes and waiving penalties and interest for outstanding Gross Receipts taxes and real property taxes for all tax years.
- Bill No. 33-0414, which is a rezoning request for a parcel in Estate Castle Coakley on St. Croix.
- Bill No. 33-0434, which is a rezoning request for a parcel in Estate Honduras on St. Thomas.
- Bill No. 33-0428, which ratifies the Major Coastal Zone Management Permit for the Summers End marina project on St. John.
- Bill No. 33-0452, which ratifies the Minor Coastal Zone Management Permit for Lovango Island Holdings I, LLP.