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During All-Day Session, Senators Approve Bills to Strengthen PSC and Hold WAPA Accountable and St. Croix Development Projects; Public Works Commissioner Confirmed, 8 Nominees Approved

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Governor Bryan forwarded a bill to the Senate appropriating \$2,050,000 to replace the deteriorated tender landing pier and repairs at the Ann E. Abramson Marine Terminal
By. GETTY IMAGES

The 34th Legislature forwarded 17 bills to Governor Albert Bryan for further consideration that addressed numerous issues, including the Water and Power Authority and the Public Services Commission, funding for infrastructure projects on the island of St. Croix, healthcare and a wide range of other matters during a legislative session on Tuesday.

During the last block of the hearing, Senate President Donna Frett-Gregory said that members of the 34th Legislature should be very proud of the legislative session. "Today we focused on shoring up the government operations of this territory, we focused on economic development particularly on the island district of St. Croix. However, economic development in any district is economic development for the territory, and this block focused on healthcare and infrastructure," she said.

Bills Forwarded

WAPA & PSC

Bill No. 34-0025 - An Act amending Title 3, Chapter 16, Section 273 of the Virgin Islands Code by establishing minimum criteria for Public Services Commission members and changing the number of its members.

Bill No. 34-0026 - An act amending Title 30, Chapter 5, subchapter II, section 103 relating to the Virgin Islands Water and Power Authority to establish minimum criteria for the Virgin Islands Water and Power Authority Governing Board and changing the number of its members; and amending section 104(b) to change the number of members of the Governing Board constituting a quorum from five to four.

During the debate round many senators grouped these two bills together as they would serve a similar purpose. Lawmakers also spoke candidly on why the measures were needed.

Majority Leader Marvin Blyden said, "I am proud to be a primary sponsor of Bill 34-0026 as it seeks to minimize political influence on the board and to maximize the qualifications of the board members. The affordability and reliability of electrical power here in the territory, or you can say the lack of thereof is one of the most important, crucial issues of our time here in the territory. It is literally destroying the economic viability of households and business in the Virgin Islands and it hampers the efforts, in terms of growing our economy and having investors come here."

Ms. Frett-Gregory said, "I can't believe that we are still discussing these very, very, very important measures that were vetoed and I don't expect them to be vetoed again. We've spent a lot of time working on them in 33rd Legislature and in the subcommittees and it's time for them to move forward. It's time for us to put our money where our mouth is when it comes to the issues we have with the Virgin Islands Water and Power Authority."

Another bill meant to improve the W.A.P.A. situation was **Bill No-34-0021**, An Act amending the Virgin Islands Code Title 3, Section 273 a, relating to the Public Service Commission to establish the commission as a semi autonomous agency amending Title 30, Section 1 to eliminate certain businesses from regulation as a utility and to subject the Waste Management Authority to regulation, authorizing Virgin Islands Water and Power Authority to hire a turnaround management company, adding Chapter 9 to provide for resolution of customer complaints against wireless telecommunication providers and for other purposes related to the Public Service Commission and the Water and Power Authority.

Mr. Blyden said of this bill, "In the past when the P.S.C. tried to influence W.A.P.A. to take steps towards lowering the cost of electricity here in the territory. It has been rebuked by W.A.P.A. on the grounds that the law didn't give the P.S.C. that level of authority. That changes today with our vote today colleagues and it sends a strong message that we must do right by our people. We must provide the P.S.C. with the tools and the authority it needs to properly regulate the provisions of electrical service here in the territory."

Another key element of this bill was [Amendment No. 34-164](#), which calls for a turnaround company to provide an assessment on the true state of WAPA and provide measures on how to reduce the cost of electricity and water to the ratepayers.

Ms. Frett-Gregory said this amendment addresses “what really needs to occur in W.A.P.A.,” because after discussions in the 33rd Legislature, “we realized whomever becomes the next executive of W.A.P.A. needs to get true information on what the true issues are within that organization.” She added that the practice of bringing in a turnaround company was nothing new. “Companies that are failing, corporations, bring in turnaround companies to assist them,” she said.

St. Croix Infrastructure Projects

Many of the senators hailed Tuesday's session as a win for not just St. Croix but the entire Virgin Islands as a series of bills were passed with the aim of improving infrastructure on the Big Island, as St. Croix is oftentimes called.

Ms. Frett-Gregory summarized the discussion surrounding these bills. “It is important to acknowledge that we are one territory and when we have legislation that supports a particular island district, it is important that we support each other because at the end of the day, one thing that we don’t ever say when we talk about economic development overall and whose getting what from whose not getting what, we all get one pot, one treasury. If St. Croix is not successful, we are not successful, the Virgin Islands is not successful and likewise if St. Thomas- St. John is not successful, St. Croix is not successful.”

Bill No. 34-0008 - An Act amending Act No. 7453 § 2A, as amended by Act No. 7599 § 9 (e) to reprogram \$200,000 from Gross Receipt Taxes Bonds proceeds to renovate the Police Athletic League Headquarters in Estate Whim, St. Croix.

Senator Javon James initially tried to offer an amendment that would name the facility, which initially passed to be voted on with the bill but was reconsidered and withdrawn. The amendment to name facility will go through the committee of jurisdiction to ensure a proper vetting process.

Bill No. 34-0013 - An act appropriating \$2,050,000.00 from the St. Croix Capital Improvement Fund for replacement of the existing, deteriorated tender landing pier and repairs at the Ann E. Abramson Marine Terminal in Frederiksted, St. Croix.

This was one of the bills Mr. Bryan spoke of in his last press briefing.

Bill No. 34-0014 - An Act appropriating \$1,600,000 from the Communities Facilities Trust Account for the four community facilities projects on St. Croix, Virgin Islands including the projects of the pier at King’s Alley Hotel in Christiansted, the dock at Gallows Bay Marine Facility and the roll-on roll-off ramp at the Gordon A. Finch Molasses Pier at Krause Lagoon.

This was another measure Mr. Bryan spoke about during Monday's press briefing.

Bill No. 34-0020 - An Act appropriating \$675,000 from the Community Facility Trust Fund to the Caribbean Drag Racing Association for restoration of facilities at the St. Croix Motor Sports Complex, making an appropriation and for other related purpose(s).

Healthcare

Bill No. 34-0028 — An Act amending title 19 Virgin Islands Code, chapter 37, Subchapter III adding section 870 to authorize registered nurses and certified registered nurse practitioners employed by a certified home health agency, hospice, or nursing home to determine and pronounce death under certain specified conditions; and requiring the Department of Health to promulgate implementing regulations

The bill's intent is to make the process of procurement of death quicker in these specific situations, including shortening the time it takes for the declaration to be made. It also makes the process of losing a loved one in this situation less difficult, according to senators. This is separate from the certification of death that requires the medical examiner's involvement.

Bill No. 34-0041 - An Act amending Title 27, Chapter 1, subchapter I; by amending section 7 relating to the continuing medical education requirements for permanent and institutional licensees, by inserting a new section 55 relating to the Commissioner of Health's authorization to issue licenses to radiological technologists, a new section 56 relating to the Good Samaritan Law, and a new section 57 relating to penalties; amending subchapter XI relating to the practice of podiatry; and by making technical amendments.

Bill No. 34-0042 - An Act repealing title 3 Virgin Islands Code, chapter 23, section 415 relating to the Boards of Examiners for Medicine, Surgery, Dentistry, Pharmacy, Nursing, Optometry, Physical Therapy, Chiropractic and Podiatry and re-establishing the respective boards in Title 27 Virgin Islands Code, Chapter 1, section 1a; and establishing a temporary board.

Additional Bills

Bill No. 34-0059 - An Act extending the state of emergency in the Virgin Islands based on the Covid-19 pandemic for an additional 60 days from May 7, 2021 to July 6, 2021.

Bill No. 34-0036 - An Act appropriating the Excess Debt Service Reserve Fund for the Outstanding Matching Fund Revenue Funds to fund certain needed capital improvement funds across the territory.

Senator Kurt Vialet explained that the project identifies inter-neighborhood roads. "This is going to take care of a lot of inter-neighborhood roads that are begging, begging for help and we need to continue along this vein as soon as we get additional funding that would fund a next set of inter-neighborhood roads."

Mr. Blyden said such measures are the kind that deal with bread and butter issues.

Bill No. 34-0019 - A Resolution honoring and commending Ronaqua Russell for her heroic achievements and extraordinary performance that resulted in her becoming the first African American female aviator in the United States Coast Guard to receive the Air Medal.

Every senator had high praise for Ms. Russell, and bill sponsor Ms. Frett- Gregory explained why she introduced the measure. "Ronaqua is a perfect example of the Virgin Islands village. She is a trailblazer, she is a young trailblazer, so just imagine what she is going to look like years from now. We ought to be proud as Virgin Islanders to see that we are able to grow an individual like Ronaqua coming out of Ivanna Eudora Kean High School. But I think it's important that I put on the record that it took a chickenhawk to recognize that Ronaqua Russell is a trailblazer. It's important that we recognize the importance of excelling always. I think it is so important that we honor those among us while they are alive."

Bill No. 34-0003 - An Act amending title 29 Virgin Islands Code, chapter 3, subchapter I, section 235(c) relating to the time period within which the Zoning Administrator must act on a building permit application submitted to the Department of Planning Natural Resources to set time limits; requiring the Department to implement an Electronic Permitting System; amending chapter 5 section 296 relating to fees and fines for building permits to require that three (3) percent of the fees collected under that section be deposited into the Department's Reclamation Fund for maintaining the electric permitting system; and amending title 12, section 911(f)(4) relating to the Natural Resources Reclamation Fund to include three (3) percent of the fees collected in 29 V.I.C. 296 as a funding source for the Natural Resources Reclamation Fund.

Mr. Payne explained the importance of this bill, "This act is long overdue as the zoning administration is now being held to a standard, given a time period to act in building permit applications. It's unconscionable when persons put their request to build and the application sits on someone's desk or filing cabinet for months and sometimes years where the applicant waits in limbo."

Senator Milton Potter said, "This measure moves D.P.N.R in the right direction by requiring the agency to implement an electronic permitting system; improving efficiency through the utilization of technology simply makes good sense."

Bill No. 34-0005 - An Act amending Title 3 Virgin Islands Code, Chapter 5, subchapter 1, section 65a, subsections (c), (d), and (e) relating to filling vacancies on boards and commissions to clarify the limitation on the number of governmental or quasi-governmental boards and commissions on which commissioners and directors of the Virgin Islands Government can serve, while serving on the board or commission of any autonomous or semi-autonomous agency; and for other related purposes.

Mr. Potter said of this bill, "When we were going through the committee process, we recognized that some of these public officials that we confirmed to critical agencies are serving on as many as five boards. I don't care how good you are as a commissioner, I don't care what your skillset is, we reach the point of diminishing returns when we allow talented individuals to spread themselves out so thin."

This sentiment was shared by Ms. Frett-Gregory, "What happens is that the individuals that come before us a lot of times have to get back to us and that is because they are sitting on so many boards. She said it becomes "difficult for them to remain focused on the department and agency that they raised their right hand for, to say yes I can get this done."

Bill No. 34-0023 - An Act amending title 12 of the Virgin Islands Code by adding a chapter 2A to establish the Invasive Species Eradication Community Program; establishing the Invasive Species Eradication Community Program Fund and an Imprest Account Fund for the payment of bounties under the Program; and appropriating \$10,000.00 from the Animal Fund to the Invasive Species Eradication Community Program Fund.

Bill No. 34-0024 - An Act amending Act No. 8365, relating to the fiscal year 2021 operating budget for the Government of the Virgin Islands to appropriate \$3,533,333.34 to the Department of Justice to pay the settlement agreement of Joe Harold d/b/a Vanterpool Enterprises v. Government of the Virgin Islands, to appropriate \$2,000,000 to the Department of Labor for the payment of outstanding Worker's Compensation payments to medical providers to appropriate \$40,000 to Clean Sweep Frederiksted for the beautification of the town of Frederiksted; and amending Act No. 8411 to increase the Grand Total General Fund appropriations

Nominees To Boards, Commissions, and Commissioner of Public Works

The commissioner of Public Works, Derek Gabriel, and the following eight nominees for boards were confirmed by the 34 Legislature:

- Amy Durand; Virgin Islands Board of Pharmacy
- Amailyn Augustus; Virgin Islands Board of Social Work Licensure
- Maureen Burke-Ventura; Virgin Islands Housing Finance Authority Board of Directors
- Kirk Lewis; Virgin Islands Board of Aquaculture and Mariculture
- Erica Johnson; University of the Virgin Islands Board of Trustees
- Raymond Burton Jr.; Virgin Islands Board of Architects, Engineers, and Land Surveyors
- Damian Cartwright; Virgin Islands Board of Architects, Engineers, and Land Surveyors
- Pedro Williams; Virgin Islands Public Services Commission

Senator Samuel Carrion said to the nominees, "I would like to congratulate today's nominees but after today this body will be holding each and everyone one of you responsible, or should I say accountable, for you duties that you have pledged to uphold, so I wish you all the best."

Department of Public Works is under constant scrutiny from the public, with the condition of the territory's roads an ongoing ire. Senator Janelle Sarauw said she listened to the hearings of Mr. Gabriel. "I want to commend Commissioner Nominee Gabriel for his responsiveness, but don't be like some of your cabinet members that act like Houdini that after you get the yes vote. They dismiss the request and the discussion with the body."

Mr. Violet shared concerns, "Not because I don't think he won't do a good job but because it seems like he is going to do a good job, but there is a definite lack of subject area expertise and both commissioner and assistant commissioner have bachelor's degrees in humanities." Mr. Violet expressed worry that this could lead to Mr. Gabriel not being able to connect with his engineers. He abstained from voting, which led to Mr. Gabriel receiving 14 yeas and one abstention.

Mr. Blyden was enthusiastically in support of Mr. Gabriel, "Mr. Gabriel hit the ground running and has not looked back. He has been using his extensive procurement background to get projects moving forward rapidly and systematically and he is showing he is demanding but compassionate as a manager."

Karen Korsgren, who was up for nomination to the Virgin Islands Real Estate Commission, was the only nominee that was rejected by the Senate 12-3. Members of the Rules and Judiciary committee explained their reservations with her during the debate time.

Senator Franklin Johnson said, “Based on some of the questions that we had in Rules, I asked certain questions that I wasn’t pleased with the answer and the answers to me were not supporting young entrepreneurs and young Virgin Islanders to be given opportunity in the real estate area.”

Mr. Potter also stated, “We had an opportunity to vet Ms. Korsgren suitability for this position. We asked Ms. Korsgren some very basic questions about the disproportionate representation of local Virgin Islanders in the industry; we asked Ms. Korsgren about whether or not there were mentorship and outreach initiatives by the board of realtors, by persons in the industry. Her responses were not satisfactory as far as I am concerned.”