

The Capitol Building
Charlotte Amalie, United States Virgin Islands 00802

Golden Rock
Christiansted, United States Virgin Islands 00820

St. John Annex
Cruz Bay, United States Virgin Islands 00830



CHAIRMAN
Committee on Rules and Judiciary

VICE CHAIR
Committee on Economic Development and Agriculture

MEMBER
Committee on Education and Workforce Development
Committee on Government Affairs and Consumer

MILTON E. POTTER

Senator, 34th Legislature of the United States Virgin Islands

TO: Kurell Hodge, J.D.

FROM: Milton E. Potter 

DATE: March 23, 2022

SUBJECT: **REVISED** - March 23, 2022 Rules and Judiciary Committee Report

The Committee on Rules and Judiciary met on Wednesday March 23, 2022. The meeting was called to order at 9:35am, by Committee Chairman, Senator Milton Potter. The meeting was held in the Earle B. Ottley Legislative Chamber on St. Thomas, V.I. to consider:

Block I:

VI Board of Optometrical Examiners

Nomination of Dr. Carl Maschauer, O.D.

Block II:

Virgin Islands Casino Control Commission

Nomination of the Honorable Carolyn Hermon-Percell

Block III:

VI Real Estate Commission

Nomination of Sharon Amey

Nomination of Laurent Alfred

Nomination of Yvonne Toussaint

Nomination of Barbara J. Harris

Block IV:

Bill No. 34-0101. An Act amending the Virgin Islands Code title 3, chapters 1 and 15, title 23, chapter 7 and title 33, section 3032 to add a unit within the existing Virgin Islands Fire Service for emergency medical services, and to establish the Virgin Islands Fire and Emergency Medical Services to provide fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property; to require the Fire Service and the Emergency Medical Services to develop and merger plan; and to provide for the transfer of employees from the Fire Service and the Emergency Medical Services to the Virgin Islands Fire and Emergency Medical Services; to provide for other related purposes (*Sponsored by Senators Donna A. Frett-Gregory and Novelle E. Francis, Jr., by Request of the Governor. Co-Sponsored by Senator Marvin A. Blyden*)

Bill No. 34-0166. An Act amending title 22 Virgin Islands Code, chapter 27 by changing the name of the chapter to “The Virgin Islands Unauthorized and Surplus Lines Insurer Act” and by establishing the diligent search requirements that an authorized surplus lines broker must fulfill before placing coverage for certain lines of insurance with a surplus lines insurer in the Territory; and for other purposes. (*Sponsored by Senator Donna A. Frett-Gregory by the Request of the Governor*)

Bill No. 34-0191. An Act amending title 22 Virgin Islands Code, chapter 55 relating to captive insurance companies to clarify the purpose of the chapter, and to prohibit the organization, within the Virgin Islands, of a special category of multi-state insurers that may not be required to comply with the accreditation standards established by the National Association of Insurance Commissioners and adopted by the Territory as a NAIC-accredited jurisdiction (*Sponsored by Senator Donna A. Frett-Gregory by Request of the Governor*)

Bill No. 34-0204. An Act amending the Virgin Islands Code title 22, chapter 58, relating to self-insurance and title 29, chapter 10, section 543, relating to the powers of the Port Authority, to authorize the Virgin Islands Port Authority to establish a self-insurance program to cover and manage certain risks. (*Sponsored by: Senator Kurt A. Vialet*)

Committee Members in attendance:

Senator Novelle E. Francis, Jr.
Senator Kenneth L. Gittens
Senator Franklin D. Johnson
Senator Milton E. Potter
Senator Genevieve R. Whitaker
Senator Carla J. Joseph
Senator Steven D. Payne, Sr.

Public Affairs / Media:

Omari Hicks
Chaunte Herbert
Jonelle Jackson.
Melissa Gustave
Alwyn Baptiste
Winston Nugent
Alvin Burke
Bernard Matthew
Eustace Browne
Barry Leerdam
Africah Harrigan
Jamal Potter

Legislative Reporter: Casmus Caines, Tricia Sealey, and Vashti Gerald-Berry

Legal Counsel: Augustin Ayala

Security / Sergeant-at-Arms: Khalisha Clarke

Clerked by: Pauline Dawes.

Dr. Carl Maschauer, nominee to the VI Board of Optometrical Examiners, gave his opening statement. Following Dr. Maschauer's opening statement, the committee conducted a four (4) minute round of debate where they posed a variety of questions to the nominee. Following the round of debate, Senator Novelle E. Francis, Jr. motioned that the nomination of Dr. Carl Maschauer be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson and Carla J. Joseph seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, and Milton E. Potter voted in favor of the motion. The motion carried. **(5 Yeas, 2 Absent)**

The Committee then moved to Block II of the agenda, where they considered the nomination of the Honorable Carolyn Hermon-Percell, to serve on the Virgin Islands Casino Control Commission. Nominee Hermon gave her opening statement. Following her opening statement, the Committee conducted a five (5) minute round of debate. Following the round of debate, Senator Carla J. Joseph motioned that the nomination of Carolyn Hermon-Percell, to the Virgin Islands Casino Control Commission, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, and Steven D. Payne, Sr. seconded the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried. **(7 Yeas)**

Next, the Committee proceeded to Block III. In this block the nominations of Sharon Amey, Laurent Alfred, Yvonne Toussaint, Esq., and Barbara J. Harris to the Virgin Islands Real Estate Commission were considered. Nominee Sharon Amey gave her opening statement. Nominee Laurent Alfred then gave his opening statement. Following Mr. Alfred, Nominee Yvonne Toussaint, Esq. gave her opening statement. Nominee Barbara J. Harris then gave her opening statement to wrap up the nominees' opening statement. The Committee then went to a five (5) minute round of debate.

Following the round of debate, Senator Carla J. Joseph motioned that the nomination of Sharon Amey, to the Virgin Islands Real Estate Commission, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson, Steven D. Payne, Sr., and Genevieve R. Whitaker seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried. **(7 Yeas)**

Senator Novelle E. Francis, Jr. motioned that the nomination of Laurent Alfred, to the Virgin Islands Real Estate Commission, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven

D. Payne, Sr., and Genevieve R. Whitaker seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried. **(7 Yeas)**

Senator Carla J. Joseph motioned that the nomination of Yvonne Toussaint, to the Virgin Islands Real Estate Commission, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson, Steven D. Payne, Sr., and Genevieve R. Whitaker seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried.

(7 Yeas)

Senator Steven D. Payne, Sr. motioned that the nomination of Barbara J. Harris to the Virgin Islands Real Estate Commission, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson and Carla J. Joseph seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried. **(7 Yeas)**

The Committee then moved on to Block IV. Senator Novelle E. Francis, Jr. introduced Bill #34-0101. Senator Novelle E. Francis, Jr. then introduced Bill #34-0166, followed by his introduction of Bill #34-0191. The Committee then conducted a four (4) minute round of debate. Senator Novelle E. Francis, Jr. then introduced Bill #34-0204. The Committee conducted a two (2) minute round of debate on Bill #34-0204.

Following the round of debate on Bill #34-0204, Senator Novelle E. Francis, Jr. offered Amendment #34-499, which amends **Bill #34-0101**. Senators Franklin D. Johnson and Carla J. Joseph seconded the motion. There were no objections to the motion, so the motion carried.

Senator Novelle E. Francis, Jr., then motioned that **Bill #34-0101**, as amended, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Kenneth L. Gittens, Franklin D. Johnson and Carla J. Joseph seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., and Milton E. Potter voted in favor of the motion. Senator Genevieve R. Whitaker abstained. The motion carried. **(6 Yeas, 1 Abstained)**

Senator Novelle E. Francis, Jr. motioned that **Bill #34-0166** be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson and Carla J. Joseph seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter and Genevieve R. Whitaker voted in favor of the motion. The motion carried. (7 Yeas)

Senator Novelle E. Francis, Jr. offered Amendment #34-496, which amends **Bill #34-0191**. Senator Genevieve R. Whitaker moved to waive the reading of the amendment. Senators Johnson and Joseph seconded Senator Whitaker's motion. There were no objections to Senator Whitaker's motion to waive the reading of the amendment, so the reading of the amendment was waived. Senator Carla J. Joseph seconded Senator Francis, Jr.'s motion to amend **Bill #34-0191**. There were objections to the amendment, so Senator Francis, Jr.'s motion carried.

Senator Novelle E. Francis, Jr. motioned that **Bill #34-0191**, as amended, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson and Carla J. Joseph seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried. (7 Yeas)

Senator Novelle E. Francis, Jr. offered Amendment #34-497, which amends **Bill #34-0204**. Senator Genevieve R. Whitaker moved to waive the reading of the amendment. Senator Johnson seconded Senator Whitaker's motion. There were no objections to Senator Whitaker's motion to waive the reading of the amendment, so the reading of the amendment was waived. Senator Carla J. Joseph seconded Senator Francis, Jr.'s motion to amend **Bill #34-0204**. There were objections to the amendment, so Senator Francis, Jr.'s motion carried.

Senator Novelle E. Francis, Jr. motioned that **Bill #34-0204**, as amended, be voted on in the Committee on Rules and Judiciary and forwarded to the full body with a favorable recommendation for further consideration. Senators Franklin D. Johnson and Carla J. Joseph seconded the motion. Roll Call was taken on the motion. Senators Novelle E. Francis, Jr., Kenneth L. Gittens, Franklin D. Johnson, Carla J. Joseph, Steven D. Payne, Sr., Milton E. Potter, and Genevieve R. Whitaker voted in favor of the motion. The motion carried. (7 Yeas)

Chairman Potter adjourned the meeting at 3:10pm.