



THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001

January 20, 2023

VIA HAND DELIVERY

The Honorable Novelle E. Francis
Senate President
Thirty-Fifth Legislature of the Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Re: Governor's Actions on Bill Nos. 34-0080, 34-0153, 34-0211, 34-0232, 34-0236, 34-0238, 34-0243, 34-0253, 34-0265, 34-0271, 34-0272, 34-0279, 34-0283, 34-0298, 34-0350, 34-0357, 34-0361, 34-0368, 34-0377, 34-0383, 34-0387, 34-0388, 34-0390, 34-0391, 34-0396, 34-0397 and Resolution No. 1899 (Bill No. 34-0349).

Dear Senate President Francis:

I write to advise you that, pursuant to *Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954*, as amended, I have acted on Bill Nos. 34-0080, 34-0153, 34-0211, 34-0232, 34-0236, 34-0238, 34-0243, 34-0253, 34-0265, 34-0271, 34-0272, 34-0279, 34-0283, 34-0298, 34-0350, 34-0357, 34-0361, 34-0368, 34-0377, 34-0383, 34-0387, 34-0388, 34-0390, 34-0391, 34-0396, 34-0397 and Resolution No. 1899 (Bill No. 34-0349) passed by the Thirty-Fourth Legislature at its Session on December 29-30, 2022, and received by my office on January 9, 2023.

I have approved **Bill No. 34-0153**, an Act establishing the Sixth Constitutional Convention of the Virgin Islands and providing for an appropriation to cover convention-related expenses although neglecting to identify an adequate funding source; **Bill No. 34-0211**, an Act amending title 19 Virgin Islands Code, part VI, chapter 62 Code relating to noise pollution to augment its enforcement; **Bill No. 34-0232**, an Act amending title 20 of the Virgin Islands Code, chapter 3, section 42 relating to the Governor's initial report to the Legislature on a long-range program for the construction and improvement of roads and highways throughout the Virgin Islands; to change the time and frequency for the Governor to submit the report to the Legislature and to establish procedures and minimum standards for paving and constructing roads in the Virgin Islands and for other related purposes; **Bill No. 34-0238**, an Act amending title 17 Virgin

Islands Code, chapter 5, section 41(c), relating to courses of study in public schools to require that Virgin Islands and Caribbean history to be integrated into the curriculum for kindergarten through grade 12 and for other purposes; **Bill No. 34-0253**, an Act amending title 33, subtitle 2, chapter 81, section 2304 of the Virgin Islands Code to extend the exemption from the payment of real property taxes to certain real property; **Bill No. 34-34-0265**, an Act amending title 23 Virgin Islands Code, chapter 10 by adding subchapter 1A to establish the Office of Disability Integration within the Virgin Islands Territorial Emergency Management Agency; and **Bill No. 34-0271**, an act amending title 10 Virgin Islands Code, chapter 5, section 64 of the Civil Rights Act to include discrimination based on sexual orientation and gender identity as an unlawful discriminatory practice.

I was pleased to sign into law **Bill No. 34-0279**, an Act amending 19 Virgin Islands Code, Part V restructuring, reclassifying and adopting the first comprehensive Virgin Islands Behavioral Health Act to provide for services and interdepartmental coordination of agencies and organizations to provide a structure of support to individuals throughout the Virgin Islands who suffer from behavioral health challenges; to establish community behavioral health services, as well as to provide for the first comprehensive public Behavioral Health Facility to treat individuals voluntarily and involuntarily who face behavioral health challenges; amending and repealing conflicting laws; and providing for other related purposes. This momentous achievement was the result of the work of numerous stakeholders, and countless hours of collaboration with Senator Francis' office. This Act is an important step forward in our effort to comprehensively care for the wellbeing of our entire community, especially those with behavioral health needs which have long been neglected.

I have approved **Bill No. 34-0283**, an Act amending title 17 Virgin Islands Code, chapter 15, to establish the Virgin Islands Stenography Scholarship Fund, which will fund a scholarship for individuals pursuing a certificate in stenography, court reporting, or a related field; **Bill No. 34-0350**, an Act amending title 3 Virgin Islands Code, chapter 1, section 27, relating to the Virgin Islands Commission on Youth, to reduce the number of members on the Commission, to change the age requirements for membership on the Commission, and appropriating \$50,000 from the V.I. Education Initiative Fund for the initial operating expenses for the Commission and providing for other related purposes; **Bill No. 34-0357**, an Act amending title 27 Virgin Islands Code, chapter 16, relating to Real Estate Appraisers; **Bill No. 34-0368**, an Act amending title 33, subtitle 3, chapter 111 of the Virgin Islands Code, establishing an Opioid Abatement Fund and an Opioid Abatement Fund Committee to oversee the use of the monies for specific purposes and report to the Governor, the Legislature, and the Attorney General on the outcome; and **Bill No. 34-0383**, an act appropriating \$250,000 to the Department of Sports, Parks, and Recreation for the second phase of the Cruz Bay playground revitalization project in Cruz Bay Creek, St John.

I have also approved **Bill No. 34-0361**, an Act granting a zoning variance from R-2 (residential Low Density) zoning designation for Parcel No. 173-A-66 Estate Anna's Retreat, No. 1 New Quarter St. Thomas to allow for a beauty salon and related activities; **Bill No. 34-0377**, an Act to change the zoning designation of Parcel Nos. 19F-1 Remainder and 19N Remainder, Estate Smith Bay, Nos. 1, 2 and 3, East End Quarter, St. Thomas from A-1 to C and R-3, respectively;

Bill No. 34-0396, an Act granting a zoning use variance for Parcel No. 173B-88 Estate Anna's Retreat, No. 1 New Quarter, St. Thomas, Virgin Islands, to allow for transitional housing facility; **Bill No. 34-0390**, an Act approving the lease agreement between the Government of the Virgin Islands and St. Croix Majorettes, Inc. to lease Parcel No. 1 Estate Peter's Rest Queens Quarter, St. Croix, for a practice center, headquarters, civic activities, and other related activities; **Bill No. 34-0391**, an Act approving the lease agreement between the Government of the Virgin Islands and the Enrique Nieves American Legion Post No. 102, Inc. for Parcel No. 1-C Estate Peter's Rest Queens Quarter, St. Croix, to be used for civic activities (non-profit) and related activities.

I have approved **Bill No. 34-0298**, an Act initially appropriating \$500,000 from the Emergency Services Fund to the Department of Health for the purchase of equipment, professional services, and supplies necessary to provide, maintain and improve the emergency Mobile Integrative Health Care Program which also included twenty-nine nongermane amendments, however I must exercise my Line Item Veto power granted by the *V.I. Rev. Org. Act of 1954 § 9* to strike the following detailed provisions. Sections 1 and 2 have been stricken as they appropriate the funds to the Department of Health ("DOH"). Considering we have integrated Emergency Medical Service ("EMS") with the Virgin Islands Fire Service to form the Virgin Islands Fire and Emergency Medical Service ("VIFEMS"), this appropriation should not go to DOH. Section 3 was stricken as it grants to all firefighters benefits originally meant for firefighters who work in the Suppression Unit of VIFEMS and serve as first responders to control and suppress fire outbreaks and contain Hazmat incidents. Additionally, such benefits are negotiated benefits for a specific purpose and should remain as such. Section 14 making advertising devices of candidates seeking election to public or party office exempt from the requirements of title 29 V.I.C. §506 was also stricken. Section 21(a) has also been stricken as it re-appropriates funds currently in use by the Department of Sports, Parks and Recreation for on-going sports programs as already authorized and appropriated through Act No. 8494.

I have also vetoed **Bill No. 34-0080**, an Act directing the Inspector General to conduct an investigation of the Virgin Islands Water and Power Authority; making an appropriation of \$250,000 to the Inspector General to pay the cost of the investigation; and for other purposes. Although I appreciate and support the desire for additional transparency and public explanation of WAPA's operational decisions, this proposal would deplete the Inspector General's resources and likely halt all other pending investigations. The Inspector General has a critical role in examining the totality of government operations and should not be hindered in its mission by such broad legislative mandates. Rather than approve this proposal, I am requesting that the Inspector General review these proposed inquiries, determine which issues have not yet been investigated, and create a timeline and cost estimate for a thorough investigation of the outstanding matters. The public is entitled to understand how public agencies, such as WAPA utilize their resources, and I am committed to fostering that dialogue.

I have vetoed **Bill No. 34-0236**, an Act amending title 17 Virgin Islands Code, chapter 15, section 190dd extending the eligibility for the Virgin Islands Higher Education Scholarship Program to part-time students. While I wholeheartedly support the extension of the Higher Education Scholarship to part-time students, I cannot support the GPA eligibility reduction from 2.5 to 2.0. There are numerous support mechanisms in place through the university,

including the Student Center for Academic Success and tutoring programs for students. Resources to foster student success are available to any student who is dedicated to their education. By providing this scholarship, we are offering students an incredible opportunity and benefit, and in exchange, we ask that students do their part, utilize the resources that have been provided to them, and maintain their grades.

I have also vetoed **Bill No. 34-0243**, an Act amending title 27 Virgin Islands Code, chapter 4, section 193 to change the composition of the Board of Naturopathic Physicians. Although the Bill's intent was to place the Board of Naturopathic Physicians under the more appropriate section of the V.I. Code, as drafted, the bill essentially removes all authority for the appointment of members to the Board. Additionally, the Bill increases the number of members required to be licensed naturopaths from three (3) naturopaths to four (4), while we currently have a difficulty appointing naturopaths to the board and have only three (3) naturopaths licensed in the Territory pursuant to testimony presented at the hearing before the Legislature. As written, the amendment to the Bill makes it impossible to have a working board. Finally, this Bill removes the pharmacist member required to sit on the Board while naturopaths are authorized to prescribe medicine to their patients. The removal of the pharmacist as a member of the Board is detrimental to the regulating of the practice of naturopathic medicine in the Territory. I look forward to a new version of this Bill placing the Board of Naturopathic Physicians in the more appropriate section of the Virgin Islands Code.

I have vetoed **Bill No. 34-0272**, an Act amending title 3 Virgin Islands Code, chapter 16, section 274 to empower the Executive Director of the Taxicab Commission to hire the necessary staff to operate and manage the Taxicab Commission office. As a matter of policy, the concerns to be addressed with the Taxicab Commission cannot be resolved by removing responsibility charged to the Commission and simply placing it with the Executive Director. May I suggest amending this section by mirroring the language we have utilized for the Public Service Commission stating that "The administrative management of the duties and responsibilities of the Public Services Commission under this chapter are vested in an Executive Director." *30 V.I.C. § 45*. With this language the responsibility remains with the Commission but is vested in the Executive Director.

I have vetoed **Bill No. 34-0388**, an Act amending title 3 Virgin Islands Code, chapter 25, subchapter V, section 555b increasing the minimum salary for employees of the Government of the Virgin Islands, and its semiautonomous agencies and independent instrumentalities. I have been a consistent advocate of increasing compensation for hard-working government employees, however, a retroactive increase after the conclusion of the government's budget approval process, and without proper cost analyses, is simply financially irresponsible. Most government employees are members of collective bargaining agreements which are negotiated through their union representatives. My administration has approved increases in pay across the government through the collective bargaining process. Mandating pay increases outside of these negotiated contractual agreements would destabilize the government pay systems and create a multitude of inequities.

I have also vetoed **Bill No. 34-0387**, the Act amending Official Zoning Map No. SCZ-7 for the island of St. Croix to change the zoning designation of Portion of the Remainder of Estate

Letter to Honorable Novelle E. Francis, Senate President
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Beeston Hill (South Portion), Matricular No. 6a, Company Quarter, St. Croix from R-1 (Residential-Low Density) to B-3 (Business-Scattered). Based on the recommendations of the Department of Planning and Natural Resources, this bill is non-conforming while the conditions for the proposed development have apparently changed. Before affecting 15.942 acres of undeveloped land and its neighboring properties, the changes in the conceptual plans and conditions must go through the necessary vetting and hearings to apply the more appropriate zoning designation.

Bill No. 34-0397, the Act amending Act No. 8617 to increase the appropriation to the Frederiksted Health Care, Inc., to provide funding for the purchase of vehicles and for the homeless program and to the Department of Agriculture to supplement the drought subsidy for the fiscal year ending September 30, 2023, has also been vetoed. Per Act 8590 as amended by 8647 the funds referenced for Drought Subsidy were released by the Office of Management and Budget on December 15, 2023 in the amount of \$400,000. As for the appropriation to the Department of Human Services for Frederiksted Health Care Inc., I have instructed the financial team to fund it through the American Rescue Plan Act funds.

Finally, I acknowledge **Resolution No. 1899 (Bill No. 34-0349)** - A Resolution expressing the support of the Legislature of the Virgin Islands for U.S. House Resolution 279, acknowledging that the U.S. Supreme Court's Decision in the Insular Cases and the "Territorial Incorporation Doctrine" are contrary to the text and the history of the United States Constitution as they rest on racial views and stereotypes from the era of Plessy v. Ferguson that have long been rejected as contrary to the United States' most basic constitutional and democratic principles, and should be rejected as having no place in United States Constitutional Law.

I thank the members of the Thirty-Fourth Legislature for their hard work and service and look forward to collaborating with the members of the Thirty-Fifth Legislature for the benefit of the People of these U.S. Virgin Islands.

Sincerely,



Albert Bryan, Jr.
Governor

Cc: *Members of the Thirty-Fifth Legislature*