



Committee on Rules and Judiciary

Legislature USVI

October 9, 2025 · 4.5 hours · gov

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0:00:00 Oh, my God. Thank you. [2 such phrases repeated 8 times · standby audio before the proceeding, transcribed by the recogniser as speech]

0:04:00 Thank you. Thank you. Thank you. Thank you.

0:06:00 Oh, my God. Thank you. Thank you. Thank you. Thank you.

0:08:30 Thank you. Thank you.

0:09:30 Good morning, colleagues, senators, and central staff members, as well as Senate staff members, and our listening as well as our viewing audience, the 36th Legislature of the Virgin Islands Committee on Rules and Judiciary Hearing for Thursday, October 9th, 2025 is hereby called to order. Before we proceed to roll call, I'd like to highlight that this month is crime prevention and Domestic Violence Awareness Month. This week, I had the opportunity to speak with our St. Thomas, St. John, and Water Island Police Chief, Ms. Deborah Hodge, on crime and domestic violence in our community and on my biweekly talk show and podcast, On Point. Certainly, the difficulties that our community faces are shared by the region and the rest of the world. Closer to home on our islands, critical efforts are being undertaken in crime prevention, which includes collaborative endeavors between the police and our community. It is about strengthening the police-community relationships and collaborating with other organizations, businesses, and individuals to solve the issues of crime in our communities. We have witnessed and heard about the tragedy of life loss as a result of domestic violence. We remember the victims and survivors and we encourage our community's children, men and women who are experiencing domestic violence to get help. Help is available from community organizations such as Family Resource Center Incorporated on St. Thomas that offer programs and services to crime victims as well as emergency shelter for women and children. St. Croix also has the Women's Coalition of St. Croix, which offers free and private support to survivors of domestic violence, sexual assault, dating violence, and stalking.

- 0:12:25 Services include a 24-hour crisis hotline, an emergency shelter, and a transitional housing program. As a community, let us support these groups who assist. Also family and friends, you can assist your loved ones by encouraging them to seek help and supporting them through the process of healing and moving forward with their lives. This week is also Fire Prevention Week. It begins October 5th and ends October 11th since its inception in 1922 fire prevention week has been the United States' longest standing and longest running public health event the purpose is to teach people about fire safety and how to stop fires from happening in order to lower the number of injuries and deaths caused by fires. Fire safety is important to everyone. Precautions are needed and required in homes, schools, departments, businesses and also outdoors. Some of the major points for indoors include installation of smoke alarms on every level. This week is also Mental Illness Awareness Week and it begins also October 5th and it runs through October 11th. Mental Illness Awareness Week ends on October 11th. According to the National Alliance of Mental Illness, one in every five in the U.S. has a mental illness or has some mental health disorder. It affects friends, family, co-workers and anyone who supports them. Just late last month former Miss Universe Jamaica finalist Tyra Spaulding was found dead possibly by suicide. Global sadness and mental health awareness have followed her death with the World Health Organization warning that youth suicide remains the biggest cause of mortality. If you detect a friend or loved one who may be experiencing any type of challenge or difficulty in their lives, check in more regularly and get them to seek help or counseling. Be there to support and to help them and give them the guidance needed to move in the right direction and finally October is national clergy appreciation month a time to set aside to recognize the contributions and services of our pastors priests reverend ministers and all other clergy members
- 0:15:34 within our community and nationally so we want to say thank you to our clergy for their spiritual guidance their leadership in our community as they oversee many ministries under their stewardship through their congregations across our community as well as across our great nation we say thank you. Madam Clerk, kindly proceed to roll call. Senator Angel L. Boquez, Jr. Present. Senator Boquez, Jr., present.
- 0:16:13 Senator Kenneth L. Gittins. Here. Senator Gittins, present. Senator Alma Francis Heiliger. Senator Francis Hallinger absent. Senator Carla J. Joseph present. Senator Joseph present. Senator Clifford A. Joseph senior. Senator Joseph senior. Senator Senator Joseph Sr. absent.
- 0:16:58 Senator Avery L. Lewis. Senator Lewis, present. Senator Milton E. Potter. Senator Potter, present. Madam Chair, you have six present, one absent. I saw Senator Francis Heiliger on the screen. Frances Heiliger I saw that you had joined us remotely I can't hear you we can't hear you your voice but she let's mark her present media can we troubleshoot that on behalf of our senator not to worry senator we are going to troubleshoot it not to worry just be calm down so I just want to assure that we recognize that Senator Frances Heiliger has joined us remotely and Madam Clerk kindly record Senator Francis Heiliger as present I did see her and many of us saw her and so give us a full tally now okay madam chair the correct the updated tally six present one absent I thank you so kindly madam clerk madam clerk do we have any correspondence no senator no madam chair i am president i am president you i believe that is senator clifford senator joseph a media can we pull up because we we can't see the chain the conference room in the saint croix district the fritz lewes conference room uh senator joseph where are you because we are not seeing you in the conference room i am remote i am a remote i am um travel with
- 0:18:57 the executive branch to see something for waste management so i'm out of the territory by here i am remotely on okay so uh it would so we would recognize you but also senator if you can kindly turn on your camera so that we can see you as well as our viewing and list and our viewing audience can see you as well if you could be so kind to do that perfect so madam clerk kindly recognize record senator clifford joseph senior as present and then give us the tally madam chair you have seven present thank you so kindly uh thank you so much my colleagues for being here today I really appreciate it madam clerk kindly read into the record block one of today's agenda please be advised that the 36 legislature of the Virgin Islands committee on rules and judiciary has scheduled a hearing for Thursday October 9th 2025 at 10 a.m. in the Earl B. the Autley Legislative Hall, St. Thomas. The purpose of the hearing is to receive testimonies and consider the following legislative measures. Block one, bill number 36. One three, to define and prohibit assault rifles, ban suppressors and silencers, and requiring safety training for licensed rifles, shotgun holders, prohibiting large capacity magazines, and preventing the illegal sales of firearms, firearm accessories, and ammunition. Sponsored by Senator Clifford A. Joseph Senior and Maurice C. James. Invited testifiers, Honorable Mario Brooks, of the Virgin Islands Department of Justice, Mr. Kose Ono, member of the VI SAFE Gun Owners, Mr. Luis Vendez, Puerto Rico and U.S. Virgin Islands, Director of Outreach of the Gun Owners of America, Mr. Khan Davis, member of the VI Safe Gun Owners, and Mr. Bernard Burke, member of the VI Safe Gun Owners.
- 0:21:46 Madam Chair, this concludes the reading of Block 1. Thank you so much, Madam Clerk. Who speaks on behalf of Bill No. 36-0144? Motion. Motion. Who speaks on behalf of Bill No. 36-0144? Motion. Motion. Motion. Motion. There's a motion on

the floor by Senator Kenneth Gittins. Senator Gittins, you are recognized for your motion.

0:22:18 Thank you, Madam Chair and colleagues. I move that bills number 36-0105 and 36-0144 be removed from today's agenda and referred back to the Committee on Homeland Security, Justice, and Public Safety, the Committee of Jurisdiction, for further amendments and consideration. I so move. Objection. Objection. Objection. Objection. Objection. Objection. Second.

0:22:50 Objection. Motion properly moved by Senator Kenneth Gittins, objected to by Senator Carla Joseph, seconded by Senator Avery Lewis and Senator Alma Francis Heiliger, and objected to by Senator Carla Joseph. Roll call. Roll call on the motion. Senator Angel L. Bocas, Jr. Yes. Senator Bocas, Jr., yay. Senator Kenneth L. Gittins?

0:23:24 Yes. Senator Gittins, yay. Senator Alma Francis-Huyanger? Yes. Senator Francis-Huyanger, yay. Senator Carla J. Joseph? No. Senator Joseph, nay. Senator Clifford A. Joseph Sr. Yes. Senator Joseph Sr. Yes. Senator Avery L. Lewis Yes. Senator Lewis Yes. Senator Milton E. Potter Yes. Senator Milton Wilton, Potter, yay.

0:24:11 Mr. Chair? Yeah, Carl, I don't know what's that. Mr. Chair, you have six yays, one nay. Okay, the motion passes. Senator Joseph? Point of personal privilege. Point of information. Point of personal privilege. Point of personal privilege, Senator Carla Joseph, and then we'll go to the point of information by Senator Kenneth Giddens first, second, Senator Alma Francis Heilegger, and I believe there was a third one. If I was correct, that would be the last person. You may now proceed, Senator Carla Joseph.

0:24:56 Thank you so much, Mr. Chairman. I just want to say that I'm very disappointed with that motion. This bill and these bills were heard in the committee of jurisdiction. We have, and Media, I would like if you could show the gallery here of the persons who came out today. Show the gallery. This is a full amount of our residents who pay our salaries and work hard. We have representation here from the Attorney General's office. And not to allow them to have an opportunity and to dismiss them is very unconscionable. This committee the committee of jurisdiction had opportunities and we saw it how it was handled and this committee and by right this committee is the way station for all bills coming to the legislative branch I understand that because of these individuals media show it again we want to make sure our citizenry know that this is a people's house and the people has a voice and as long as I remain the chair of this committee they will have a voice and they needed to be heard and not be dismissed today and that's why I objected because I understand clearly our constitutional rights our constitutional rights our constitutional rights right these are this is the constitution and we

0:26:45 have freedom of speech here we have those level of freedoms in the United States of America the constitution and so to give them their voice and that their time to come here is not wasted and we value them and all the work that they do as uh legal gun owners so I am not in support of that motion and that's why I asked uh the senator to move to come to senator bocas to take the seat because I could not have objected and I want to thank all of you for being here but the motion was carried and it is going to be sent back to the committee of jurisdiction and I am very apologetic I'm very sorry, okay, and I ask you to keep note of that time. Thank you so much, Mr. Chairman, for stepping into the seat and not refusing, and I appreciate that deeply.

0:27:46 You're welcome, Senator Joseph. Senator Kenneth Gittins, you're recognized for your point of information. Thank you, Mr. Chair. and I want to note that the point of personal privilege was so improper once a vote is taken that's it a motion was made and the motion was made to allow the committee of jurisdiction to have additional time to go back and refine the proposed amendments before the bill proceeds forward in the legislative process it's a crying shame that my colleague will do such a thing to put it on the backs of the members of this committee fully well knowing that she received information in writing from the bill sponsor asking that the measure not be placed on the agenda to give him ample time to address the amendments needed he is also working closely with the opposition and those in support of the measure so again the motion was made because the chairwoman ignored not only the written I mean the verbal request to have them removed but also the written request that was sent to her office in ample time so that she wouldn't waste people's time coming here today that said I have an emergency to attend and I need to leave here right now thank you Mr. Chair thank you senator Kenneth Giddens um I will say that I will say that um

0:29:41 any chairman of any committee has the right to have a bill heard and in addition to that there may have been some correspondence but it seems as if I mean if we look at the gallery here today it seems as if communications were had but it's unfortunate that we have to now apologize to the individuals here today but the fact of the matter is that obviously the piece of legislation before us needs some additional work whether it was going to be done here today or if in fact which is the case now it goes back to the committee of jurisdiction to be further vetted and we'll see where it goes from there uh senator Alma Francis Heilegger you're recognized for your point of information um thank you Mr. Chair um I just wanted to make sure that I put on the record because I am fully aware of the many people that are sitting in the chambers I find it very disrespectful and disingenuous of the chairwoman to make such a statement on behalf of the institution and

the members the fact of the matter is senator senator senator we cannot we cannot and i and i failed to do this on the previous but we we cannot please do not we cannot this is my point of information we cannot directly specify certain things about any member of this institution i did not call anyone's name i did not call anyone's name i made a reference you said the chair because the same way that the chairperson made a reference to all of us i made a reference directly to them. The fact of the matter is not only did the sponsor of these bills in advance ask the chairperson to please stop what she was doing, even after that request was made. They continuously invited people already knowing that this decision was coming forward. So I understand the need to grandstand. But the fact of the matter is several of the people in the chambers right now, we communicated with them. And it's because of these conversations that we decided to send it back, because we understand their concerns. We understand the constitutionality. We understand the issues with the medical and the health issues that potentially

0:32:13 might come across when it comes to the hemp and these gun laws. So we collectively made a decision to do so. And we had one colleague on her own, even though we told her we want to send it back to make sure we do our best to not make criminals out of law-abiding citizens, to make sure the laws are going to be best serving the people of this territory, one person on their own decided to keep inviting people, because she wanted to do what she wanted to do. So let's set the record straight. Facts are facts. But I apologize if anyone came here today and they feel like we brought them there and we were not aware. Listen, you will be heard in the Committee of Jurisdiction. That is all we're saying to you. You will be heard.

0:33:01 But one rogue individual cannot control an entire committee. Thank you very much. Thank you, Senator Alma-Francis Heiligam. Point of information, Senator Carla-Joseph. And we're not going to go. I hope we don't have a go back and forth on this issue. And as the chairwoman of this committee, I try to be very transparent. The invitations were already sent out way before, as soon as I got them. The invitations were sent out to a majority. There were individuals who stated right before that, I had already talked to them. They were already notified verbally that this was coming. My concern is I don't want us in this body and our integrity to be in a position where we are stifling people's voice. I saw an email, a press release, and an email response from one of the testifiers here. And the testifiers are here saying that they have not all been included. That's what they're saying. They are shaking their head. I have persons shaking their head in the audience. okay who are saying this and so we cannot be a body where we are not including persons who are affected by certain legislations that's hypocritical we are their servants and they have every right and they shouldn't be dismissed yes the senator had spoken to me yes he sent me and uh memorandum and i responded to him and this chairman who is sitting there is correct every senator especially the chairperson has a right so don't go twisting stuff they have a right as a chair to do to hold this meeting it is very well in order according to our rules it's in order and the motion that was made is in order my I have not misrepresented anything I

0:35:18 have communicated and had constant verbal discussions with the persons involved here and who came to testify when you saw additional people added to the agenda it is because they asked that the people then be added and not be dismissed we cannot be dismissive and i don't want us to be dismissive as a body of our taxpayers and residents issues and their voice to be stifled and so i want to make that very clear that we don't do that thank you so much mr chairman for the time thank you senator joseph senator clifford joseph you're recognized for your point of information good morning the one and all good morning to the listening audience clearly i'm having a hearing on the 17th the schedule for the 17th my office could be contacted individuals have called other senators and say that they ain't getting opportunity we have given other individuals opportunity to speak or come and have a conversation some claim they couldn't make it after giving them three rounds of opportunities and days scheduled they can't make it but they could be in the senate every single day when something is going on so again food for thought i am open i am listening to all my colleagues and i'm listening to individuals in the public as well but we are lawmakers and at the end of the day We have to bring forward what's in the best interest of the people. I have not denied anybody from having a chance to put their information forward for us to listen to. And with that, I will say again, I'm looking forward to get my amendments from legal counsel and make the adjustments that needed to move these bills forward. So it will happen.

0:37:22 these individuals have a chance still to call us now if they have something different or because i know i discussed i met with a few folks well and if there's other folks that wants to come in and have a conversation they can't have so the 17th and we could put your name on as well if you have something still to testify after you see all the amendments clearly Thank you, Mr. Chair, for the time. Thank you so much, Senator Joseph, for your discussion.

0:37:55 Senator Milton E. Potter, Mr. President, you are recognized. Thank you. Thank you so very much, Madam Chair. I was debating whether or not I was going to say something today, but I opted to say something because of the individuals individuals in the audience who took time from their very busy schedules to be here today to speak on this very important issue, and I am very respectful of your time. Just to explain my vote in communicating with the bill's sponsor, the bill's

sponsor advised me that based on the comments, based on the information he received from many of you in this audience today, he opted to make some significant amendments to his legislation.

0:38:47 So the bill really will not look the same as it looks today. He will introduce an amendment in the nature of a substitute. It was, if the prime sponsor of a bill advises you that I would like the bill to be held because it is not ripe to be heard, it needs to be amended, the common practice is to hold a bill and allow the sponsor an opportunity to make the necessary adjustment that he requested. So, it's just common practice. It's not an attempt to usurp anything or to sneak anything through.

0:39:41 This is a bill that's going to be impossible to quote-unquote sneak through, right? I'm a license gun owner myself, and I respect everybody's right to bear arms. I do. But specifically, this bill, we all recognize needed significant adjustments, and that is what the bill's sponsor indicated. He recognized the deficiency with the bill, and he's saying, give me time to fix it. I mean, that is the way that · and he gave advance notice of that.

0:40:24 I mean, I don't know what else to say on the issue. You know, many of you in here I know and I respect. This senator is not trying to pull the wool over anybody's eyes with respect to this bill. I am a licensed gun owner just like many of you. But allow the senator the opportunity to make the adjustments to the bill thank you very much for the time madam chair and thank you so much senator Potter mr. president for your comments as mr.

0:41:08 secretary center Avery Lewis you are recognized thank you and good morning to everyone when this bill was originally heard it was a recommendation from the committee that is going to send it back to the original committee that's how this whole thing started the committee that he was going to recommend that they go back and what be done on on the bill and the sponsor said okay the both bills this and the hemp bill because they needed work and they needed clarification first thing people other was thinking we banning assault rifles far from it the bill needed clarity the bill needed work vipd put recommendations other people put recommendations and the sponsor went back the verbally had communications this wasn't no secret then he came in writing long before anyone that you got invitation long before any agenda were created i'll be crazy to say we banning rifles and burning guns i am a gun owner license gun let me put on the record that's very important so i'll be crazy all kind of thing happening out and I don't want my the residents said to be protect themselves home and in the street no whatever need walk why bring you here to carry it for a VIP isn't there they're being sued by the testifiers the regulatory agency so let's get a bill correct let's take all your information and then we could move forward why would i go against it

0:43:16 the same thing with the hemp stuff we have people done selling the product and all kind of thing but we're joking it off the shelf not today no no no I'm going to sit down and take care you know blame wrong St. Thomas like this or St. Thomas and John St. Croix thank you Senator Bolquez you are recognized for your point of information thank you so much Mr. Secretary you are recognized thank you Madam Chair I wanted to also chime in and echo some of the sentiments but also place some of my position on on the record as well um i have not had an opportunity to vet these bills this the two same bills i was not available i need not say why i was not available when they were being heard at the first time so i am actually hopeful uh that's why i voted to send it back to the committee to have an opportunity to thoroughly vet these bills in addition to that You know, we know what the overarching issues are.

0:44:26 They've been out in the mainstream media, correspondence with the bill sponsor, discussions. I've had meetings with the gun owners as well, with the gun owners associate. I can't remember the name of the entity. I apologize. Visco, yes. So I am educating myself and doing what I need to do to understand the dynamics of how this bill may impact a legal gun owner so and i will continue to do that i am not a gun owner myself i'll i'll say that my my gun up here that's my gun ready the most high so the one they wonder when i shot fired everything done but um i just want to say that i respect you know to the people that bear arms i mean the illegal entities that are utilizing these firearms without understanding the training and mental preparation that surrounds the responsibility of having a firearm puts you at a disadvantage because um we are doing our best to try to control the anomaly out there the the gun violence the illegal firearms and sometimes there's a blurred line that we have to sort of traverse when it comes to the legal gun owner and the illegal gun owner because those obviously those rights exist so we want to do our part and we want to do it right so my vote was to take it back to the committee of jurisdiction which i'm a member of to have my opportunity to vet the bill as well thoroughly before we come to this juncture. So I do appreciate each and every one of you for coming out here today. I apologize that it may seem like time wasted, but I believe this discussion, even though it may seem a little back and forth, was still healthy for you to have today so that you may all go back to your daily lives knowing that we're going to be doing our part 110%

0:46:30 make sure the next time you take a look at this bill it looks a lot more like it should be and I thank you again for your time and I thank you madam chair for the time thank you so much mr. senator Borges I just want to be clear as you saw that can happen with this vote it could happen anytime and it can happen anytime anytime you have a committee meeting

so I want to empower you to continue to be vigilant what you saw today is democracy in practice but we also have to be mindful and respectful of your voices and not to dismiss and feel as though we as your public servants are in a position where we could make and do anything that we want to do we are supposed to follow this, the constitution and the laws of the Virgin Islands.

0:47:32 And even if a senator says that they're going to do that, it's on this day, this day, that it speaks to that action. I know I had extensive conversation with the Virgin Islands Gun Owners Association, extensive, and even before this bill came up, I met with all of them who met in my office regarding their issue and their concern relative to their Second Amendment rights. And I have to respect that.

0:48:07 When our people speak, we are to hear and to respect and not to dismiss and to make every opportunity. This bill was amended. It says it was amended in the Committee of Jurisdiction and reported out to rule. So it's a different bill than was considered in the Committee of Jurisdiction. So I'm now understanding that there are going to be further amendments. Know that we all are here, all of us are here as your servants, it's your tax paying money that supports us and we are to be your servants and listen to your voices. At this time, since we don't have these two bills on the agenda, I'm going to release the individuals who were scheduled to testify on Bill 36-0144 as a motion was made to place it back in the Committee of Jurisdiction, which is the Committee on Homeland Security, Justice and Public Safety. So you are going to be released from your testimony today. The Committee on Rules and Judiciary stands in recess for five minutes.

0:49:43 Thank you. Thank you. Thank you. Oh, my God. so ¶¶

0:52:43 Thank you. ? I I I I I I I I I I so Thank you. [3 such phrases repeated 8 times · standby audio before the proceeding, transcribed by the recogniser as speech]

0:55:07 Thank you. Thank you. Thank you. Oh, my God. Thank you. Oh Thank you. Thank you.

0:59:07 Thank you. Thank you. Thank you. Oh, my God.

1:01:07 Thank you. so Oh, my God. so Thank you. [3 such phrases repeated 10 times · standby audio before the proceeding, transcribed by the recogniser as speech]

1:07:37 Thank you. Thank you. Thank you. Thank you. Thank you.

1:10:07 Thank you. Thank you. Thank you. Thank you. Thank you.

1:12:37 Thank you. Thank you.

1:13:37 Thank you. Oh, my God.

1:14:37 Thank you. ¶¶ Thank you. Thank you. We'll be right back.

1:17:07 Thank you. Thank you. ¶¶ ¶¶ ¶¶ ¶¶ ¶¶ ¶¶ Thank you. ¶¶ so Thank you.

1:20:36 so so so Thank you.

1:22:36 Thank you. so Thank you. [2 such phrases repeated 8 times · standby audio before the proceeding, transcribed by the recogniser as speech]

1:27:06 Thank you. Oh Thank you.

1:28:36 Oh, my God. Thank you. Thank you. Thank you. Thank you.

1:31:06 Thank you. Thank you. Thank you. Oh, my God. so ¶¶

1:34:06 Let's go. so so so Thank you. Thank you. so Thank you. Thank you. Thank you. Let's do it.

1:40:06 And we are back on the record. Madam Clerk, kindly proceed with reading Block 3 of today's agenda into the record.

1:40:51 Block 3, Bill Number 36-0123, an act amending Title 20, Virgin Islands Code, Part 2, Chapter 43, Subchapter 1, Section 493, making it unlawful for a person who has 0.04% or more by weight of alcohol in his blood to operate a commercial motor vehicle and making it unlawful for a person under the age of 21 years who has any detectable amount of alcohol in his blood to operate a motor vehicle, proposed by Senator Ray Fonseca. Bill number 36-0136, an act amending Title 23, Virgin Islands Code, Chapter 17, Subchapter 2, by adding new sections 1331 through 1336 mandating lethal weapon training for security guards and investigators proposed by Senator Avery L. Lewis Bill number 36-0099 An Act amending Title 34, Virgin Islands Code, Chapter 15, Expanding the Elder and Dependent Adult Abuse Prevention Act, proposed by Sen. Angel Elbocas Jr. and Marvin Blyden. number 36-0061, an act amending Title III, Virgin Islands Code, Chapter 27, Section 706, and Chapter 28A, Section 755, allowing retirees who are receiving an annuity from the government employees retirement system who are subsequently employed by the University of the Virgin Islands

- 1:43:10 UVI to continue to receive their GERS annuity while receiving their salary from the university if the retiree enrolls in a different retirement plan. Proposed by Senator Carla J. Joseph. Bill Number 36-0058, an act honoring and commending Dennis Pumpa Lexen Leonard Leiburg, Jr. for his many contributions to the Virgin Islands culture and music industry as a SOCA artist by awarding him the official key to the territory and naming the main entrance of 6Y Peter's Rest Road Christensted St. Croix in his honor, proposed by Senators Marie C. James, Angel L. Bocas Jr., Avery L. Lewis, Clifford A. Joseph Sr., Carla J. Joseph, and Kurt A. Ville.
- 1:44:13 Bell number 36-0107, a resolution honoring and commending Dr. Alfred Adduce for his outstanding achievements and significant contributions to the fields of medicine, science, public health and community empowerment proposed by Senators Kurt A. Ville, Avery Lewis, Maurice C. James, Kenneth L. Gittins and Clifford A. Joseph Sr. Bill number 36-0121 and act to rename the Peter Kahl Limrich Park the TSK Park in honor of the Ten Sleepless Nights Cuebe ban and making an appropriation to effectuate that change. Proposed by Senators Marie C. James, Clifford A. Joseph, Sr., Avery L. Lewis, Kenneth L. Gittins, Angel L. Boquez, Jr., Karla J. Joseph, Kurt A. Ville, and Franklin D. Johnson, Bill Number 36-0110, an act amending Title 20, Virgin Islands Code, Part 1, Chapter 1, to require a permit from the Virgin Islands Department of Public Works before the excavation of any public roadway, proposed by Senator Angel Alboquez, Jr. Bill number 36-0039, an act amending Title 33, Virgin Islands Code, Chapter 4, Section 75 by increasing the cost to bring containers or flat rack containers into the Virgin Islands and reallocating how money is collected pursuant to Section 75 allocated proposed by senator angel el boquez jr madam chair this concludes the reading of today's agenda thank you so much madam clerk that was a long listing and we are now on block three
- 1:46:41 of today's agenda who speaks on behalf of bill number three six zero one two three media kindly recognized the mic of senator ray Fonseca center for Zika you're recognized yes um good morning uh madam chair bill uh one moment madam chair uh let's take a one minute recess the committee stands adjourned stands in recess rather for one One minute.
- 1:47:59 Thank you. Thank you.
- 1:48:59 Thank you. Thank you. so and we are back on the record Before I recognize the sponsor of the bill, I wanted to just do a little housekeeping to let my colleagues know the order in which they're going to be called.
- 1:50:40 First we will have Senator Avery Lewis, Mr. Secretary, then Senator Angel Bulquez, then Senator Milton Potter, Mr. President, Vice Chair Senator Gittins, Senator Francis Heiliger, Senator Joseph Sr. and then of course the chair will be last and whoever the proponent of the bill they will speak after I do. The chair now recognizes Senator Ray Fonseca to introduce bill number 360123. Thank you, thank you so kindly Madam Chair and good afternoon colleagues. I now present to you for For your consideration, Bill No. 36-0123, which amends Title 20, Virgin Islands Code, Section 493, to strengthen our laws against impaired driving, particularly for individuals operating commercial vehicles on our roads. Impaired driving dramatically increases the risk of crashes and accidents. Alcohol, in particular, reduces your reaction time. It also impairs judgment and it distorts your perception. All of these are critical for safe driving. Thousands of fatalities occur in our nation due to impaired driving, this bill aims to prevent tragedies before they happen this bill makes it unlawful for any person with a blood alcohol content of point zero four percent or greater to operate a commercial vehicle a commercial vehicle these vehicles whether carrying passengers heavy cargo or hazardous materials pose heightened risk on our highways even small amounts of alcohol impaired judgment reduces your reaction time and coordination and when combined with the size and the weight of these commercial vehicles the consequences can be catastrophic by setting a clear standard we now will align the virgin islands with the federal safety thresholds and take proactive steps to protect both drivers and the public from these vehicles colleagues at this time i ask for your favorable consideration thank you madam chair for the time
- 1:53:35 thank you so much senator fonseca for those comments we will now proceed with one round of three minutes of questioning the chair will now recognize mr secretary senator avery lewis for your three minutes thank you madam chair and good afternoon to colleagues good afternoon to the people of the virgin islands as it pertains to bill 36.0123 um in doing my research it doesn't hamper For the regular drivers, which I think is 0.08 BAC, but for the truck drivers, this is definitely in alignment because even in my upcoming bill for the CDL license, it's perfectly in alignment in doing my research. So at the appropriate time, I will be supporting this measure.
- 1:54:50 It really aligns with the CDL, federal regulations, local laws, and, you know, with the CDL rules. Thank you, Madam Chair. Thank you so much. And so that we are familiar with the acronym that is being used, CDL, that's the Commercial Driver's License, This bill aims specifically for those individuals who have commercial driver's license to assure that our people are aligned with that federal standards. Senator Ángel Bolquez, Jr., you are recognized for your three minutes.
- 1:55:33 Thank you so much, Madam Chair. Good morning, colleagues. Good morning to the listening and viewing audience. Good morning, Central Staff. And I wanted to start out by echoing the sentiments of our secretary pertinent to the Bill

36.0123. But in addition to that, I wanted to also add to the fact that this institution has a number of measures that are poised to reflect or do some work in our infrastructure sector here of the government of the Virgin Islands, hence the Virgin Islands of the United States. whether it's the excavations, whether it's the infrastructure to the containers and so forth. And now this with the measure to sort of align with the federal standards concerning commercial motor vehicles, with the fact of the matter being that we are going to see an influx of a lot of activity with our rebuild, with all of the funds that are available to the Virgin Islands, whether it's the replacement of our sewer lines, whether it's building our schools and hospitals. So there will be a lot of commercial vehicle activity throughout the Virgin Islands, and we want to make sure that we protect our most valuable asset, which is our people. So I want to commend the Bill Spansa for thinking of a measure that sort of aligns itself with the federal standard, but also protects the people, especially because of the impact of if, in fact, a vehicle of that size and matter were to be in a collision or something catastrophic, it could impact a lot of lives.

1:57:13 So I'm definitely going to support this measure at the appropriate time. I look forward to voting in the affirmative. Thank you, Madam Chair. Senator Joseph. Thank you so much, Senator Potter. Senator, I'm sorry, Senator Bocas. I do apologize. Mr. President, Senator Milton E. Potter, you are recognized for your three minutes. Thank you very much, Madam Chair. Good afternoon, colleagues.

1:57:45 With regards to Bill Number 36.0123, I'm slightly conflicted. I'll tell you why. I am definitely in support of aligning our standards with regards to the commercial motor vehicles. That is a serious thing when you are utilizing a major piece of equipment and mandating that you operate within the federal standards. I think it's a good thing, the .04, it makes good sense. I think there's wisdom in us doing that. I want to say kudos to the bill sponsor for that. Where I'm a little conflicted is regards to the making it unlawful for a person under the age of 21 years who has any detectable amount of alcohol in his blood to operate a motor vehicle. I know that in a territory, unlike on the mainland, we have a drinking age of 18 years. So it's a little conflicting when you're able to drink, but if you have any detectable amount, any, any detectable amount you are could potentially be criminalized that is my only slight hesitation but I am gonna contemplate what my vote is going to be in that regard but I definitely understand the intent of the legislation and so at the appropriate time I will vote accordingly on this bill thank you very much madam

1:59:38 chair I thank you so much a senator Potter a senator Kenneth Gittins mr. vice-chair don't know if he a senator Francis Heiliger not here senator Clifford Joseph senior right so that would leave me to have a discussion on this bill I did pay attention and listen to the discussion in the committee on homeland security justice and public safety meeting where this bill was vetted on September 4th, 2025. I had the opportunity to listen to both sides of the story of this issue and this bill is only seeking to amend the title to just those individuals who are operating commercial vehicles with alcohol and we want to have that level because they have the bigger trucks they're carrying passengers and so they have persons and a higher responsibility than us ordinary vehicle operators and i really see this as an alignment with federal standards and so that we are totally aligned with them What I would like to see going forward is if we could also, and that's something I really need to contemplate myself, have a requirement for persons to complete CDL courses here to be operating these vehicles, a commercial driver's license, because we have a lot of those individuals that are driving and there is no certification that they have completed any course to drive these

2:01:57 big vehicles and to drive vehicles on a commercial level so there is another level and then and I'm hoping that happens sooner than later so we are not caught with any major liability to our residents so I stand in full support of of this measure senator ray fonseca you're recognized for your closing remarks yes thank you madam chair yes so we would be in a line with the federal standards and of course the attorney general gave testimony regarding the drivers under 21 move yes ma'am so the attorney general gave testimony and also the vipd in support of aligning the virgin islands with the federal standards as you know we have had two fatalities this year in the territory for this same incident so this would reduce the possibilities of you know vehicles being operated while under the influence and thank you madam chair for the time and thank you colleagues for your support and thank you so much senator fonseca do i hear a motion senator angel boquez jr you're recognized for your motion thank you madam chair madam chair i move bill number three six dash zero one two three an act amending title 20 virgin islands Code Part 2, Chapter 43, Subchapter 1, Section 493, making it unlawful for a person who has 0.04% or more by weight of alcohol in his blood to operate a commercial motor vehicle and making it unlawful for a person under the age of 21 years who has any detectable amount of alcohol in his blood to operate a motor vehicle to be favorably voted upon in this committee and reported out to the full body for further action and consideration i so move bill number 36-0123 has been properly moved by senator angel boquez jr seconded by senator Milton Potter, and Senator Avery Lewis.

2:04:29 Roll call on Bill Number 36-0123. Senator Angel L. Bocas Jr. Yay. Senator Bocas Jr. Yay. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Alma Francis Hanager. Senator Francis Hallinger, absent. Senator Carla J. Joseph? Yes.

Senator Joseph, yay. Senator Clifford A. Joseph, Sr.

- 2:05:12 Senator Joseph, Sr., absent. Senator Avery L. Lewis? Yes. Senator Lewis, yay. Senator Milton E. Potter. Yes. Senator Potter, yay. Madam Chair, you have four yeas, three absent. Thank you so much, Madam Clerk. Bill number 36-0123, an act amending Title 20, Virgin Islands Code, Part 2, Chapter 43, Subchapter 1, Section 493, making it unlawful for a person who has 0.04% or more by weight of alcohol in his blood to operate a commercial motor vehicle and making it unlawful for a person under the age of 21 years who has any detectable amount of alcohol in his blood to operate a motor vehicle has been favorably voted upon in the Committee on Rules and Judiciary and will be forwarded to the full body for further action and consideration. Point of information, Senator Avery Lewis. Thank you, Madam Chairwoman.
- 2:06:39 Madam Chairwoman, I'd just like to make note that I think there's a recommendation going to the bill sponsor that in the bill we should, after everywhere it says his, insert forward slash and her. And that could be, it is so noted, I'm sure he's noted it, and that could always be a technical amendment. Thank you, I just wanted to put that on the record so we don't have no discrepancies moving forward. Absolutely, it makes sense. And that, as I mentioned, could be discussed with the bill's sponsor and be placed as a technical amendment. We could have done that well here also. Who speaks on Bill No. 36-0136?
- 2:07:31 I do, Madam Chair, Senator Lewis. Senator Avery Lewis, Mr. Secretary, you're recognized. Thank you. Madam Chair and Honorable Colleagues, we are here today to consider Bill No. 36.0136, which has already passed the Committee of Homeland Security, Justice and Public Safety and now comes before this Committee on Rules and Judiciary. This measure seeks to provide essential structure and safeguards to those entrusted with carrying lethal weapons in their line of duty. Let me be clear. This bill does not prevent anyone from being employed in the security field. It simply ensures that individuals who carry lethal weapons as part of their employment, including private security officers and investigators, are given the opportunity to receive the proper education and training.
- 2:08:23 it is about equipping them with the knowledge and skills needed to defend themselves to protect others and to carry out their duties responsibly and lawfully the legislation establishes a comprehensive training and certification program under the oversight of the virgin islas police department this includes basic education in the handling of lethal weapons law enforcement principles the protection of citizens right and psychological and physical fitness requirements far from creating barriers to employment this program enhances public safety strength strengthens trusts in the profession and raises the standard for those who protect our businesses schools and communities by requiring certification and periodic renewal this bill creates accountability while also granting waivers and exemption for full-time police officers and retired officers in good standing in doing so it balances fairness professional development and community security colleagues this measure is about responsibility safety and ensuring that those authorized to carry lethal weapons do so with the training and certification that our people deserve i respect respectfully ask for your favorable consideration as we move this important legislation forward thank you madam chair and i rest there thank you so much senator Dr. Avery Lewis for that very awesome introduction, because this bill was already heard in the Committee on Homeland Security, Justice and Public Safety.
- 2:10:21 Colleagues, we will proceed with one round of three minutes discussion on this bill. If you don't have to take all of that time, you don't need to, because it was very well vetted, and I don't see this as a very controversial measure. We will begin with Senator Angel Boquez, Jr. You're recognized for your three minutes. Thank you so much, Madam Chair. Madam Chair, I support Bill No. 36-0136, the mandatory lethal weapon training for security guards and investigators, and the legislation practically ensures that the private security professionals handling lethal weapons receive standardized and certified training, and this further enhances our public safety, professional accountability, and coordination with the law enforcement. So I definitely support this measure, and I give kudos and thanks to the bill sponsor concerning Bill number 36-0136. So, you know, it is only right that this type of training is available for these professionals in this industry. We have to make sure that they are well prepared and aware of the great responsibilities that they have before them and that they are practically trained in a way that they're able to utilize these weapons of these lethal weapons in a safe and productive way so i want to thank the bill sponsor once again for support bringing forward bill number three six dash zero one three six thank you for the time madam chair and thank you so much senator
- 2:12:13 bolquez for those comments the chair will now recognize senator milton potter mr chairman Mr. President, rather, for your three minutes. Thank you very much, Madam Chair. Good afternoon again, colleagues. I am in support of Bill 36-0136. The bill establishes mandatory lethal weapon training and certification requirements for private security guards and investigators in the Virgin Islands who carry firearms or other lethal weapons while on duty. It seems like common sense legislation requiring persons who carry lethal force to receive the proper training to do so. The police commissioner must establish an education and training program covering lethal weapons handling, law enforcement practices, and protections of citizens' rights. All privately employed agents carrying lethal weapons must complete this program unless

granted a waiver. Like I said, I think it is common sense legislation. My only question and hope is that the Virgin Islands Police Department has the manpower and the capacity to execute the training required by the law.

2:13:44 That is often the big flaw in these bills. You celebrate the passage, but then there are challenges, whether it's manpower, et cetera. And we're just hopeful that it doesn't end up holding up the process of getting individuals in this line of work gainfully employed. So at the appropriate time, I am going to vote in the affirmative for this bill. Thank you very much, Madam Chair.

2:14:21 Thank you so much, Senator Potter. Relative to this bill, I have no objection. was vetted and we heard a number of sites from it regarding bill number 36-0136 which is really for the training of security guards and investigators some of them are being placed in position where they are serving and working at establishments and they have to protect these establishments and themselves so they should have that ability to require to get that level of training but I do have the same concern that if they are going to be using any type of firearm that you need to have training and that's usually the case as a standard if you're going to utilize and become a licensed firearm carrier uh you have to have training so i don't have any objection to this bill and i really want to commend the bill's sponsor for bringing it forward uh especially if it's a security guard and they do utilize a firearm that they should have that prerequisite training which i believe is something that's already required by persons who are carrying any gun legally so a firearm legally so i have no objection

2:16:09 now i'll turn it over to the bill sponsor for his closing remarks senator avery lewis you're recognized thank you again madam chair and colleagues colleagues i think we all share the same sentiments as it pertains to uh my my bill 36.0136 i echo um some of the sentiments of the former division of personal head um that i wish you know that vipd would have um the manpower to implement and it don't be held up uh for to proceed but i do have the confidence that i think that they would um you know expedite this process and then make a cumbersome process for for individuals and um they could move forward far too long we've seen individuals in settings if you're not carrying any lethal weapons or anything you don't have no problem you could continue working and if you're a retired officers officer you still have no problem with that so this bill does serve that once you carrying a gun and so forth that hey you should have some type of knowledge of the the laws and you know how to handle people and handle yourself and handle the weapons and that's it for me madam chair i'm ready do i hear motion Madam Chair, I move Bill No. 36.0136, an act amending Title 23, Virgin Islands Code, Chapter 17, Subchapter 2, by adding new sections 1331 through 1336, mandated lethal weapon training for security guards and investigators.

2:17:56 I so move. Second. Bill number 36-0136 has been probably moved by Senator Lewis, seconded by Senator Potter and Bocas. Roll call on Bill number 36-0136. Senator Angel L. Bocas Jr. Senator Bocas Jr. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Alma Frances Heininger. Senator Frances Heininger, absent.

2:18:39 Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Sr. Senator Joseph, Sr., absent. Senator Avery L. Lewis? Yes. Senator Lewis? Yay. Senator Milton E. Potter? Yes. Senator Potter? Yay. Madam Chair, you have four yays, three absent. Thank you, Madam Clerk.

2:19:10 Bill number 36-0136, an act amending Title 23, Virgin Islands Code, Chapter 17, Subchapter 2, by adding new Sections 1331 through 1336, mandating lethal weapon training for security guards and investigators, have been favorably voted upon in the Committee on Rules and Judiciary, and will be forwarded to the full body for further action and consideration. who speaks on behalf of bill number 36-099 i do madam chair senator boquez you are recognized thank you madam chair madam chair and colleagues uh i am pleased to present bill number 36-0099 an act amending title 34 chapter 15 of the virgin islands code this measure seeks to modernize the territory's response and protections to some of our most vulnerable residents our older adults and dependent individuals this legislation empowers the department of human services to act swiftly when abuse neglect and exploitation or severe mental health concerns place an elder or dependent adult in imminent danger it supports the Department of Human Services with the tools and emergency response protocols and it has clear procedures for interagency coordination and collaboration with law enforcement and medical services bill number three six that 099 also mandates the creation of an Elder Anti-Abuse Multidisciplinary Team, MDT, to improve prevention and response strategies, evaluate high-risk cases, and submit annual reports to the legislature, identifying trends and data and policy recommendations for stronger systemic safeguards. Also in response to the recommendations by the Department of Human Services, when the bill was first heard we have amendment number three six dash five six one which further refines the legislation by updating the language throughout chapter 15 to replace the term elder with older adult and this change ensures the consistency with the modern terminology that is utilized nationwide so that the national policies and advocacy frameworks are accurate and aligned with the virgin islands so this also reflects um for all of the inclusion of all aging populations collectively this bill and its amendment will enhance the coordination accountability and responsiveness across all the agencies and ensures that the adults the older adults and depend and the dependent individuals living in the virgin islands receive timely protection respect justice and a quick

response so colleagues i urge you please to support this measure as it is an important step towards a safer safer more compassionate community for our aging and

- 2 : 22 : 37 dependent residents thank you very much madam chair thank you so much uh we will now proceed with one round of three minutes comments senator lewis you are recognized for your three minutes thank you madam chair and again good afternoon um madam chair and colleagues i do rise in support of bill 36.0099 and i know at some point in time the bill sponsor is going to offer an amendment and i've read the amendment and i do agree with him but the one thing i'll say is that i did work along with the bill sponsor and we had some other outside entities giving some input i thank i want to publicly thank the virgin aarp i want to thank human services um some of the non-profits um that gave their input even department of health as well and you know this is built here that we have to be the custodian and the when other style the legislature we have to lead we have to look out for a vulnerable population and at some point in time while we looking out for the older adults we need to look out for those with disabilities who's who have who's in custody or custody of others make sure that those people are not taking advantage of of those who cannot help themselves.
- 2 : 24 : 11 So I do, in an appropriate time, I will be supporting this measure and I thank the bill sponsor for his hard work and dedication in putting this bill forward. I did sign on as a sponsor as well. And hopefully, you know, we could work along with other agencies to make sure that we strengthen the laws of the Virgin Islands to protect all of our vulnerable population, to include our children and our seniors as well. Thank you, Madam Chairwoman.
- 2 : 24 : 39 Thank you so much for that, Mr. Secretary. The chair will now recognize Mr. President, Senator Potter, for your three minutes. Thank you very much, Madam Chair. Madam Chair, colleagues, I am definitely supportive of Bill Number 36-0099. I just want to express kudos to the bill's sponsor for having the foresight to bring this bill forward. I think community is really judged by how we treat the most vulnerable among us. And I think that we all aspire to be called elders, some of us much sooner than others. I am knocking at that door.
- 2 : 25 : 24 So I think a community should be responsible. And we should have laws in place to treat our elders with a level of reverence and respect and dignity that they rightly deserve. So at the appropriate time, I plan to vote in the affirmative for this bill. Thank you very much, Madam Chair. Thank you so kindly, Mr. President, for those remarks. This time the chair will speak, I attended the meeting that was held on September 19th here in these chambers to consider this piece of legislation. I recall vividly we had before us here Assistant Commissioner Dorsett, also Miss Henry, and I can't remember the other young lady name, but they were from representatives of the Department of Human Services.
- 2 : 26 : 30 We also had online a representative from the AARP as well as the Attorney General's office. So this bill was vetted really properly. The only concern I had was what the cost would be for to establish the registry. In the testimony from the AG office, they say they already are doing that with the sexual offenders registry. And so they didn't see or know the exact amount of costs, but they said it may be negligible. And so this bill would definitely add some teeth to those for those persons who like to prey on the most vulnerable in our community. and so I stand in full support of it. We have to be able to protect and get a voice for those who are vulnerable, and this piece of legislation provides that opportunity. I want to commend the bill's sponsor for bringing this piece of legislation forward, and for working tirelessly on it, him and all of the other senators who have worked on it, and I stand in full support of it because it's a registry to help prevent elder and dependent adult abuse. And that could go to persons who are disabled as well because they are disabled and so they are dependent on somebody else to help take care of them. So I am in full support of this piece of legislation and I'm ready to vote. Thank you. Mr. Senator Bocas, you are recognized for your closing remarks.
- 2 : 28 : 23 Thank you so much, Madam Chair, and I appreciate all of the support from the members present concerning Bill No. 36-0099. We did, as mentioned, have a very thorough process concerning when the bill was first heard, and I want to also publicly thank the Department of Human Services, the Department of Justice, AARP, the nonprofit organizations who all have been working with my office and I for a matter of years concerning this piece of legislation and making sure that we did our best to try to get it to where it needed to be. There is an amendment today, which we did not realize that the national standard now is to be classified as older adult. And based on the testimony from the Department of Human Services, we further learned that this, just by having those words, that it aligns the Virgin Islands with the national policies and standards and any other opportunities that can exist for the Virgin Islands for these standardized protections for our older adults. So we want to continue to support our older adults. And I thank you, colleagues, for your input and support.
- 2 : 29 : 42 Thank you, Madam Chair. Oh, I apologize. We're going to go ahead and move the amendment. Do I hear an amendment? Yes. Amendment, Madam Chair. You may proceed, Senator. Thank you, Madam Chair. Madam Chair, I move Amendment No. 36-561, Amendment to Bill No. 36-0099, Bill No. 36-0099 is amended in the following instances. A. In Section 1. 1. On page 1, line 4, strike elder and insert older. 2. On page 2, line 6, strike elder and insert older adult. Line 8, strike elder and insert older.

- 2:30:31 And line 12, strike elder and insert older adult. and three. On page three, line one, strike elder and insert older adult. Line five, strike the elderly and insert older adults. Line eight, strike elder and insert older adult. And line ten, strike elder and insert older. B, add the following subsection two. Two, section two, Title 34, Virgin Islands Code, Chapter 15 is amended as follows.
- 2:31:10 A. In Section 451, strike elder and insert older. B. In Section 452, 1, in subsections A through F, H, N through P, R through U. Senator Avery Lewis, you are recognized for your motion. try again senator lewis yes um and i'm trying to move that we waive the reading of amendment three six that's five six one two bill number three six that's zero zero nine nine iso move iso move Motion to waive the reading of amendment number three six dash five six one was made by Senator Lewis and seconded by Senator Boquez and Potter, hearing no objection. So ordered.
- 2:32:14 I so move. Amendment number 36-561 has been moved by Senator Bocas and seconded by Senator Potter. Hearing no objection, so ordered. Motion. Senator Bocas, you are recognized for your motion. Thank you so much, Madam Chair.
- 2:32:40 Madam Chair, I move bill number 36-0099, an act amending Title 34, Virgin Islands Code, Chapter 15, expanding the Elder and Dependent Adult Abuse Prevention Act, as amended, to be favorably voted out of this committee and forwarded to the full body for further action and consideration. I so move. Bill number 36-099, 36-0099, has been properly moved by Senator Angel Bocas and seconded by Senator Avery Lewis. Roll call on bill number 36-0099 as amended. Senator Angel L. Bocas, Jr. Yay.
- 2:33:37 Oh, Senator Bocas, Jr., yay. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Alma Francis Heilinger. Senator Francis Heilinger, absent. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Senior. Senator Joseph, Senior. Absent. Senator Avery L. Lewis.
- 2:34:18 Yes, yes. Senator Lewis, yay. Senator Milton E. Potter. Yes. Senator Potter, yay. Mr. Chair, you have four yay, three absent. Thank you. Thank you, Madam Clerk. Colleagues, Bill number 36-0099 has been voted upon and will be forwarded. I apologize. Colleagues, Bill number 36-0099, as amended, an act amending Title 34, Virgin Islands Code, Chapter 15, expanding the Elder and Dependent Adult Abuse Prevention Act has been voted upon favorably in this committee and will be forwarded to the full body for further action and consideration. Who speaks to bill number 36-0061?
- 2:35:13 I do Mr. Chairman. Mr. Chairman and colleagues I ask your support of bill Number 36-0061, an act amending Title III, Virgin Islands Code, Chapter 27, Section 701, 706, sorry, and Chapter 28A, Section 755, allowing retirees who are receiving an annuity from the government employees retirement system who are subsequently employed by the University of the Virgin Islands to continue to receive their GRS annuity while receiving their salary from the University of the Virgin Islands if that retiree who is receiving the annuity enrolls in a different retirement plan. This bill was probably heard in a Committee of Jurisdiction Committee on Government Operations, Veterans Affairs and Consumer Protection on September 22nd. I worked extensively with both parties involved in this measure which included the University of the Virgin Islands as well as the government employees retirement system. None of them objected they said that this was a good way in fact President Sophia George was strongly in favor and in support of this measure as part of a recruitment tool to beef up the faculty that is in exist the faculty at the University of the Virgin Islands, as well as a medical education faculty, executive leadership in a medical education and operation of the University of the Virgin Islands. This bill is a very simple bill to assist our own and one and only University of the Virgin Islands, which I'm an alumni of, to help them be able to provide the educational support of a at a higher institution we are seeing federally a lot of rollbacks with from hbcu i know i read something recently that the president of the united states is now granting them additional monies but i will say this we have only one university here in the virgin islands and that's the university of of the virgin islands and so anything that we can do to help them with their recruitment efforts and we have a lot of young retirees who still have the wherewithal and a strength to give back but they don't want to be hampered if they choose to elect to join TIA CREF at the university level you know questions were asked what is the vesting period if a retiree would want to join tia craft and be eligible to enroll their vesting
- 2:38:37 period is just one year and whatever you pay in you pay you receive at the time of retirement this is a win-win situation for all of us so i'm urging my colleagues to vote in favor of this this bill, I do have an amendment which clears up and gives a little bit of specification for who those positions are eligible based on persons who would be eligible, positions would be eligible to join the university second retirement or pension program, TIA-CREF, at the university level. so i hope that all of my members uh in this committee and as well as all 14 other members will stand in support of this bill thank you so much mr chairman for the time thank you senator joseph for your introduction of bill number 36-0061 we will now have a three minute round concerning the the bill and we will begin with secretary lewis you are now recognized for your three minutes thank you mr chairman as it pertains to bill number three six zero zero six one the sponsor actually did her homework and they both the GRS and the universities were here in speaking favor of the bill and

I may only could strengthen the government employees retirement system so at the appropriate time, I'll be voting in the affirmative. Thank you.

2:40:20 Thank you, Senator Lewis, for your input. President Potter, you're recognized for your three minutes. Thank you very much, Mr. Chair. Mr. Chair, colleagues, at the appropriate time, I plan to vote in the affirmative for this piece of legislation. I think it brings the university in alignment with what is currently Virgin Islands law. And so I want to just express kudos to the bill's sponsor at the appropriate time my vote will be yes thank you very much thank you so much uh senator pata and i will now take my three minutes uh which i won't need all of the all of it i want to also join in commending the bill sponsor for having the proactive effort to see this gap that exists we know that this institution has moved pieces of legislation to fill gaps in the sense of the executive branch for individuals to be able to fill positions to support the activity and operations of the government of the Virgin Islands. And here we are now supporting our university and to the point that was made by the senator proposing the bill, that this is our only university. And I want to commend her once again for having the proactivity to see that and try to fill the gap and make it whole so thank you for that and I will render the rest of my time to her if she needs it. You are now recognized for your closing remarks Senator. Thank you so much Senator Bocas, Mr. Chairman. I just want to say I really appreciate the level of collaboration I had with the University of the Virgin Islands as well as the government employees retirement system. This piece of legislation wouldn't have been

2:42:10 an easy piece of legislation to bring forward if I didn't work on the front end tirelessly with them, had extensive discussion with both parties, including their legal counsel and persons who work in various aspects. I also want to take the opportunity to thank someone who has guided me environmentally, Dale Barry, during my term as the President of the Environmental Association of St. Thomas and St. John, who recognized an issue that was being encountered by a number of persons when they wanted to join as a faculty member after they had retired from government service and join the University of the Virgin Islands to render much needed services in their faculty to teach and to broaden us. So I really appreciate him for speaking on their behalf and giving a voice and I really appreciate definitely I'm very grateful to the GRS as well as the University of the Virgin Islands for working with me to refine this bill even further. At appropriate time, I would like to offer an amendment just so that we are specific in who is covered under this portion of this bill. Thank you, Senator. Do I hear an amendment?

2:43:40 Amendment. Amendment, Senator Joza. Colleagues, I would like to offer amendment number 36-557, bill number 36-0061 is amended as follows. One, in section 1A, subsection A, internal subsection G, one, after the first instance of University of the Virgin Islands, insert in the positions of faculty, medical education, faculty, executive leadership in medical education and operational capacities in the medical simulation center, medical school and biomedical facility, educators in medical simulation, biomedical and robotics technology, and grant writers. After annuity, insert from GERS for up to a period of six years, and three, at the end, insert, In the third year after the enactment of this section, the legislature of the Virgin Islands shall consider the economic effects of this section on the government employee retirement system of the Virgin Islands and the University of the Virgin Islands and may allow extensions to the term of service under this section if necessary. B, subsection B, internal subsection F, one, after the first instance of University of the Virgin Islands, insert in the positions of faculty, medical education faculty, executive leadership in medical education and operational capacities in the medical simulation center, medical school and biomedical facility education. educators in medical simulation, biomedical and robotics technologies, and grant writers. Two, after annuity, insert from GRS for up to a period of six years. And three, at the end, insert, in the third year, after the enactment of this section, the legislature of the Virgin Islands shall consider the economic effects of this section on the government employees' retirement system and the University of the Virgin Islands and may allow further extensions to the term of service under this section if necessary. I so move.

2:46:29 Second. Amendment number 36-557 has been properly moved by Senator Carla Joseph and seconded by Senator Avery Lewis. Hearing no objections, so ordered. Mr. Chairman and colleagues, I move that Bill No. 36-0061 1, an act amending Title III, Virgin Islands Code, Chapter 27, Section 706, and Chapter 28A, Section 755, allowing retirees who are receiving an annuity from the government employee's retirement system, who are subsequently employed by the University of the Virgin Islands, UVI, to continue to receive their GERS annuity while receiving their salary from the university if the retiree enrolls in a different retirement plan as amended, be voted upon favorably in the committee and rules and judiciary and forwarded to the full body for further consideration and action.

2:47:51 I so move. Second. Bill number 36-0061, as amended, has been properly moved by Senator Carla Joseph and seconded by Senator Avery Lewis. Roll call on the bill as amended, Madam Clerk. Senator Angel L. Bocas, Jr.? Yea. Senator Bocas, Jr., yea. Senator Kenneth L. Gittins? Senator Gittins, absent.

- 2:48:22 Senator Alma Francis-Heiniger. Senator Francis-Heiniger, absent. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Sr. Senator Joseph, Sr., absent. Senator Avery L. Lewis. Yes. Senator Lewis, yay. Senator Milton E. Potter. Yes.
- 2:48:51 Senator Potter, yay. Mr. Chair, you have four yeas, three absent. Thank you, Madam Clerk. Bill number 36-0061, as amended, an act amending Title III, Virgin Islands Code, Chapter 27, Section 706, and Chapter 28A, Section 755, allowing retirees who are receiving an annuity from the Government Employees Retirement System who are subsequently employed by the University of the Virgin Islands to continue to receive their GERS annuity while receiving their salary from the university if the retiree enrolls in a different retirement plan has been approved in this committee and shall be forwarded to the full body for further action and consideration. who speaks to bill number three six dash zero zero five eight i do senator avery lewis you're recognized thank you mr chairman mr chairman this particular bill here and the particular day was heard in the committee of government operation veterans affairs and consumer protection which um i have the privilege of being the chair of that committee that day we had three spectacular bills but i'm only going to speak on the one now which i could have spoken all three one time but i'm going to speak on the one now and that day we had a resolution in honoring and commending mr dennis pompa lennox leroy libot jr is for his many contributions to the virgin islands culture and music industry and a soca artist by awarding him the official key to the territory and naming the main entrance of six dash white peter's rest road christian sets inquiry in his honor
- 2:50:54 so if you name n with a a you know what to do but today it starts with three six zero zero and it ends with five eight so we're gonna make the right thing here today and i'm asking you just urging you guys that you know i am a firm believer and i always said this that's when someone is alive you give them the flowers so they can smell their fragrance and you know uh we do have many many others out there and we lost lost a legend too Mr. Javon Sasso, my friend, Uncle Man. And, you know, when I got in, two people I said I'm going to honor was Sasso and Mr. Neville Champy-Amy. It's not never too late, but I'm going to work on that. But I actually, colleague, just to support Bill 36.0058, the Bill Sponsors, which is Senator Maurice James, senator anghel bulkas jr and myself and co-sponsored by senator nova lee francis jr i think by now many more have signed on but i ask you wholeheartedly to give your favorable uh affirmative vote and they say thank you thank you so much uh senator lewis for that introduction i do believe we have a lot of other senators including myself who have signed on um clifford joseph senior uh senator kurte vla so and of course senator boquez and so i was in a present at this hearing and it was a fabulous day indeed uh to hear persons come and testify colleagues we're gonna proceed with one minute one round of three minutes of discussion on this bill i'd like to recognize senator bolquez for your three minutes thank you so much madam
- 2:53:01 chair um madam chair and colleagues i think this bill has the right number three six does zero zero five eight it sort of end with a a sort of but um seriously speaking i just really want to um you know thank the bill sponsor for seeing um the importance of honoring our musical ambassadors because uh one of our musical ambassadors because they are the culture bearers of the virgin islands they go out of this territory and represent us in many different ways and they help to attract individuals to come here for our festivities for our festivals and carnivals and our different activities that we have here and as we continue to build our entertainment industry we have to commend those who have done exponential work outside of the territory so we want to say thank you to dennis pumper lennox leonard jr libert jr for his contributions to the virgin islands to the culture and the music of soca and of course supporting him in his endeavors moving on into the future and this also is to encourage other entertainers out there because he too had his humble beginnings and for those who are beginning their musical careers um you know you should always see what your your um elders or or older adults not that he's that old are doing and learn from them but um i i really want to just support this measure when it's time to vote and i thank you for the time madam chair and thank you so much senator bolquez for those comments mr president senator milton potter you are recognized for your three minutes. Milton president. Thank you very much, Madam Chair. I appreciate that. Madam Chair, colleagues, good afternoon once again. I absolutely rise in support of bill number 36-0058 and act honoring and commending our very own Dennis Pumper Lennox Leroy Liburd Jr. for his many contributions
- 2:55:12 to the Virgin Islands culture and the music industry as a soca artist. I was watching BET just randomly a couple weeks ago, and it was a BET Caribbean Awards or something like that, and I just kind of heard, I didn't see the face, but I heard the voice, and immediately when I looked up, I saw a gentleman with green beard. I said, man, that's Pampa. And you always, as Virgin Islanders, have a sense of pride. anytime you see one of your own achieve such greatness such major milestones and like i always say progressive communities honor and commend their own when they achieve greatness that is what we do and i'm proud to be a part of this piece of legislation i plan to sign on for sure and we want to give mr pumper his accolades while he is still a relatively young individual and this will encourage those young people as my colleagues before me just mentioned it will encourage and inspire young people who come afterwards to have that same level of commitment and excellence to whatever endeavors they pursue so madam chair at the appropriate time my vote will be yes for this resolution honoring and commending mr. Dennis Pumper Lennox Leroy Lybud jr. thank you and

thank you so much mr. president I will only speak for about one minute on this I am in full support i want to also commend the sponsor of the legislation senator marie c james who brought it

2:57:05 forward initially and to note that mr dennis pompa lennox leroy liberd junior is not only a great musician but he is also educated he has earned his bachelor's degree and associate degree as well and so for all of the persons who are out there aspiring to be musicians definitely this didn't just come because he's a musician he brings very positive energy but he's also an educated man and I will go to the length of saying from the soil and so I am ready to vote on this measure when it is called up thank you so much colleagues do i hear a motion motion senator avery lewis you're recognized for your motion madam chair i move bill three six that zero zero five eight an act honoring and commending dennis pumper lennox leroy library jr for his many contributions to the virgin islands culture and music industry as a soca artist by awarding him the official key to the territory and naming the main entrance of six dash y peter's rest wrote christian said st croix in his honor i so move second bill number 36-0058 has been properly moved by senator lewis seconded by senator angel bouquez jr and milton potter roll call on bill number 36-0058 senator Angel L. Bocas, Jr. Senator Bocas, Jr., yay.

2:58:52 Senator Kenneth L. Gittins, Senator Gittins, absent. Senator Alma Francis Heinegger, Senator Francis Heinegger, absent. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Sr., Senator Joseph Senior, absent. Senator Avery L. Lewis?

2:59:22 Yes. Senator Lewis, yay. Senator Milton E. Potter? Yes. Senator Potter, yay. Madam Chair, you have four yay, three absent. Thank you, Madam Clerk. Bill number 36-0058, an act honoring and commending Dennis Pumper Lennox Leroy Liber Jr. for his many contributions to the Virgin Islands culture and music industry as a soca artist by awarding him the official key to the territory and naming the entrance of 6-Y Peter Ress Road Christian St. Croix in his honor has been voted upon favorably in the Committee on Rules and Judiciary and will be forwarded to the full body for further consideration and action. Thank you. Who speaks on the behalf of Bill Bill number 36-0107.

3:00:33 I do. Senator Avery Lewis, you are recognized. Thank you, Madam Chair. As Bill number 36-017, sponsored by Senator Kurt Avelle and myself, co-sponsored by Senator Ray Fonseca, Senator Noveli Francis Jr., it was a resolution honoring, is a resolution honoring and commending Dr. Alfred Lee Andrews for his outstanding achievements and significant contribution to the fields of medicine, science, public health, and community empowerment. Colleagues, this here was a moment of one of those moments where you get your blessings from just hearing the comments from the rewards and the product and the good you do in this community, when people could stand up and say, Dr. Andous saved my vision. Dr. Andous helped me, referred me.

3:01:32 There was a testimony given where he was going to administer and was telling someone about a new technology, a new method to cure some type of vision impairment. And with that, the lady said, I ain't going to nobody else. You're going to have to do it. And he took that leap of faith, and that lady could see today. But not only that, there's so many other people that have that testimony of his good that he did in his community without charging.

3:02:13 you know so first i met dr andrews there was a little joke in between there you know i asked him if i said dr andrews growing up i remember seeing a cookbook with a lady named andrews in it you you you know that lady that's a relative from st thomas and um you know i said so okay so we solved the method now that we understand that the cookbook came from st thomas to st croix so that's how they got a good food you know what i i could say that in st thomas now but i gotta go back but yeah but colleagues i just asked us to uh move this uh measure forward with full support because it's timely and it's fitting and dr andrews is alive and kicking and well and he's one of those individuals that's going to smell the fragrance of his flowers while he's alive and that's it for me madam chair i thank you so much senator luis for those comments uh senator bolquez you are recognized for your three minutes thank you so much madam chair uh madam chair and colleagues i too join in in support of bill number 36-0107 honoring dr alfred lee and dues for his lifetime of service in the fields of medicine education and of course community health which his work has elevated the virgin islands to the world stage and this resolution rightly honors his distinguished career as a son of our territory whose work has improved the lives of so many people locally and even globally so i look forward to

3:04:14 supporting in the affirmative at the appropriate time thank you madam chair and thank you so much senator bolquez mr president milton potter you are recognized for your three minutes thank you so much madam chair colleagues once again good afternoon um i rise in support of this bill bill number 36-0107 the resolution honoring and commending i think a vi legend dr alfred lee andrews there's nobody over 40 in this community who is not acquainted with dr alfred lee andrews he has been an outstanding virgin islander who has done more than his share here, as a noted physician and philanthropist in this community. Like I continue to reiterate, it is imperative that we as a progressive society honor, commend and recognize those among us who have achieved excellence in their chosen field. Dr. Andrews has most certainly done that, and then some. At the appropriate time, my vote will be yes for this resolution.

- 3:05:34 Thank you very much, Madam Chair. Thank you so much, Mr. President, for your comments. I'm going to just be very short. I was in the committee meeting and I heard the testimony, actually I was flying back here to St. Thomas, of a lady who was Dr. Andu's patient. And he is a doctor in ophthalmology site. And she spoke so eloquently about how Dr. Andrews was able to help her to regain her sight and improve her sight over the years. And that was a selling point for me. And then the other persons who came forward and said what a contribution that Dr. Andous have made in their lives. I note that Dr. Andous actually graduated from HBCU universities and as historically black colleges and universities. It is time that we continue to support our own. Dr. Andous is a man from our soil and he has made significant contributions and I believe he's still making contributions even today.
- 3:07:04 And so this honoring is very fitting. I am hopeful that we will be able, as a people, as servants, expedite to get this honouring and commendation done while he is still here and move forward. I don't have any issues with the legislature, I know we normally do these perma plaques and the like very quickly, but I definitely would love to be able to see him receive the recognition while he is still on top of god's earth do i hear motion motion senator lewis you are recognized for your motion thank you madam chair madam chair i move bill number three six dash zero one zero seven a resolution honoring and commending dr alfred lee and dues for his outstanding achievements and significant contribution to the fields of medicine science public health and community empowerment i so move bill number 36-0107 has been properly moved by senator lewis seconded by senator boquez and potter roll call on bill number 36-0107 Senator Angel L. Bocas, Jr.
- 3:08:30 Yay. Senator Bocas, Jr., yay. Senator Kenneth L. Gittins, Senator Gittins, absent. Senator Alma Francis Hyinger, Senator Francis Hyinger, absent. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Sr. Senator Joseph Sr. Absent Senator Avery L. Lewis Senator Lewis, yay Senator Milton E. Potter Senator Potter, yay Madam Chair, you have four yay, three absent Thank you so much Madam Clerk Bill number 36-0107 A resolution honoring and commending Dr. Alfred Lee Andrews for his outstanding achievements and significant contribution to the field of medicine, science, public health, and community empowerment has been voted upon favorably in the Committee on Rules and Judiciary and will be forwarded to the full body for further consideration and action. who speaks on behalf of bill number 36-0121 i do senator avery lewis you are recognized madam chair i ask you and my colleagues here today for your support in bill number three six zero one two one an act to rename the pita call limpric park in st croix the 10 sleepless nights park in honor of the 10 sleepless nights quail bay band
- 3:10:28 i'm making an appropriation to effectuate that change well madam chair and colleagues excuse me this bill was properly vetted in the community in committee on government operation Veterans Affairs Consumer Protection which I chair most of the band members was there present you know we had community activists and so forth giving their testimony in favor and in support of this this is another bill I would like to commend the bill sponsor Senator Maurice James for her hard work and dedication and recognizing the good of this band I don't know what St. Croix festival would be without stanley without the 10 sleepless nights because i look forward for their trump now it becomes such a hit now it look like young and old going to this they don't the young people them don't go by their trump number they come down to stanley and um we make it a trump you know so i gotta teach stanley um if your name n with a a they're gonna be a hit in between but anyhow on a serious note i i do ask for your support and colleagues at some some time before i do bring this measure forward move this measure forward as a amendment to the bill which is uh just clarifying some technical stuff in here and i'll move it at the appropriate time thank you thank you so much senator lewis senator angel bouquez jr you are recognized for your three minutes uh thank you so much madam chair madam chair and colleagues i rise in support of bill number three six that's zero one two one um the ten sleepless nights deserve to be honored because they have preserved and celebrated and shared the very essence of our Virgin Islands
- 3:12:26 culture and that has been going on for more than 55 years and that's a long time and um dedication and perseverance and through their work and their mastery of Quelbe which is the official music of these virgin islands they have kept alive those stories those rhythms those traditions that define all of us as people of the virgin islands and this group has educated generations of people young and old through their performances whether it's school programs uh cultural incentives it doesn't matter they are always out and about if you know stanley and the ten sleepless nights and they have represented the virgin islands on the national and international stages earning recognitions with um the smithsonian institution and the national endowment of arts um i mean the ten sleepless ten sleepless nights have become a territorial or even a worldwide symbol of unity and culture for these virgin islands and and through their artistic excellence. Renaming this park in their honor ensures that their contributions are forever remembered or enshrined in our Virgin Islands for future generations so that they can understand the importance of preserving our cultural identity, whether it's through music, whether is through arts, it doesn't matter.

- 3:14:04 You are, our culture is our identity, so I want to commend Stanley and the Ten Sleepless Knights for decades of doing that, in addition to the bill sponsor for having the foresight to enshrine Stanley and the Ten Sleepless Knights in that very park, because it is my understanding that that is the very park where they first formed the band. That is where they met that is where they discussed the forming of this band 30 seconds and that is where they made the decision and even played there very early on back in the day so I think it's touching and it's well thought of and I look forward to support the measure at the appropriate time thank you madam chair thank you so much senator Bocas at this time the chair will recognize senator Milton Potter Mr. President for your three minutes. Thank you so very much Madam Chair. Madam Chair once again I'm not gonna utilize all my time because I think this is pretty much a no-brainer. I absolutely rise in support of bill number 36-0121 an act to rename the Peter Carl Limpridge Park the TSK Park in the honor of the Ten Sleepless Nights Quell Bay Band. Stanley and the Ten Sleepless Nights, they have truly been really a force to be reckoned with on the cultural landscape here in the U.S. Virgin Islands. Their presence is really synonymous with anything and everything good about the Virgin Islands. It is really my honor to be a part of this resolution. The excellence that they always come to the table with each and every day is something that we can all model, we can learn from, we can take a page from. And we always look at them with a sense of pride.
- 3:16:20 They are our very own. They belong to us, and we belong to them. So Madam Chair, at the appropriate time, my vote will be yes for bill number 36-0-121. Yes for the 10 sleepless nights. Thank you. Thank you so much, Mr. President, for those very strong remarks. At this time, I will speak on behalf of Bill 36-0-121. I really was impressed with the amount of work and definitely the dedication that Stanley and the 10 Sleepless Night have put in over the past 50 years. To be able to do this work, stay focused as a group, and even adding new people as, know they need to they have been dedicated and vigilant everyone know that christmas in the virgin islands whether you're living here in the virgin islands or you're off island isn't christmas unless you're hearing one of stanley and the ten sleepless nights jingle and their songs who don't remember mama bake your johnny cake christmas coming and you're hearing the flute and so i stand with my colleagues in support of this measure and it is very fitting i do remember also that an amendment was supposed to be coming because we wanted to include a different a road also in this amendment including uh this park leading up to this park i don't know if the amendment includes that but that was something that i believe miss uh everson flood
- 3:18:19 mentioned in her comments and i really stuck to it because they are cultural bearers and i think is deserving especially if you have done this for over 50 years and and been committed to providing this level of joy i have enjoyed their tramps i remember especially here in st thomas for the elder tramp that it made they normally go around to all of our senior developments and play music and you could see the seniors remembering that they get up and they're dancing dancing is good and music really is a cultural thing and a human thing and so I really stand in support of this measure and I'm looking forward to voting on it in the affirmative when that time comes do I hear motion amendment an amendment Senator Lewis you are recognized for your amendment but I'm chair I offer amendment number three six that's five seven seven to bill number three six that zero one two one bill number three that 0121 is amended in the following instances. A, on page two, line one, line one, after contributing, insert there, T-H-E-I-R.
- 3:19:50 Two, line two, before education, insert vocal distinction. Three, line 20, strike the language after downtown Christian Stead, an insert, is now the central space for a cultural glow for the world to see. A glow in the park, an annual tree lighting celebration that is coordinated by the Krusian Cultural Group Incorporation, a subcommittee of the Christian Stead Community Alliance incorporated community volunteers corporate and governmental community partners four line 22 strike 13 and insert the word the th e like number five line 23 insert volunteer before community and six line 24 strike with locally crafted items and strike the trees in Line B, on page 3, number 1, line 1, before a glow in the dark, insert a cultural glow for the world to see, insert annual before decoration.
- 3:21:13 Line 2, number 2, line 2, strike highlights and insert annual activities, highlight, maintains, showcases, and preserves. three line three strike traditional dancers and insert traditional quadrille dancers vocalists multi-generational cultural performers four line seven after celebration insert cultural events five line eight strike midnight and insert four day morning 6 line 10 after heritage insert and traditions 7 line 23 strike 2025 and insert 2026 see on page 4 1 line 12 after standards insert and facilities the upkeep of such markings on annual basis at a minimum, period. I so move.
- 3:22:28 Second. Amendment number 36-577 has been properly moved by Senator Avery Lewis and seconded by Senator Angel Bocas Jr. Hearing no objection, so ordered. Motion. Senator Lewis, you are recognized for your motion. Madam Chair, I have for Bill No. 36, Madam Chair, I move Bill 36-0121, as amended, an act to rename the Peter Kull Limpric Park, the 10 Sleepless Nights Park, in honor of the 10 Sleepless Nights Quail Bay Ban, and make it an appropriation to effectuate that change. I so move. Second.
- 3:23:16 Bill number 36-0121, as amended, has been properly moved by Senator Lewis, seconded by Senator Potter and Bocas. Roll call on Bill number 36-0121. Senator Angel L. Bocas Jr. Yeah. Senator Bocas Jr. Yeah.

- 3:23:41 Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Alma Francis-Huyager. Senator Francis-Huyager, absent. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Sr. Senator Joseph, Sr., absent. Senator Avery L. Lewis? Yes.
- 3:24:13 Senator Lewis, yay. Senator Milton E. Potter? Yes. Senator Potter, yay. Madam Chair, you have four yay, three absent. And thank you so much, Madam Clerk. Bill number 36-0121, an act to rename the Pearl Peter Carl Limpric Park, the 10 Sleepless Night Park in honor of the 10 Sleepless Nights Quail Bay Band and making an appropriation to effectuate that change as amended has been favorably voted upon in the Committee on Rules and Judiciary and will be forwarded to the full body for further consideration and action. who speaks on behalf of bill number 36-0110 i do madam chair senator bolquez kindly proceed thank you madam chair good day madam chair and colleagues it is a pleasure to present bill number three six dash zero one one zero an act amending title 20 chapter one of the virgin islands code to require a permit from the department of public works before any excavation of public roadways for years this territory has experienced repeated damages to roads curbs and sidewalks caused by the uncoordinated or unauthorized excavation too often trenches are opened patched poorly or improperly and left to deteriorate causing costly repairs and safety hazards to motor in public this bill bill number three six
- 3:26:08 dash zero one one zero establishes a structured system requiring the department of public works permit before any public road is excavated the bill also grants for the first time the department of public works the authority to set fees based on the project size and scope it also has components that the public works department will inspect the excavation work and enforce penalties for non-compliance and also require full restoration of the damaged roads and if any adjacent areas were damaged because of the excavation the primary excavation there will be a requirement for them to fix the adjacent area all the fees collected under this act will be directed to the district public road fund ensuring that road restoration and maintenance are adequately adequately financed there is also a forthcoming amendment that addresses what is emergency excavation situations allowing authorized entities such as utility providers or public safety agencies to respond immediately to emergencies while still being accountable to dpw's reporting and restoration and documentation requirements this this ensures that there is also a urgent action that could occur but we're not sacrificing oversight in those situations and i want to commend the amendment sponsor uh avery lewis who has also provided that amendment through discussions with the commissioner of the department of public works who has already shown his support of the amendment concerning what he's going to bring surrounding emergency excavation and to clarify a few things bill number three six zero one one zero focuses on protecting what is considered our surface infrastructure and that's our roads and if by by excavating there is damage to the curbs and sidewalks they'll be liable for that but this bill requires a permit surrounding or protecting our surface infrastructure there is no confusion with this bill concerning act 77 98 which is the call before you dig and i think it's very simple call before you dig and that focuses on protecting our underground infrastructure such as the water gas electrical telecommunications lines and these two laws actually will complement each other because as it was mentioned here on the floor during the first hearing of this bill the gis division to include the department of public works considered
- 3:29:06 bill 36.0110 as the first step in the car before you dig process you must get that required that permit and once that permit is approved whenever you're ready to dig your car before your dig is as simple as that again we've had too many incidences when people dig first and say oh sorry and we have the the commissioner mentioned it here on the floor they were being abused with that process and individuals were not paying the department and looking for them to approve something that they never asked for after the fact ultimately again bill number three six that zero one one zero protects roads and above above ground infrastructure and with no confusion concerning act 7798 which protects utility below ground infrastructure okay so we want to make it abundantly clear and ultimately this bill 36.0110 is about protecting our public investment and ensuring that our roads are safe and promoting also inter-agency coordination when we provide that safety on our roads for far too long we've heard the cries of the general public about how our roads with the potholes when they dig up and they put lines there they don't fix it back this is our opportunity to make sure that they are held liable for the work that they are doing on our roads and to give the department of public work some teeth i like to see some lion teeth so they could bite back so i want to thank you colleagues for the time and i encourage you to please support bill number 36-0110 thank you madam chair i thank you so much senator boquez for those opening remarks oh they were very thorough at this time i would like to recognize senator lewis mr secretary for your three minutes
- 3:31:02 Thank you, Madam Chairwoman. And as it pertains to Bill 36.0110, I thank the bill's sponsor. I'd like to also thank Commissioner Gabriel who gave his input and weighed in on this. Like I continue to say, gone are the days when we are continuing to allow people to destroy the government property and just do what they want in this territory and like it's a free will. I know a lot of our problems at times would be enforcement so we're making a lot of laws and putting things on the books but the real crux of the problem colleagues a lot of times is enforcement um you know along with this bill i have an amendment to add that you know that's giving people because we're talking about immediately and before you

dig but a lot of times we have some emergency issues where like waste management and wapa would have to dig but they're still responsible to apply for a permit and let the commissioner know of public works that this road is being excavated or whatever the case may be many times we pass on a weekend and people take opportunity to destroy the government roads and dig trenches and all kind of thing and at times the community just don't know who to call i'd urge them to continue calling 9-1-1 we'll find someone to come out there and investigate dpnr whether it's public works or somebody we cannot continue i have legislation in right now and it's ready i think it should be on the next um meeting of this committee that you know given the the commissioner of property and procurement authority to start going after people civilly when they destroy government property or people who's entrusted with government property that you know blatantly negligently destroy it or steal or whatever the case may be but we're going

3:32:59 to address those matters um at an appropriate time i will be voting in affirmative for this measure because um we have to safeguard our government everybody wants services and i rightfully agree with them but we have to do things in a proper manner and safeguard our investment is taxpayers money money falling from the trees thank you madam chairwoman thank you so much senator lewis at this time we will have one round of three minutes discussion on this bill uh senate i'm sorry thank you uh for that reminder so at this time i will recognize The President, Senator Potter, you're recognized for your three minutes. Thank you very much, Madam Chair. The bill's sponsor said, call before you dig.

3:33:53 I think that was a message that I got from what you said. He said it over and over again, but it is an important message. Save us substantial time and money. I think that was my fault, yeah. So, you know, at the appropriate time, I plan to vote yes for this bill. I was privy to the initial committee hearing where the invited guest was our commissioner of public works, Commissioner Derrick Gabriel, who spoke on the matter. He was supportive of this initiative. It is something that will make for better construction here in the U.S. Virgin Islands. So I see no reason to vote anything but in the affirmative for this initiative. Thank you very much, Madam Chair.

3:34:58 Hello. Thank you so much, Senator Milton Potter, for those words. I want to just briefly comment I don't need any three minutes so I want to say I really want to commend the bill sponsor for working on this piece of legislation I understand that amendment will be forthcoming but we want to be able to have those conversations and communications that are clear and this piece of legislation provides that to the Department of Public Works. It empowers them to regulate the excavation of our public roads and it further states that no individual, a corporation or entity shall excavate any public road without first obtaining a permit from the Commissioner of the Department of of public works i gather the department of public works is going to be able to put forward the regulations that they deem proper uh to manage this as well as if there are any fees that persons will need to receive or pay for in fact to get this type of excavation now you know we have a lot of inroads in our community that are not deemed public they are private roads so this does not affect those inroads in some of our community this is only for roads that have been designated as public because we have a lot of entities that are just digging up and sometimes public work is not aware that they are digging up these roads so i really want to commend the bill sponsor for putting forward this piece of legislation at this time i will allow the bill sponsor to present your closing remarks on the bill thank you so much madam chair and madam chair and colleagues i want to share with you some of what i considered when i wanted to bring this bill

3:37:17 forward the saint thomas source reported on april 20th 2021 the headline is senators shocked companies can dig up roads for small fee no supervision when you read that article in the saint thomas source it says members of the senate committee on housing transportation and telecommunications expressed shock Monday to hear that large corporations have only been required to pay \$25 for an excavation permit to dig up the territory's roads to repair or install utility lines. Here's a quote by a senator. I'm not going to say who it is, but it says, You mean to tell me that all this inconvenience that our residents have gone through, businesses have been affected, and the permit fee is \$25?

3:38:18 It's only \$25 to dig up all our roads in the territory, St. Croix, St. Thomas, and St. John? Something is clearly wrong here. Something is clearly wrong with how we do business in this government. And I think that for me, when I read that, it did something to me because I too am a driver on these roads in our Virgin Islands, just like all of us here. and we experience some of the inconvenience of how our roads are repaired after excavation, and we are simply saying that enough is enough in the sense of you will be held accountable for replacing the road in the same way or even better than you found it. It's as simple as that.

3:39:07 So, colleagues, again, I humbly ask you for your support on this measure, and I'm looking forward for the amendment that will be brought forward by Senator Avery Lewis, and I'm asking you for your vote of support. Thank you so much, Madam Chair. Amendment. Senator Avery Lewis, you are recognized for your amendment. Thank you, Madam Chair.

3:39:33 Madam Chair, I offer Amendment No. 36-542 to Bill No. 36-0110. Bill No. 36-0110 is amended in Section 1, internal Section 8, by adding the following new subsections F and G. F, emergency excavations by public utility agencies. One, notwithstanding any other provisions of this section, the Virgin Islands Water and Power Authority, WAPA, the Virgin

Islands Waste Management Authority, VIWMA, or any other public utility agency may conduct emergency excavation on a public roadway without first obtaining a permit from the Department of Public Works.

- 3:40:27 When A, a failure of electrical, water, sewer or other critical utility service creates an imminent threat to life, health or public safety. Or B, immediate excavation is necessary to restore essential services to the public. two upon commencement of such emergency excavation the agency shall notify the commissioner of public works immediately by email phone fax or other official means providing the location scope and purpose of excavation submission of a formal application may follow the notification but notification to the commissioner is required on the same business day as commencement.
- 3:41:18 If the excavation occurs on a weekend or legal holiday, notification must be made no later than the next business day. Three, all emergency work performed under this subsection remains subject to the roadway restoration standards established in subsection G and dpw may inspect the site to ensure compliance four emergency excavation performed under this subsection does not exempt the response the responsible agency from fines or penalties for failure to comply with the restoration standards as provided in section e in subsection e g roadway restoration standards one any individual cooperation public utility or other entity that excavates a public roadway shall restore the roadway in accordance with the standards prescribed by dpw including specifications for pavement thickness materials compaction and resurfacing techniques 2. Restoration must return the roadway to a condition equal to or better than its condition prior to excavation.
- 3:42:37 Where trenching or significant roadway disruption occurs, the responsible party shall repave the entire affected lane, or if required by DPW, the entire width of the roadway to ensure safety, long-term durability, and uniformity. 4. Temporary patching is not sufficient restoration. 5. A party that fails to restore a roadway in compliance with this subsection shall be subject to penalties and fines under subsection E, and future permit privileges may be suspended or revoked. I so move.
- 3:43:15 Second. Amendment number 36-542 has been moved properly by Senator Avery L. Lewis and seconded by Senator Angel Bocquez, Jr. Hearing no objection, so ordered. Motion. Senator Angel Bocquez, Jr., you are recognized for your motion. Thank you, Madam Chair.
- 3:43:42 Madam Chair, I move Bill No. 36-0110 as amended, an act amending Title 20, Virgin Islands Code, Part 1, Chapter 1, to require a permit from the Virgin Islands Department of Public Works before the excavation of any public roadway to be favorably voted upon in this committee and reported out to the full body for further action and consideration. I so move.
- 3:44:11 Second. Bill number 36-0110 has been properly moved by Senator Angel Bocas Jr. and seconded by Senator Milton Potter. Roll call on Bill number 36-0110 as amended. Senator Angel L. Bocas Jr. Yea.
- 3:44:37 Senator Bocas Jr. Yea. Senator Kenneth L. Gittins. Senator Gittins, absent. Senator Alma Frances Heinegger. Senator Frances Heinegger, absent. Senator Carla J. Joseph. Yes. Senator Joseph, yay. Senator Clifford A. Joseph, Sr. Senator Joseph, Sr., absent. Senator Avery L. Lewis. Yes.
- 3:45:10 senator lewis yay senator milton e potter yes senator potter yay madam chair you have four yay three absent thank you madam clerk bill number 36-0110 an act amending title 20 virgin islands Code, Part 1, Chapter 1, to require a permit from the Virgin Islands Department of Public Works before the excavation of any public roadway as amended has been favorably approved in the Committee on Rules and Judiciary, and will be forwarded to the full body for further consideration and action. Thank you so much, colleagues. Colleagues, we are down to the last bill on today's agenda, Bill number 36-0039. Who speaks on behalf of this bill?
- 3:46:15 I do, Madam Chair. Senator Angel Bocas, Jr., you're recognized. Thank you so much, Madam Chair. Good day, Madam Chair and colleagues. I am honored to present Bill number 36-0039 an act amending title 33 chapter 4 section 75 of the virgin islands code to modernize the container tax for the first time in over 23 years this legislation updates a rate structure that has remained unchanged despite the rising costs of infrastructure, increased import volumes, and the growing strain on our roads, our ports, and our waste waterways and systems. It's a long overdue adjustment that asks those who profit the most uh from our infrastructure to contribute their fair share while protecting the small retailers and we'll explain why under this measure the funds collected will be reinvested 50 percent into the general fund supporting operations 25 percent to the virgin islands waste management authority for operations like trash collection landfill management and even potentially recycling and 25% for the first time a permanent and I repeat a permanent youth beautification program which will employ our young people to help educate them to help them clean our our territory and enhance our neighborhoods and our tourism product I too was one of those people when I was young that was a part of that youth beautification program and i enjoyed it it showed me a lot of morals and values about cleanliness is godliness so i want to ask the media division i prepared a powerpoint because there was some apprehensions um when we heard the bill um in this committee it was held it was amended and held and there was some apprehensions but i wouldn't i wasn't i wasn't quite clear on exactly what their apprehensions were i know one of the things that i was able to ascertain is that

okay is this going to be a burden and i'm going to explain why it's not going to be a burden okay so let's go through the slides here the first slide protecting our islands uh the container tax reform modernizing import fees for cleaner communities and fairer contributions bill number 36.0039 next slide media bill 36.0039 at a glance it modernizes the virgin islands container fee law which is

3:49:15 title 3375 which is unchanged for 23 years it has a fair share approach what that means is that large volume importers or high volume importers um are the ones who while the small businesses using lcl are not um are not impacted by by the actual container tax it strengthens our public services the funds go to the general fund um for the cleanup operations and services and it takes 90 days effect and on october 1st 2030 it prioritizes the general fund so i'm going to stop there really quickly uh julia reimer who was invited and supported the bill um was concerned that you know he was more of the of the position that he wanted 75 for the general fund um but he after discussions on the floor um the waste management authority acquiesced and decided that they if they were able to get these funds for five years they would be in a better position to be able to um wean off of the government because there's some big plans that are taking place in the waste management authority so um julia reimer the director of omb acquiesced and we came to a conclusion that the 50 20 25 share will only be in effect until 2030 and then And from there, it will then be 75% to the general fund, and the 25% will stay permanently for the youth program. Next slide, please.

3:50:50 So here's the proposed container fees. A 20 foot currently is \$50. A 40 foot currently is \$100. We are asking for the new fee to be 100 for the 20 foot and 200 for the 40 foot. We are now introducing for the first time ever the flat rack fee, which is \$5 more and has been defined legally in the statute for the first time. And in fact, the flat racks are the ones who have the larger impact on our infrastructure. These are the racks that bring in the heavy machinery, the building steel and materials. And we have a graph there in the left-hand corner that you'll see the difference between the fees. And the fees are charged per container at the port of entry, and they're not charged the container does not leave the port it applies to importers and not consumers so if you in fact have a container and you pick up your items at the port you're not charged the you're not charged the container fee because it did not leave the port to come into the infrastructure next slide now i want to i want you to look at um the for the 40-foot container as an example The tear weight of a 40-foot container is 8,000 pounds. What that means with tear weight, it means the actual weight of the container with nothing inside of it. A 40-foot container is about 8,000 pounds. The max gross weight, or high range rate, for a container plus cargo that is maximum allowed is 67,000 to 200 pounds to 71,650 pounds. And this is based on the International Organization of Standardization, and that is in ISO 668, where you can find that information. So in compliance with those international organization and standardization standards, we know that a 40-foot container can hold up to 20,000 to 25,000 pounds of cargo at a low range. So this is very important because if we're saying a high range is 67,000 to 71,000, and that depends on the type of cargo that you're bringing in. at the low range if we use that as an example is 20 to 25 000 pounds now let's say in that low range

3:53:22 you had you had 10 000 items on that container remember we're not charging per item we're charging by the container irregardless of what is inside the container when you do the mat when you'd have a container that is at low range with 20 to 25 000 pounds that may have 10 000 items in it you're only paying two cents per item okay and that and that is at the 200 dollar proposed rate okay that is the proposed rate okay so let's move to the next slide media So let's look at the impact of the proposed rate or fee. At the proposed \$200 container fee, which is for 40-foot, even low-volume shipments translate into a few cents per unit when spread across typical cargo volumes. Under existing USVI and USA laws, products manufactured in the United States of America are exempt from custom duties or excise and container-related excise fees when imported to the territory. So that is very important because these exemptions exist for food, fuel, and certain materials. And we'll get into what section of the Virgin Islands Code that information is, and I think that's in the same area where the syntax and everything else is. Now, the legislature's post-added division during the first hearing of this bill in the committee on budget appropriations and finance they gave an analysis on july 9 2025 and with the current revenue they're saying that it's one what we're actually um making right now

3:55:09 as of today well i can't say today i apologize as of the last fiscal year we we brought in about 1.7 million dollars and with the proposed rate we can we can bring in 3.5 they also mentioned that at a 10 year we can bring in 17.9 million dollars of new revenue with no growth under the current trends but also if there is growth which i do believe we are going to see growth because of all of the work that needs to be done here in the territory our hospitals our schools building these are all going to be containers coming in here and in addition to the fact to heavy machinery with the 3 billion that's coming from the waste manage sorry the waste management authority to replace our sewer systems throughout this territory so potentially we could see some we could see some of the growth from either five or maybe ten or fifteen percent so that means we're creating additional new revenue because of the rebuild of these virgin islands next slide so how will the revenue be used um 25 again to for a permanent youth beautification program which will empower our students and young residents to clean paint and improve our community spaces and of course waste management with the 25 which

will end in 2030 but it will support some of the the operations and and we full well know colleagues because we appropriate over 30 million dollars per fiscal year to that entity and they have been challenged with revenue generation so i believe that this will help to curtail some of that especially for us on our side to be able to provide them with some funding to operate and figure out how they're going to get to that finish line in a sense of being able to generate funds for the authority of course the 50 goes to the general fund and that's for our departments and agencies and helping support education health care public safety etc throughout the Virgin Islands. Next slide. So who pays? The large importers and the corporate shippers are the ones who pay.

3:57:19 Okay? Entities bringing in 20, 40, or 45-foot containers into the Virgin Islands are the ones who pay. While essential to our economy, large importers and corporate shippers also generate the most container waste and place the heaviest load on our public infrastructure, making them the fairest group to help fund its upkeep. What that means is that I would venture to say that 99% or 100% of whatever is brought in eventually turns into waste. And that means that our waste management authority in some way, shape or form are going to be the ones who have to deal with that. And then that would be our responsibility because we are the ones who are funding them and they are not in a position to generate funds the way that they should.

3:58:08 And these fees directly support the waste removal, the youth employment, and the essential government services, like I mentioned before. What I wanted to also, in addition, say is many of these large importers already benefit from broad excise exemptions on U.S.-made goods, foodstuffs, molasses, rum, fuel, coal, oil, gas, animal feed, fertilizers, and other essential goods, often paying nothing in taxes despite bringing in high-value shipments that place significant strain on our infrastructure. Next slide. Who's protected? The small businesses. When I say who's protected, it does not mean that you do not pay shipping. I want to make that clear.

3:58:53 If you ship a pallet of goods here, you're going to pay for the shipping. But if you ship a full container, you pay for the container tax. So the small businesses have no impact as long as they have a less than container load. So they pay the shipping, but they do not pay the container tax. On U.S. made goods, they're completely exempt. Existing exemptions are under Title 33, Section 42 of the Virgin Islands Code, and when it comes to foodstuffs, all nutritive matter including water. The question is, because I went to smaller stores and found items cheaper than going to a main store or a big store, and I wondered to myself, like, why is it cheaper here, and go to another store that's larger in capacity and it's a lot more expensive again the food stuffs and nutritive matter as long as it comes from the united states of america is totally free excise and customs is totally free the only time you would pay customs and excise is if you're shipping items that are from china from a from a foreign country and not from the united states of america no fees are applied for anyone who's in band or transshipment meaning that if you do not leave the port you do not pay a fee and when i say leave the port i mean leave the port with the container you may come with your truck as you see we have a couple little pictures there they take

4:00:37 off the pallet the guy has the pallet he puts it in his truck and then he leaves the port there is no container tax fee however he does pay the shipping fees let's make that clear again but when we we're talking about the container tax we're talking about the impact on large and high volume importers um next slide i think we're just talking about the benefits once again here um and and next slide um so again this is not a tax on our people it's an investment in our future it's about modernizing the fee that has not kept pace with the reality of the burden on our infrastructure and these container charges have remained flat while the wear and tear to our ports and our roads and our environment has grown and the result is that the government bears the expenses and the residents bear the inconvenience so the bill corrects that imbalance and we're asking these large importers the ones who do the heaviest use of our infrastructure to contribute fairly to protect our small businesses and our people. We create that revenue, and we support our young people with a permanent youth program. I hope that this slide was beneficial to try to explain more thoroughly exactly how this bill impacts the general public, which it doesn't necessarily impact the general public. It impacts the large volume importers, high volume importers, and if, again, they receive a lot of exemptions based on Title 33, Section 42. So, you know, we technically, they're either paying very little excise or customs based on the amount of units that they're bringing in from a foreign place, or in fact, paying none, because their

4:02:32 container is filled with US products, and then therefore it is exempt. So technically speaking, they're only paying either \$50 or \$100, depending on the size of the container. I hope I was able to explain or provide some more insight before we go to the final vote, and I really appreciate you giving me the time to present the PowerPoint, Madam Chair. Thank you. Thank you so much, Senator Boquez. At this time, we did receive correspondence the virgin islands waste management authority on this measure and i will ask our clerk to read into the record the correspondence that we received on bill number 36-0039 letter dated october 8 2025 the honorable carla j joseph chair committee on rules and judiciary 36 legislature of the Virgin Islands, Capitol Building, Chalet Amali, St. Thomas VI 00802. Dear Senator Joseph and

members of the Committee on Rules and Judiciary, as the newly appointed Executive Director of the Virgin Islands Waste Management Authority, VITEMA, I am pleased to express the authority's strong support of Bill Number 36-0039, which proposed to increase the cost for individuals, firms, corporations, and associations to bring containers or flat rack containers into the Virgin Islands. The bill further directs 50% of those revenues to the anti-litter and beautification fund with 25% in marked for garbage collection, solid waste removal, and territory-wide beautification

4:04:42 and another 25% to fund a territorial anti-litter beautification summer program within the authority. For most of its existence, the authority's annual budget has been significantly underfunded, limiting our ability to meet operational demands and sustain timely vendor payments. This long-standing challenge has resulted in accumulated accounts payable exceeding 20 million impacting hundreds of local vendors who contribute to provide essential services despite these fiscal constraints. While the authority has made measurable progress in narrowing its budget gap, the passage of this bill, coupled with the waste collection fees currently under review by the Public Service Commission will position us to achieve a balanced budget by fiscal year 2026. This financial stability will allow the authority to begin repaying outstanding vendor obligations and reinvest the infrastructure required to efficiently and effectively fulfill our mandate.

4:06:05 The funding envisioned by Bill number 36-0039 would be transformative, both for the authority and the people we serve. It would directly support ongoing efforts to modernize waste collection and advance territory-wide beautification initiatives. Our residents deserve a cleaner, more efficient system that reflects the pride and potential of our community, and a dedicated funding source will go a long way towards making that vision a reality. The Virgin Islands Waste Management Authority fully supports Bill Number 36-0039 because it not only represents a sound fiscal measure, but also a commitment to environmental progress, community empowerment, and sustainable beautification. It aligns squarely with our mission to protect public health and preserve the natural beauty of our islands for generations to come. Thank you, Senator Joseph, for your leadership and advancing legislation that strengthens both our environment and our community. We look forward to working with your committee and the broader legislature to move this important measure forward. submitted Hannibal Mike Ware, Executive Director of the Virgin Islands Waste Management Authority.

4:07:48 And thank you so much Madam Clerk for reading that letter from the newly appointed Executive Director of our Waste Management Authority. Really this measure is from Senator Boquez. he had it going through all of the vetting process that it was required we have not received any type of feedback from any entity in opposition to this measure and it was on our agenda before and we held it to give time to see if would be any feedback and we have not and it has been properly advertised as well and it was vetted properly in the committee of jurisdiction which is the committee on budget appropriation and finance and our post audit did a thorough analysis of this measure and to see how it will benefit us the people of the u.s virgin islands knowing that we have a major issue with our waste waste is a major issue here in the virgin islands at this time i will recognize senator avery l lewis for your three minutes and we're only having one round of three minutes on this measure yes thank you madam chairwoman as it pertains to bill 36.0039 when the bill first came i too i was very uh reluctant and apprehensive about the bill because i figured this was going to be a pass on to kill the people in this community again not kill but you know with all inflation

4:09:40 and everything uh just being quite honest i know our people are more looking for relief now and I think that's where we should be gearing towards as a body more relief for the people of the Virgin Islands but I also see this as a revenue generator where they're going to the monies appropriated the monies derived from this piece going to both three different funding source to sponsor three different things in this community at times we just have to take the leap of faith and this is one of them being in this tough position you have to make sometimes some tough unpopular decisions um i the bill sponsor did a great job and the chairwoman is correct we waited patiently we put it out there he had it all in social media and different thing awaiting response even from the community and everybody that came and testified thus far they made recommendation the bill sponsor made his adjustments and today is a day of reckoning and at appropriate time i will be voting accordingly thank you madam chairwoman thank you so much senator lewis at this time the chair recognizes president milton potter for your three minutes thank you very much madam chair i want to start right out the gate by recommending the bill's sponsor.

4:11:12 I had a question or two initially before the bill was presented earlier in the committee meeting, and I really didn't know that he was as prepared as he was with the very extensive and very well put together presentation, really explaining in great detail the bill, the intent of the bill, my concern was who pays. And he had a category that says who pays. And the larger importers are the ones who pay. My concern is, do they ever really pay?

4:12:00 Ultimately, do they pass it on to the regular Virgin Islander? That is what I was torn by. I was very, very pleased by the recommendation for 25% of the funding to go to the Anti-Leader and Beautification Fund, which was a very effective program. I think it should be used exclusively, I believe, to run their summer program to make young Virgin Islanders,

conscientious about preservation of their environment and the cleanliness of the environment. The program was a very effective and successful one, and this will earmark funding to make sure that that program has longevity, and I am very much in support of that.

4:12:54 I was also supportive of a percentage of the funding going to the Waste Management Authority. I know there's a sunset in that regard, I think, through 2030. So I think that without question, given the growing pains and the struggles financially of the Waste Management Authority, having that lifeline, at least for a period of five years, will go a long way, ultimately, and will benefit the people of the Virgin Islands. I am really on both sides with this. I'm leaning towards supporting this initiative just from a cost-benefit analysis.

4:13:50 So my vote will more than likely be voting the affirmative to move it out of the Committee on Rules and Judiciary. And I definitely want to commend the sponsor for this very bold initiative. These fees have not moved for quite some time. I have a level of curiosity as to what the other Caribbean islands are paying, what sort of rates they are paying. But thank you very much, Madam Chair, at the appropriate time, I'll vote accordingly for this initiative. Thank you so much, Mr. President. I am in full support of this as a revenue generating measure.

4:14:36 I really want to commend the bill's sponsor for his thorough investigation and making the amendments to strengthen it, especially where it concerns the anti-litter and beautification program. What I especially appreciate about this legislation, so that in the case we miss something, in the event we miss something, this provision isn't going to be enacted and take effect until 90 days after we, this body, and it becomes a law. 90 days.

4:15:16 That's whole three months. So he is also using a wise head in case we miss somebody or miss something, right? We could always come back at it before that 90 days. and remember legislation can be changed it's a fluid one thing about this body we act quickly we act and move things and so I really appreciate that the provisions of this act will take effect 90 days after enactment should it pass this committee so that a listening and viewing audience is aware it goes on to the full legislature then it goes to the governor but it has 90 days and the sponsor of this legislation has been putting it out there in social media putting it out there press release he has been doing his due diligence to make sure that it is communicated and I appreciate that I haven't seen any documentation come back from anyone in our business community or residents regarding it we are exempt from some of these tariffs so that is not a challenge for us and so I will vote in the affirmative on this measure and I look forward to continue to support it because I know we need money to do the services and render the services of our people we're not just dealing with with government workers. We are dealing with a whole territory to make us very much self-sustaining.

4:17:03 And furthermore, let me just close with this, these containers, waste is being garnered from these containers when they bring in all these goods and services. And let us at least let us remember that both of our landfills, our dumps, are under consent decrees for a number of years, and we have failed to do that. We have failed to take care of those things. We have to put the money where we need it the most, and this is one attempt to do that. And I really want to commend the bill's sponsor on this measure. Senator Bocquez, you are recognized for your three minutes to close out as the bill sponsor thank you so much madam chair and colleagues i want to thank each and every one of you for your support thus far and i just wanted to place a couple things on the record the exemptions under title 33 section 42 are applicable to the virgin islands and there's also applicable federal provisions that that also support sort of like by america and so forth but the local exemptions in that section um are in 42 e numbers 1 through 13 and they exempt materials such as educational materials books music newspapers food stuff which is all nutritive matter and uncarbonated drinking water It excludes soda and chewing gum. But it does include coal, fuel, liquefied gas, molasses for the rum production, agricultural use, animal feed, poultry feed, commercial fertilizer, motor vehicles that require highway licensing, goods sold in the U.S. or the Virgin Islands, that excludes certain contractor imports, medications and medical devices, that's specifically for our hospitals, goods exported or delivered and taken outside of the territory, packing materials, paper, plastic, glass, wood, and the list goes on. Perfumes, toilet waters, bath salts, the exemptions are all in that section. so we just want to make sure that that's clear because in some cases if not most these large volume importers are not paying that i want to just make that just in the food sector alone you start to see where the imbalance is there was a mention about comparison of the caribbean

4:19:52 other jurisdictions and we did release that information in a press release we did some research surrounding that and i want to at least um for for the mr president's awareness um we did an analysis concerning puerto rico barbados guam and the usvi and puerto rico has a sales and use tax ivu impuesto sobre ventas y uso that's what how you say sales and use tax in spanish and that is 11.5 percent and we used 50 000 as the the amount of goods in a container now remember the virgin islands doesn't go by units we just go by the container but in their in their laws they go 11.5 percent of whatever the value of the container is so the same container would cost them five thousand seven hundred and fifty dollars right with their with their system barbados they have a system which is a environmental levy with an import duty and handling

fees so it's a mixed structure so um they automatically charge anywhere from 375 up to about 10 375 dollars with a 0.75 cif plus anywhere from 0 to 20 percent on the import duty and port fees in guam they charge anywhere from 800 to 1130 and that that depends or varies on the container type there are some containers that are refrigerated there's the flat racks there's different types of containers so they have a structure for the different types of containers and they have a terminal handling fee a cargo entry fee and a fixed container fee plus services fees and then here in the virgin islands all we have and using our new proposed rate would be one hundred dollars to two hundred and five dollars depending on which container you bring in and that's a flat rate per container 20 foot 100 40 foot 200 flat rack 205 irregardless of the the cost of the supplies that you have in the container you could have a million dollars worth of stuff on that container you're only and you have a 20 foot you're only paying 100 so you it's relatively cheaper compared to puerto rico guam and barbados and our model is more

4:22:21 affordable it's more predictable and transparent as it exempts also goods from the united states as well so um thank you madam chair and looking forward to um moving forward with this measure thank you thank you so much senator bolquez do i hear a motion yes um motion madam j motion uh madame bolquez you're recognized for your motion yes thank you so much madam chair uh Madam Chair, I move bill number 36-0039 an act amending title 33 Virgin Islands Code chapter 4 section 75 by increasing the cost to bring containers or flat rack containers into the Virgin Islands and reallocating how money is collected pursuant to section 75 allocated be favorably voted upon in this committee and report it out to the full body for further action and consideration i so move second bill number 36-0039 has been properly moved by senator angel boquez jr and seconded by senator milton potter roll call on bill number 36-0039 Senator Angel L. Bocas Jr. Yeah.

4:23:46 Senator Bocas Jr. Yeah. Senator Kenneth L. Gittins. Senator Gittins. Absent. Senator Alma Francis Hollinger. Senator Francis Hollinger. Absent. Senator Carla J. Joseph. Yes. Senator Joseph. Yeah. Senator Clifford A. Joseph Sr. senior senator joseph senior absent senator avery l lewis senator lewis yay senator milton e potter yes senator milt senator potter yay madam chair you have four yay three absent thank you madam clerk bill number 36-0039 an act amending title 33 virgin islands code chapter 4 section 75 by increasing the cost to bring containers or flat raked containers into the Virgin Islands, and reallocated how monies collected pursuant to section 75 allocated has been properly voted upon in the Committee on Rules and Judiciary, and will be forwarded to the full body for further consideration and action.

4:25:17 Colleagues, point of personal privilege, Senator Borges. Thank you so much, Madam Chair. Madam Chair and colleagues, again, I want to thank you for your vote of confidence. And I look forward to further discussing, if I need to, with the full body. We are always available and open for collaboration and discussion. But this measure is a win-win for the Virgin Islands. Thank you, Madam Chair. and thank you so much senator boquez this concludes all the business before the committee on rules and judiciary for today i want to be able to thank all of my senators and colleagues present today for their hard work and staying in the paint and being present to do the people's work in the people's house as members of this committee i appreciate you and being here to have this deliberation and for this discussion i want to also thank uh my wonderful staff who do a lot of this work behind the scenes i also would like to thank our central staff of stenographers media sergeant of arms executive brand executive director's office for the work you do i want to thank also the testifiers who came here today to to discuss bills 36-0144 and 36-0105 because uh you make you make us to be able to do this work that's why we are here to do the people's work we are here to get things done on behalf of the

4:27:07 people and we are your representative the committee on rules and judiciary meeting for Thursday, October 9th, 2025 is hereby adjourned. music music music

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

47x **Senator Carla Joseph**

the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Carla J. Joseph, Joseph, Joseph Sr, Joseph Sr.

40x **Senator Avery Lewis**

heard in this transcript as: Avery L. Lewis, Lewis

29x **Senator Angel L. Bocas Jr**

heard in this transcript as: Angel Bocas, Angel Bocas Jr, Angel Bocas Jr., Angel L. Bocas Jr., Bocas, Bocas Jr

29x	Senator Kenneth L. Gittens heard in this transcript as: Gittins, Kenneth Giddens, Kenneth Gittins, Kenneth L. Gittins
29x	Senator Milton E. Potter heard in this transcript as: Milton Potter, Potter
12x	Senator Angel L. Bolques, Jr. heard in this transcript as: Angel Bocquez Jr., Angel Boquez Jr., Angel Bulquez, Angel L. Bolques Jr., Angel L. Boquez Jr., Bocquez
12x	Senator Clifford Joseph heard in this transcript as: Clifford A. Joseph, Clifford A. Joseph Sr, Clifford A. Joseph Sr.
11x	Senator Alma Francis-Heyliger heard in this transcript as: Alma Francis Heiliger, Alma Francis Heilinger, Alma Francis-Heiniger, Frances Heiliger, Francis Heiliger, Francis Heilinger
4x	Senator Alma Francis Heidegger heard in this transcript as: Alma Frances Heinegger, Alma Francis Heilegger, Alma Francis Heinegger
4x	Senator Ray Fonseca
3x	Commissioner Derrick Gabriel heard in this transcript as: Gabriel
3x	Senator Francis Heidegger heard in this transcript as: Frances Heinegger, Francis Heinegger
3x	Senator Marise C. James heard in this transcript as: Maurice James
2x	Senator Angel L. Borges Jr heard in this transcript as: Borges
2x	Senator Clifford A. Joseph Senior
2x	Senator Joseph Senior
2x	Senator Milton E. Potter Yes
2x	Senator Novelle Francis heard in this transcript as: Noveli Francis Jr

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Bill 36-0058	Act 9048 · An act honoring and commending Dennis ·Pumpa· Lennox Leroy Liburd, Jr. for his many contributions to the Virgin Islands culture and music industry as a Soca artist by awarding him the Official key to the Territory and naming the main entrance of 6-Y Peters Rest Road, Christiansted, St. Croix in his honor
Act 7798	Act 7798 · An Act amending tide 31 Virgin Islands Code, Part I. adding chapter 2 requiring notification to the public and utility companies before undertaking excavation of public or private lands and roadways, enacted by the Thirty- first Legislature at its regular session held on May 21, 2015, (a copy of which is attached hereto) and vetoed by the Governor on June 12, 2015, was duly enacted, by override, by the Thirty-first Legislature at its regular session on September 22, 2015, pursuant to section 9(d) of the Revised Organic Act of the Virgin Islands, 48 U.S.C. §1575 (d), notwithstanding the Governor's veto and has become law. President DATED: 0]2a)zou8 Lwle Jos Neville A. James mew pee · a? 3) 4
Act 9048	Act 9048 · An act honoring and commending Dennis ·Pumpa· Lennox Leroy Liburd, Jr. for his many contributions to the Virgin Islands culture and music industry as a Soca artist by awarding him the Official key to the Territory and naming the main entrance of 6-Y Peters Rest Road, Christiansted, St. Croix in his honor

Referred to but not found in our acts corpus: Bill 36-0144, Bill 36-0123, Bill 36-0136, Bill 36-0099, Bill 36-0121, Bill 36-0110, Bill 36-0039, Bill 36-0061, Bill 36-0107, Bill 36-0017