



Committee on Finance | October 19, 2021

Legislature USVI

October 19, 2021 · 1.4 hours · gov

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- 0:00:00 *music* *music* The Committee of Finance is hereby call to order. Madam Clerk, can I have a roll call please?
- 0:01:10 Senator Marvin A. Blyden. Senator Blyden, present. Senator Samuel Carrion. Senator Carrion, absent. Senator Dwayne M. DeGraff. Senator DeGraff, present. Senator Donna A. Fred Gregory. Senator Fred Gregory, absent. Senator... Oh, she's present. Oh, she's present. She's present. Senator Donna A. Fred Gregory, present. Senator Javon E. James, senior. Senator James, senior. Absent. Senator Janelle K. Ceroux. Senator Ceroux, present. Senator Kurt A. Viale. Senator James, senior. Absent. Senator Janelle K. Ceroux. Senator Ceroux, present. Senator Kurt A. Viale. Here. Senator Viale. Here. Senator Viale, present. Mr. Chair, you have five present, two absent.
- 0:02:17 Thank you, Madam Clerk. Any correspondence? Yes, Mr. Chair. You may proceed. Correspondence dated October 18th, 2021. Honorable Kurt A. Viale, Chair, Committee on Finance, 34th Legislature of the Virgin Islands, 3022 Estate Golden Rock, St. Croix, U.S. Virgin Islands. Dear Chairman Viale, please excuse my absence from the start of today's October 19th, 2021 Committee on Finance meeting as I was invited as chair of the Committee on Youth, Sports, Parks and Recreation to give remarks at the groundbreaking ceremony at the Vincent F. Mason Senior Coral Resort. Therefore, I am respectfully asking that I be excused until my arrival. Thank you for your consideration and understanding. Sincerely, Samuel Carillon, Senator, 34th Legislature of the Virgin Islands. Thank you, Madam Clerk. I was distracted for a minute. He said he's going to be absent or tardy? Tardy.
- 0:03:33 Okay. Please mark Senator Carillon as tardy. Mr. Chair, you have five present, one absent, one tardy. Thank you, Madam Clerk. I'd also like to welcome Senator Noble Francis. Thank you for coming. Senator Payne, thank you for being here. Madam Clerk, you may proceed and read the agenda into the record. The Committee on Finance for Tuesday, October 19th, 2021 at 12:00 PM in the Fritz E. Lewetz Legislative Chambers, St. Croix, Virgin Islands. The Committee on Finance will consider the following bills. Bill 34-0099, an act amending Title III, Virgin Islands Code, Chapter 25, Sections 530G, and Chapter 27, Section 705C, relating to the mandatory retirement age of police officers, firefighters,

and prison guards to change the mandatory retirement age from 55 to 63. Proposed by Senator Dwayne M. DeGraff. Invited Testifiers, Ray Martinez, Commissioner nominee, Virgin Islands Police Department. Winnie Testamark, Director, Bureau of Corrections. Darrell A. Darrell A. George Sr., Director, Virgin Islands Fire Services. Cindy Richardson, Director, Division of Personnel. Austin L. Nibbs, Administrator, Government Employees Retirement System.

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0:08:27 Bill 34-0070, an act amending to enter into the hotel room tax. Bill 34-0070, an act amending to enter into the hotel room tax. Bill 34-0070, an act amending to enter into the hotel room tax. Bill 34-0070, an act amending to enter into the hotel room tax. Bill 34-0070, an act amending to enter into the hotel room tax. colleagues, good afternoon to the testifiers. Let me begin by apologizing for the late start. A number of senators were attending the groundbreaking ceremony for the Vincent Mason pool in Fredericksand. It was just completed. So we are going to immediately get started. I will begin by allowing the testifiers to put the name and title on the record. I'm going to begin by saying who should have been here and if you're here representing the person, you can please put your name on the record.

00:09:09 The Virgin Islands Police Department, Commissioner Acton, Commissioner Ray Martinez. Yes, Ray A. Martinez, Police Commissioner-designee. Nominee, thank you. Um, Winnie Testamock. Good afternoon. This is Everett Hanson. I'm representing for Ms. Testamock and the Bureau of Corrections. Let's say the name again, sir. Everett Hanson, Assistant Director.

00:09:42 Okay, got it. Um, Virgin Islands Fire Service, Mr. George. Good afternoon, Senator. Uh, Antonio Stephens, the Assistant Director of Virgin Islands Fire Service. Division of Personnel, Ms. Florine Hassell. Good afternoon, Senator VLA. Uh, Florine Hassell, Assistant Director, representing for Director Sidney Richardson. Uh, Mr. Nibs, GRS.

0:10:11 Austin Nibs. Austin Nibs, GRS Administrator. And the Unions, the Unions, Law Enforcement Supervisors Union, Lieutenant Krieger. Mr. Mr. Dorsey, Fire Service. Good afternoon, Andre Dorsey, representing the Association of Firefighters, Local 2125, St. Thomas St. John District. And thank you, Mr. Dorsey, Hadaya Casimir, Police Benevolent Association.

0:10:58 Okay, so if Mr. Krieger or Officer Casimir joins us later, we'll let them put the name on the record and proceed with the testimony. So let's begin with Commissioner. Virgin Islands Police Department, Commissioner nominee, Ray Martinez, you may proceed. Oh, I'm so sorry. Um, who speaks to this bill? I do, Mr. Chair. You may proceed, Senator Zedigra. Uh, thank, thank you, Mr. Chair. Good morning, colleagues. Good morning, testifiers.

0:11:29 All of you are listening and present. Uh, bill number 34-0099, an act amending Title III, pronounced code, Chapter 25, Section 530G, and Chapter 27, Section 705C, related to the monitor retirement age of police officers, firefighters, and prison guards, the change of mandatory retirement age from 55 to 63. Um, thank you for having this meeting. Uh, it's been a long time waiting. Um, and also since the interim of that, the, the, the government, the governor has also did a

um, executive order extending it now. So what we are trying to do now is called a fight police officers from 55 years old, um, to allow them to work for 63. And I understand there's an amendment to take it to 65. Um, I do agree with everyone who may say, bring in younger people and let's use the younger people. But I am, um, a proponent of let's work with what we have until we're able to get what we want. And, uh, yeah, valuable personnel in police fire and corrections, uh, who are there and who are borderline in these age groups who are in these age groups and they need a chance. Also, this will, uh, you know, I've had a couple of bills for GRS that get held in committee and different things. This also will also extend putting some monies in the GRS to assist the whole system as a whole. Um, in 2016, my colleague, uh, Mr. Vice President, um, on the big island, he came up with this, the inception of this bill, act 79 36, in his wisdom to extend the ages from 55 to 63. And this bill that I have today are 34.0099 is just trying to make it permanent.

0:13:30 So the wisdom of my colleague at that point, uh, to this point, um, priceless, uh, thank you for that. And, uh, Mr. Chair in, in, in your conversation from the last, I do have an amendment to adjust the bill and keep that the officers from 55 years old on will be able to stand for fit for duty, um, evaluations. That's a must. So we make sure that's put in and it will take it to the cognitive and mental, um, capacity and capabilities, uh, in most in these particular, um, choice of, uh, work. So again, I ask for my, um, colleague support and moving this bill forward, I mean, we have to amend, but let's make it happen for the police, fire and corrections officers to, um, be able to work up to age 63. And if amended to 65 of the 65, uh, thank you for the time, Mr. Chair.

0:14:33 Thank you so much, uh, Senator the graph for the introduction. We're going to proceed with testimony commissioner nominee Ray Martinez. You may proceed. Uh, good afternoon chairman of the committee of finance, the honorable Kurt VLA and senators of the committee, legislative staff, members of my executive team and the listening and viewing audience. I am Ray a Martinez commissioner nominee of the Virgin islands police department. My team and I would like to thank you for the opportunity to testify on, on behalf of bill number 34.0099.

0:15:11 Commissioner nominee. I need you to turn on your camera. We're not seeing you. One second. Uh, click your camera on. Yeah. It's it's on. I don't know what else is, um, what's happening, but the camera is on. Okay. I'm going to ask you to, um, log out and log back in, and we will go ahead to the representative for the Bureau of Corrections. And we'll come back to you.

0:15:57 Mr. Hanson. Thank you. Mr. Hanson, assistant director of the Bureau of Corrections. Good morning, chairman, Kurt VLA members of the committee on finance, other distinguished members of the 34th legislature, staff members, and the listening and viewing audience. I'm Winnie Tester Mark director of the Bureau of Corrections. The Bureau supports bill number 34.0099 and act amending title three virgin islands code chapter 25 sections 530 and chapter 27 section 704 705 relating to the mandatory retirement age of police officers, firefighters and correction officers to change the mandatory retirement age from 55 to 63. On behalf of the men and women who make up our sworn security staff, thank you for striking the term prison guard from the statute and replacing it with corrections officer and or correctional professionals, which reflects the modern holistic approach to corrections.

0:17:09 This measure would help retain seasoned correctional officers and assist in mitigating our staff shortages. The benefit of additional years of experience, collective wisdom, the current correctional officers bring to the table would act as a force multiplier if the legislation is approved. The Bureau would achieve more significant and continuous operational coverage while the Bureau aggressively recruits additional correctional officers to join the team. Prisons and jails with severe staffing shortages put inmates and staff at higher risk of harm, are more vulnerable to litigation, and have more difficulty providing rehabilitation and re-entry programs and service to inmates. This legislation alone will not solve the Bureau's chronic correctional officer shortages to be sure. The committee should also consider the human cost of burnout that results when correctional officers work too many hours or have reached their life expectancy of a correctional officer.

0:18:19 Those human and social costs cannot be measured by dollars and cents. The Bureau has two main concerns about this bill. First, extending the retirement age may have an adverse effect on the quality of life of those correctional officers that stay. In 1982 study of the consequences of a job stress in correctional officers revealed that the average life expectancy of a correctional officer was 59 years of age compared to the average of 75 years of age which is the national average. These statistics are based on various stressors of the job in addition to many others like physical illness, constant and excessive use of annual and sick leave, and the inability to retire on schedule which are some of the drawbacks of extending the mandatory retirement age. The second concern has to do with ensuring that those between age 55 and 63 continue to have physical and mental fitness performance performed continue to have physical and mental fitness to perform a demanding job duties of a correctional officer. There should be some requirement in the legislation that out that officers over a certain age must pass a fit for duty evaluation every few years. Those correction officers who perform their jobs according to the best correctional practices and who maintain their training and professional development will be extremely valuable to the Bureau regardless of their age. Analyzing the bill through the lens of staffing and retention, our

senior correction officers and supervisors with years of correctional experience and training are leaving government service and the knowledge and experience they

0:20:14 take with them cannot easily be replaced. Understaffing in a correctional content context is also a concern where the where there are not enough officers available to staff authorized posts and this would become more of a challenge once enough correctional officers reach retirement age. The 2021 staffing plan governing the John A Bell adult correctional facility on St. Croix requires 61 correctional officers for for year 2022 and the 2018 staffing plan governing the Alexander A Farley complex on St. Thomas now revised requires a significant more correctional officers.

0:21:03 In terms of cost, once this bill becomes law, the Bureau will need an additional \$10.1 million over a 10-year period. This calculation is based on the current salary of those correctional officers with 20 or more years of service. Currently, we have 13 correctional officers who meet or exceed the age of 55. Three on St. Thomas and 10 on St. Croix. If the legislation is enacted in the next five to seven years, six correctional officers will be eligible to retire. Two on St. Thomas and four on St. Croix. In conclusion, Mr. Chairman and fellow committee members, I urge the committee's favorable consideration in looking through the various lenses of retirement approaches in connection with this legislation. Adequate correctional officer staffing that is mentally and physically fit is the indispensable ingredient to safe, secure, and constitutionally compliant prison and jails. Mr. Chairman and committee members, I thank you for allowing me to present this testimony to the committee, my staff, and I look forward to your questions. Thank you, Mr. Hanson, Director of Virgin Downs for your service, Mr. George. Mr. Stevens, please represent him. Good morning, or good afternoon, honorable senators, testifiers, listening and viewing audience. My name is Antonio Stevens. I am the Assistant Director for the Virgin Honest Fire Service. Thank you for allowing me to provide testimony on behalf of the Virgin Honest Fire Service. Today, I am testifying on bill number 34-0099 and act amended Title III, Chapter 25, Section 530 and Chapter 27, Section 705C relative to the changing the mandatory retirement age of police officers, firefighters, and correction officers from 55 to 63. We, at the fire service, stand in support of this bill for several reasons.

0:23:24 A 63-year-old today is not the same, nor do they look like a 62-year-old in past years. Increasing the mandatory retirement age does not affect the minimum requirement for retirement. A 63-year-old today is not the same, nor do they look like a 62-year-old in past years. A 63-year-old today is not the same, nor do they look like a 63-year-old in past years. A 64-year-old today is not the same, nor do they look like a 63-year-old in past years. A 64-year-old today is not the same, nor do they look like a 63-year-old in past years. Currently, firefighters can retire with 20 or 25 years of service. Firefighters hired before 2006 can serve 20 years to be eligible for retirement, while those employed after 2006 must serve 25 years. Retirement at 63 allows firefighters the freedom to work until they are eligible for social security. Increasing the age to 63 gives the option of working additional years should they deem they are physically able. Retirement at 63-year-old in past years. In closing, I want to once again thank you, the Senate body, for allowing the Virgin Islands Fire Service to testify in support of this bill. I now stand ready for your questions, should you have any. Thank you. Thank you, Mr. Stevens. Commissioner nominee, Ray Martinez, you may proceed. Ray Martinez: I got it.

0:24:45 Ray Martinez: Good afternoon, again, Chairman of the Committee on Financing, the Honorable Kurt D. L.A. Ray Martinez: Good afternoon, good. How are you today? Ray Martinez: One minute, somebody needs to mute the device, please. Ray Martinez: Yeah, you want the application? Ray Martinez: Sure, enough. Ray Martinez: Okay, because the lady's out today, but I think if you can... Ray Martinez: Somebody needs to mute their device? Thank you. Go ahead, Commissioner nominee. Sir Martinez, turn on your device. Unmute your device.

0:25:22 Ray Martinez: Okay, proceed. Ray Martinez: I am Ray Martinez, Commissioner nominee of the Virgin Islands Police Department. My team and I would like to thank you for the opportunity to testify on behalf of bill number 34-0099, Ray Martinez, an act amending Title III, Virgin Islands Code, Chapter 25, Sections 530G, and Chapter 27, Section 705C, related to the mandatory retirement age of police officers, firefighters, Ray Martinez, and prison guards to change the mandatory retirement age from 55 to 63. Ray Martinez: Increases in full retirement age are now trending throughout numerous local and state-level jurisdictions, Ray Martinez, and the enforcement of such new laws is usually based on the year of birth of the employee, Ray Martinez, making such changes incremental. Ray Martinez, For example, Ray Martinez, enacted in 1983, Ray Martinez, the retirement age for full Social Security benefits has already been increased from 65 to 67, Ray Martinez, for anyone born in 1960 or later.

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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.

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| 5x | Senator Kurt Viallet
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| 3x | Senator Samuel Carillon
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Bills and acts referred to

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| Bill 34-0099 | Act 8517 · November 18, 2021 · An Act amending title 3 Virgin Islands Code, chapter 25, sections 530 (g) and chapter 27, section 705(c), changing the mandatory retirement age of police officers, firefighters, and correction officers from 55 to 65 |
| Bill 34-0089 | Act 8515 · November 18, 2021 · An Act appropriating \$920,000 to the Virgin Islands Port Authority for the construction of |

an aesthetically pleasing Cruz Bay fish market and to modify the existing concrete boat ramp and bulkhead at the Little Cruz Bay Dock, Cruz Bay, St. John; appropriating \$580,000 to the Department of Public Works for the construction of a boat dock and slipway at Enighed Pond on the island of St. John; amending the Virgin Islands Code, title 27, chapter 4B, section 221(c) relating to criminal background checks for members of medical boards to make the Department of Health the recipient of the background check results and amending title 3, chapter 23, section 415(b)(2)(B) relating to the membership of th

Bill 34-0070 Act 8528 · December 23, 2021 · An Act amending title 33 Virgin Islands Code, subtitle 1, part I, chapter 3, section 54 relating to the remittance of the hotel room tax to the Government of the Virgin Islands to expand the definition of hotelkeeper or innkeeper for purposes of persons required to remit the hotel room taxes to the Government; to add a definition of ·person·; to establish additional penalties for failure to remit room taxes timely; and requiring the Director of the Virgin Islands Bureau of Internal Revenue, with the assistance of the Commissioner of Tourism, to commence making efforts to enter into an agreement for collection and remittance of the Hotel Room Tax by business entities deemed to be doing busine

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