

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 2000
ROLL CALL

Bill No. 23 - 0259

Date: 12/20/00

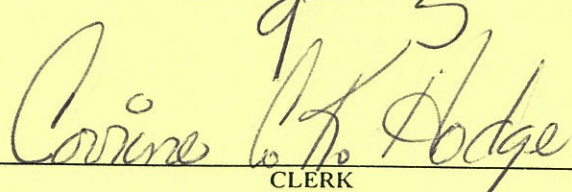
Short Title: To provide an appropriation for operating expenses of the Business and Commercial Properties Revolving Fund of the Government of the Virgin Islands during the Fiscal Year October 1, 2000 to September 30, 2001 (Closed Rule)

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.		5	# CLK	
C...E, Donald "Ducks"		1		
DAVID, Roosevelt St. C.	3			
DONASTORG, Adlah "Foncie"		2		
GOLDEN, Violet Anne	4			
GOMEZ, Judy M.	5			
GOODWIN, George E.	6			
HANSEN, Alicia "Chucky"		4		# CLK
JN. BAPTISTE, Norman			21	
JONES, David S.	7			
LIBURD, Almando "Rocky"		3		
PETRUS, Allie-Allison	8			
RICHARDS Vargrave A.	9			

Certified true and correct


 CLERK

12/12/00 – REPORTED OUT TO THE FLOOR

12/01/00 – AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES

BILL NO. 23-0259**Twenty-Third Legislature of the Virgin Islands
of the United States****OCTOBER 5, 2000**

To provide an appropriation for operating expenses of the Business and Commercial Properties Revolving Fund of the Government of the Virgin Islands during the Fiscal Year October 1, 2000 to September 30, 2001

PROPOSED BY:

Senators Lorraine L. Berry, Gregory A. Bennerson,
Roosevelt St. C. David, Violet Anne Golden, George E. Goodwin,
David S. Jones, Allie-Allison Petrus and Vargrave A. Richards

1 BE IT ENACTED by the Legislature of the Virgin Islands:

2 SECTION 1. The following sum, or so much thereof as may be necessary, is
3 hereby appropriated out of funds in the Business and Commercial Properties Revolving
4 Fund for the operating expenses, including wages of salaried employees, of the
5 Department of Property and Procurement, Business and Commercial Properties
6 Administration, in administering the said fund during the Fiscal Year beginning October
7 1, 2000 and ending September 30, 2001, as hereinafter specified:
8

9**10**

ORG 3200 Dept. Property/Procure.

C/CNTR S21708 Business & Commercial

1 TOTAL C/CNTR S21708 1,821,296

2 TOTAL ORG 3200 1,821,296

3 TOTAL FUND 321000 1,821,296

4
5 **SECTION 2.** The item of appropriation contained in this Act shall be reduced by
6 the sum expended for the objects and purposes of such item between October 1, 2000 and
7 the effective date of this Act, which sum was expended pursuant to section 9(e) of the
8 Revised Organic Act of the Virgin Islands.

9
10
11 BR00-1391/ August 18, 2000/ :cdj

Amendment to #22-468 (Nature of Substitute)

TWENTY-SECOND LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 1998
ROLL CALL

Recorded
Frett
objection
White

Bill No. 22-0259

Date: 5/18/98

Short Title: _____

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
 - (b) Reported from Committee and sent to Rules on.....
 - (c) Reported from Committee on Rules.....
 - (d) Recalled from Committee by Special Order.....
 - (e) Adopted on.....
 - (f) Rejected on.....
 - (g) Vetoed by Governor on.....
 - (h) Reconsidered by Legislature and passed or rejected over Governor's Veto on.....
- Lost*
5/18/98

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BERRY, Lorraine L.		1		
BRYAN, Adelbert M.	1			
BURKE, Carol		2		
CAMACHO, Miguel A.		3		
DAVID, Roosevelt St. C.		4		
DONASTORG, Adlah "Foncie"		5		
FRETT, Stephen "Smokey"	2			
GOMEZ, Judy M.	3			
HANSEN, Alicia "Chucky"	4			
JONES, David		6		
LIBURD, Almando "Rocky"		7		
PETRUS, Allie-Allison		8		
REDFIELD, Holland L.		9		
RICHARDS, Vargrave		10		
WHITE, Sr., Celestino A.		11		

Certified true and correct

Glencia M. Stele
CLERK

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO BILL NO. 22-0259**

OFFERED BY SENATOR ADELBERT M. BRYAN
Stephen "Smoke" Fret and Alicia "Chucky" Hansen

Bill No. 22 - 0159 is amended by deleting all the language after the enabling clause and inserting in lieu thereof the following:

"WHEREAS, the Governor of the Virgin Islands submitted to the Legislature of the Virgin Islands for ratification an agreement entitled 'Third Extension and Amendment Agreement' ("Agreement") entered into between the Government of the Virgin Islands ("Government"), Hess Oil Virgin Islands Corporation ("HOVIC") and PDVSA V.I., Inc. (PDVSA); and

WHEREAS, the Legislature of the Virgin Islands received testimony from the Government's negotiating team, officials of HOVIC and PDVSA and the public at large during deliberations on the said Agreement; and

WHEREAS, the Legislature of the Virgin Islands recognizes and appreciates the significant contribution HOVIC has made to the economy and welfare of the people of the Virgin Islands; and

- 2 -

WHEREAS, the Legislature of the Virgin Islands recognizes the efforts of both HOVIC and the Government's negotiating team in attempting to draft a settlement Agreement which was acceptable to both parties; and

WHEREAS, according to the 1992 audit report on Hess Oil Virgin Islands Corporation's Economic Impact on the Virgin Islands written by the United States Department of the Interior, Office of the Inspector, between 1987 and 1990, HOVIC discharged between 1.5 million and 2.1 million pounds of toxic chemicals into the ground each year. Of the 19 toxic chemicals tracked by the Environmental Protection Agency, the levels of 11 chemicals had increased during the period while levels of the other 8 chemicals either remained the same or declined. Among the 19 toxic chemicals released to HOVIC's operations were 4 known carcinogens; asbestos, benzene, carbon tetrachloride and nickel compounds; and

WHEREAS, in December of 1996, Amerada Hess and HOVIC entered into a plea agreement for shipping hazardous waste, spent distillate desulfurizer catalyst, from the HOVIC refinery to various locations in the United States, where HOVIC entered a guilty plea to

a one count information charging it with causing hazardous waste to be transported without a manifest in violation of Title 42, USC, Section 6928 (d)(5), paid a \$3 million criminal fine, paid \$2.3 million in restitution/ community service and agreed to comply with EPA reporting requirements contained in the plea agreement relating to spent distillate desulfurizer catalyst at the HOVIC refinery; and

WHEREAS, on September 24, 1996 the EPA commenced an administrative proceedings against Amerada Hess and HOVIC for allegedly not determining whether two wastes generated from maintenance activities at Hovel's refinery were hazardous, and that on six occasions in 1994, these wastes were placed on HOVIC's land treatment units in violation of federal land disposal restrictions regulations, EPA is seeking a penalty of \$165, 917. HOVIC and Registrant are engaging in settlement discussions with EPA regarding this matter. In light of these facts, the Legislature feels that more environmental safeguards should be guaranteed by HOVIC and the joint venture; and

WHEREAS, after lengthy review, analysis and consideration of the testimony on the Agreement as submitted, there appears to be serious concerns which precludes the ratification, such as:

1. The joint venture is being given twelve years to construct the coker plant and receive tax benefits until that time. The Legislature feels that that period is unreasonable under the circumstances the contract should specify a specific date of start up, construction and the manufacture of commercial quantities of marketable products not to exceed a period of five years;

2. The contract should restrict the number of years to seven for the recovery of the \$1.2 billion net operating loss (NOL) or any other loss claimed by the joint venture;

3. The amount of the lump sum payment *and other payments based on the profits of HOVIC and PDVSA;*

4. Environmental safeguards and the communities exposure to hazardous chemicals.

WHEREAS, it is the sense of the Legislature of the Virgin Islands that should the ~~Second~~ *Third* Extension and Amendment Agreement be approved by the Legislature of the Virgin Islands in its present form, these areas of special concern may become the basis

at some future time for instability in the relationship between Hess Oil Virgin Islands Corporation and the Government of the Virgin Islands;

Now, Therefore,

BE IT ENACTED by the Legislature of the Virgin Islands:

(1) The Governor of the Virgin Islands is hereby authorized ~~and directed~~ to initiate renegotiation sessions, within ^{fifteen} ~~thirty~~ days from the enactment of this Act, with Hess Oil Virgin Islands Corporation and resubmit the results of his renegotiations to the Legislature of the Virgin Islands. *within 15 days.*

Amendment #22-463 / May 18, 1998 / CK:vs