

Committee on Rules and Judiciary

Legislature USVI

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00:00:00 We'll be right back. Thank you. [2 such phrases repeated 56 times · standby audio before the proceeding, transcribed by the recogniser as speech]

[illegible][illegible]

0:55:18 I'll explain that in a few minutes. So with my opening remarks, I would like to say blessed good morning to the people of the Virgin Islands, the invited testifiers, the listening and viewing audience, and the legislative staff that's working this meeting today. But I would be remiss if I did not comment on the recovery efforts of Tropical Storm Ernesto. As a

community, we failed, but I want to say to the hardworking men and women of the Water and Power Authority, I thank you for your hard work that you do on behalf of the Virgin Islands during these recovery times.

- 0:56:11 I certainly appreciate you. members this event has been a long time coming today in the committee on rules and judiciary we are hosting an inaugural legislative symposium today I hope to see the chairperson of this committee hosts this symposium twice a year to continue amending antiquated sections of the VI code the goal is for agencies to present areas of the Virgin Islands code that require attention of this legislative body moreover as a legislator and most importantly as the chair of this committee, it is my duty to provide all the stakeholders with the opportunity to make necessary, time-sensitive, well-needed amendments to the code. The dates of the location of this symposium are as follows.
- 0:57:26 Today, August 19, 2024, here in the St. Croix Fritz E. Lowe's conference room, and on Thursday, August 26, at the St. Thomas Earlby Otley Legislative Hall, 9.30 AM to 5 o'clock PM. This is where we would have other departments come in and talk about the legislation that they would like to amend as it pertains to their department.
- 0:57:59 We eagerly anticipated today's symposium, which provides a platform for legislators to address key legislative issues and identify how outdated legislative policies impact the operational functions of the agencies. Together, we can influence legislative and regulatory measures that enhance efficiency and productivity across the three branches of government.
- 0:58:34 This collaborative effort provides employees with the opportunity to thrive and helps minimize gaps in revenue collections. Furthermore, it brings our laws closer to modernization and ensure they are regularly updated. So today, we are having crucial discussions about changes to the VI code. And on Tuesday, August 26, the committee will vote on these measures and hear additional testimony on that day.
- 0:59:14 So Madam Clerk, can you please proceed with the roll call? Sen. Angel L. Borges, Jr. Sen. Borges, absent. Sen. Dianti Capehart, present. Sen. Capehart, present. Sen. Kenneth L. Gittins, Sen. Gittins, absent. Sen. Maurice C. James, Sen. James, Senator Franklin D. Johnson, Senator Johnson, present. Senator Carla J. Joseph, Senator Joseph, absent. Senator Milton E. Potter.
- 1:00:04 Here. Senator Potter, present. Madam Chair, you have three present, four absent. Thank you, Madam Clerk. Are there any correspondence to be read into record from a committee member? Yes, it does. Please proceed. The Honorable Diane T. Capehart, Chairwoman, Committee on Rules and Judiciary, 35th Legislature of the Virgin Islands, 3-0-2-2 Estate, Golden Rock, Christianstead, St. Croix, VI-00820.
- 1:00:47 Letter of Absence from Committee on Rules and Judiciary. Dear Senator Capehart, please accept this letter as a formal notice that I will be absent from the Monday, August 19th, 2024 Committee on Rules Judiciary Legislative Summit. Scheduled to begin at 9.30 a.m. in the Fritz E. Lawitz Legislative Conference Room. Kindly be sure to forward all documents and information shared at the legislative session to my office. Thank you for your consideration on this matter. Sincerely, Carla J. Joseph, Legislative Secretary, 35th Legislature of the VA. Honorable Senator Diane T. Capehart, 35th Legislature of the Virgin Islands, 3022 Estate Golden Rock, St. Croix VI 00820.
- 1:01:45 Dear Senator Capehart, due to a previously scheduled engagement, I will be late in attending the Committee on Rules and Judiciary Legislative Symposium scheduled for today, Monday, August 19th, 2024. I apologize for any inconvenience this may cause and look forward to participating upon my arrival. Thank you for understanding. Kind regards, Maurice C. James, Senator, 35th Legislature of the Virgin Islands. Honorable Senator Diane T. K. Part, 35th Legislature of the Virgin Islands, 32-2 Estate, Golden Rock, Christianstead, St. Croix, v i zero zero eight two zero dear senator capehart i am writing to inform you that i am unavailable to attend the committee on rules and judiciary meetings scheduled for monday august 19 2024 at 9 30 a.m in the fritz e lawitz legislative conference room st croix as i am representing the virgin islands at democratic national convention i respectfully request to be marked as excused from this meeting i am confident that the committee will have a productive and successful hearing thank you for understanding and cooperation sincerely the honorable angel boquez jr chair on the committee on culture youth aging sports and parks senator at large 35th legislature of the virgin islands madam chair that's the end of the correspondence thank you madam clerk are there any correspondence to be read into the record from any testifiers no okay well thank you madam clerk of today's agenda we have two blocks
- 1:03:45 um madam clerk please read the summarize agenda into the record the committee on rules and judiciary has scheduled its inaugural legislative symposium for monday august 19 2024 at 9 30 a.m in a fritz e lawette's legislative conference room st croix virgin islands to discuss proposed changes to the virgin islands code the symposium will continue august 26 2024 at 9 30 a.m in the earl b atley legislative hall st thomas virgin islands at which time the committee members will act on the proposed legislation legislations and amendments The Legislative Symposium's purpose is to expedite proposed amendments to the sections of the Code that directly impact each Department's operations and functions at this event initiates the urgent process of updating antiquated sections of the Virgin Islands Code. The goal is for the agencies to

present areas of the code that require the immediate attention of the legislative body. As a legislator, and most importantly as the chair of this committee, it is my duty to provide all stakeholders with the opportunity to make the necessary, time-sensitive, well-needed amendments.

1:05:27 the dates and location for the symposium are as follow today monday august 19 2024 st croix fritz elouette conference room and on monday august 26 2024 st thomas earl b at least legislative hall 9 30 a.m to 5. madam chair that's the end of the agenda thank you madam clerk i I did not, after you've read the rule call, I want to, for the record, excuse Senator Angel Borges Jr., Senator Maurice James, and excuse Senator Carla Joseph.

1:06:15 So as I mentioned today, it's an unusual rules and judiciary meeting. we have several great pieces of legislation and amendments on the agenda to discuss and remember there will be no voting today until the august 26 date i am proud to lead this committee in vetting these bills today so in the essence of time i will like us to proceed and starting with our testifiers here in the well on the island of St. Croix. I would ask that you first testifiers that you identify your name to make sure that we hear you clearly on the record. Just identify your name and your title and then attorney Vaval you may then you could go first and then the next testifier. you may proceed good morning geraldine vaval general counsel licensing and consumer affairs thank you good morning regina de chabere peterson administrator of courts virgin islands judiciary thank you um i'd like to uh recognize committee member senator maurice james good morning madam clerk can you please mark senator james as present i'd like to also recognize the code revisor um who actually reports to the chair of this committee um attorney stradiron who is here with us today from saint thomas thank you for your attendance good morning

1:08:11 and he will talk about all of these suggested amendments that has been brought to my attention as the chairperson of rules that we've been discussing these amendments from the time I took this committee trying to you know just let me know how important it is from 1954 before he went as far back as 1921, that the Virgin Islands Code needs amendment.

1:08:49 It needs change to the codes. So I have no clear format of how this meeting will go today other than this is discussion today. So colleagues, we would just hear discussions from the testifiers today and our code revisor and we'll see how this meeting goes so thank you for your attendance so I would start with attorney Geraldine Baval from the Division of Department of Licensing and Consumer Affair you may proceed with your testimony good morning Honorable Senator Diane TK part chair of the Committee on Rules and and Judiciary, esteemed members of the 35th Legislature of the Virgin Islands, committee members, non-committee members present, and the listening and viewing audience. I am Geraldine P. Vival, General Counsel for the Department of Licensing and Consumer Affairs. Thank you for the opportunity to present this legislative body, the proposed amendments to sections of the Virgin Balance Code that DLCA believes are in urgent need of revision. Many of these provisions have become outdated, leading to operational efficiencies within our department. By updating these sections, we aim to bring our practices in line with current standards and best practices, similar to what has been achieved in other states, where such updates have resulted in greater legal clarity and improved efficiency.

1:10:36 These changes will empower DLCA to better fulfill its mandate as a revenue-generating agency and enhance our ability to regulate effectively. To briefly highlight some of the proposed statutory amendments, we are proposing amendments to allow the DLCA to adjust licensing fees annually and impose stricter administrative fines for violations including the authority to issue both civil and criminal citations for the same offense. These changes will ensure more robust enforcement and compliance. The proposed changes include expanding the Commissioner's authority to issue civil citations and enforce penalties, aligning our enforcement powers with those of other jurisdictions.

1:11:33 The amendments will also update references to the Consumer Services Administration and Alcohol Control Board, integrating these into DLCA's current structure for better clarity and operational alignment. In conclusion In conclusion, DLCA appreciates the opportunity to testify in support of these amendments and respectfully request your support in moving them forward. These updates are critical to modernizing our regulatory framework and ensuring that DLCA can effectively serve the public and our business community. Thank you once again for your attention.

1:12:16 We are ready to answer any questions you may have. Thank you. Uh, now we will hear testimony from, uh, Ms. Regina D. Shabir Peterson, Administrator of the Court, um, Judiciary of the Virgin Islands. You may proceed. Good morning, Chairperson Diane T. K. Apart, other members of the Committee on Rules and the Judiciary. I am Regina D. Shabir Peterson, Administrator of Courts for the Virgin Islands Judiciary. I did not prepare a written testimony for today's meeting as I assumed this was going to be a discussion-driven meeting. But nonetheless, we have been in conversation with your office for some time regarding the expectation that this working session would occur. And we're here in full support of what the committee intends to do.

- 1:13:14 And I appreciate the opportunity to provide input. Thank you. So, colleagues, as I said, there's no clear format of how we're going with this meeting today because Attorney Stradiron, you may now talk about all these code revisions. I read the document.
- 1:13:40 It was like 300 and something pages. So if you can just give us a quick overview as to some of these impactful legislation from since the beginning of time that are on our VI code and needs amendment. So you may proceed. Thank you, Senator. And good morning. Good morning. Good morning. As the senator said, I'm Iver Stroud-Iran, and back in 2018, I was assigned, really, as a member, as an employee of the legislature, to undertake the revision of the code.
- 1:14:30 The brief history is that the Virgin Islands Code, based on what I've seen, has not been updated since 1958, 1959. The rule of thumb is that codes of laws throughout the country generally updated every 10 years. And so you can do the math that we have not updated our code since 1959 at the latest. At least that's the extent to which I saw it. There were efforts made over the years to have our book publisher, that's LexisNexis, one time it was Butterworth, to undertake that project. were offered to them, and they at some point declined. And so as that was going on, the legislature then in, I guess, 2010, 2012, decided that they would take over the role and the function of updating the code. And it has been sort of sporadic over the period of years. So when I came on board, the first objective was for me to do exactly that. That is to look at those areas in the code that requires updates, which required repeals, which required amendments. And so that is what we've been doing. Today I brought, just as a sample of the work that we've been doing, 82 suggested amendments to the code. substantive and some are non-substantive they as most of us would know that the manner in which codes are drafted can have major impacts on the lives of people who are affected by it for example it's widely known that if you put a comma in a statute in the wrong place it can have really serious consequences even in criminal matters or civil matter particularly in civil manner so the objective was for us to review it now I have a staff of four people and as the senator says I report to you Senator Capehart what I've been doing and have completed is to have reviewed all 34 titles in the code and that requires reading every word every sentence every paragraph every section of
- 1:17:19 the code to determine those areas that may require updates and to date we have determined that they're upwards of well over a thousand amendments that we need to do to the code the the problem of course is that the code reviser cannot drop or Senator Capehart you simply cannot drop a thousand amendments or a thousand bills on the legislature because you would overwhelm the process so as I believe you've mentioned Senator that it will take a number of sessions of the legislature probably a number of different legislatures to actually make all of the changes that are that we believe are required just for example if you don't mind Center I'll give you just a snippet of something that we found we we've proposed that the the measures dealing with immunity for people who testify before the legislature be updated they are issues within that we find to be problematic something else there's one section for example of the code that talks about co-chair persons co-chair persons of the Finance Committee we've got to change that because they are no co-chair person there no two persons who handled the Finance Committee there is all issues dealing with the legislature's budget which needs to be updated one we decided we wanted to do by reading the statute was to combine three three statutes that deals with fine arts and basically recommend to the legislature that you create a fine arts museum committee or Commission so that we can have a revenue generating measure we've even suggested that the old district court building on st. Thomas on st. Thomas be the venue for that sort of an activity so there are a whole host of things they are measures still in the code that goes back to 1921 there is for example references to bonded aliens we don't do bonded aliens anymore but it's still in the code obviously these matter measures have been ignored over the years but they are still part of the code and ought to be removed so that they are no confusion with regard to these matters there's a provision in the code for example senator that says that if a person is a habitual drunkard they can't vote in the Virgin Islands I mean these are the kinds of stuff or it talks about lunatics and idiots uh all of the kinds of verbiage that we no longer use uh in the virgin islands or elsewhere as a matter of fact there are provisions in the code which kept certain departments and agencies under one roof although over the years it has been removed and put somewhere else for example something that's rather humorous is that there's a provision in the code right now that provides that if somebody wants to determine to get a license to work in a slaughterhouse they have to go to the hospital to the morgage
- 1:21:04 department, the morgue, the morgue department, to get a certificate from the morgue to work in a slaughterhouse. I mean, you know, these are the kinds of measures that are still in the books. And I think it is because many times in the early days there were no departments and agencies that had specific rules and regulations of how to operate. humorous another humorous one senator is that the code provides that years ago we had slaughterhouses on st. Thomas there was one down Main Street and so there was a there was a code provision still on the books that says that farmers could herd their animals down Main Street to the slaughterhouse except one animal who had to be in a cart or carriage, and that one animal are pigs. And the reason for that is that pigs can't be controlled. You can herd a goat down, you can herd cows down, but if you try to herd pigs, they run all over the island. So that's still on the books. So these are some of the things that we found. Some humors, as I said, some substantive, some non-substantive. So we are working, we've done all of

that. Now I must say, Senator, that I brought today 82 suggested amendments. However, like I said, we've already identified well over 1,000. So what we're going to do at your recommendation was pick out the low-hanging fruits first, those things that we think that all of you as senators will be able to get on top of and pass without much controversy without much debate and so forth so that's what we are we're doing right now we've as I said we have 82 of them here by August 26 we will then add some additional so that you can you and the senators can determine what numbers of these measures you wish to address immediately which ones you want to put to other legislative sessions and that sort of thing so those are the matters that we have now in order as I understand the center the the the objective in this case not the objective but the the proposal as I understand it from you is that you wish to have some of these bills put in an omnibus bill so that it's easier than to be able to add work on them well what we have determined would be best to take care of that would be for us to to as I said do the the low hand fruits then those that are substantive do the non-substantive so that makes it a lot easier for the Senators to handle there are some bills that some measures that we'll be proposing that may be more problematic we are we recognize of course that during an election year and there's some measures that you may not want to address during an election year so those are some of the things that we're doing senator as I said we've done I think a humane a humongous job and is one last thing that I'd like to say senator to make it easier for the senators to be able to address them because of an omnibus bill in an omnibus bill you may say you simply say amend this this section a add this and all of that well what we've done is we have actually taken the statutes and we have actually lined out those areas that need to be taken out and redlined in those so that any senator can pick up a bill and look at it because attached to it will be the specific language where it would where it would be placed in the code so you won't have to be speculating as to what this amendment seeks to do because you'll be able to see it right there so that's what we've done with all 34 titles in a code and we think that it will be most helpful to the senators certainly to your office certainly for you as a chairperson of the rules and Judiciary

- 1:25:28 Committee to be able to move these things forward so that's where we are senator thank you attorney Stradiron code revisor of the 35th legislature so this is the intent of today's symposium from the time we had this discussion and and I was just taken back with all the legislation that he just referenced, like, oh, my gosh, we operating from since the beginning of time. So this is just a start today.
- 1:26:03 I've been working with legal counsel. I've been working with the Code Reviser Division. So we may not accomplish a lot or many, but it's a start. This is just the beginning, and as I mentioned earlier, that i pray that the next chairperson of rules and judiciary continue this initiative because it's very important and that's why we've asked departments to come and talk about their potential amendments that they have their intent their intention or what how is this improving your department? How is this hindering progress in your department? So that's the discussion today. But before we get into the testifiers discussions, I'd like to acknowledge the presence of our majority leader who is a committee member, Senator Gittins. Madam Clerk, can you mark of Senator Gittins as present. And on the floor, we have Attorney Russell Pate.
- 1:27:14 If you can please identify yourself using the mic so the stenographer could know who you are. Good morning. Thank you. This is Attorney Russell Pate of the Pate Law Firm. Okay. And just for clarification, You are not here on any other department or board or organization. You are here privately on your own.
- 1:27:45 Correct. I am president-elect of the bar, but there would be no time, no time from the storm last week to get a resolution on any issue. Okay. I apologize. The mic seems in and out. That's okay. So testifiers, this is what? But I would like that the amendments that your department or agency have, if we can have discussion about that, and then my colleagues would have the opportunity to ask any questions as it pertains to those amendments. Attorney I'm trying to remember name by hand Vaval. Oh, I'm sorry. Attorney Pate, do you have a testimony to read on the record?
- 1:28:37 Yes, it's just to an amendment on the wrongful discharge statute of limitations. Okay. You may proceed. Okay. This regards Bill 35-1247, amending Title V, Section 31, to clarify the statute of limitations for employment lawsuits. Dear Senator, I write regarding Bill 35-12-47, amending Title V, Section 31, to clarify the statute of limitations for employment lawsuits. As background, the Rockville Discharge Act was passed in 1986 as 24-VIC-76.
- 1:29:14 The legislature, likely as an oversight, did not specify statute of limitations. The time to file lawsuits is specified at Title V-VIC-31. For example, if you're paralyzed in a car accident, you have two years to file a lawsuit from the day of the accident. Lawsuits for recovery of real property or real estate can be brought up to 20 years from the event of deprivation. However, if the VI Code creates a legislative remedy but does not specify a time period, then six years is the time period. For 30 years of litigation, courts of the Virgin Islands apply to two-year statute of limitations For wrongful discharge, reasoning that a person who has killed or injured only has two years, why would someone who was fired receive six years to wait before suing? Further, the federal government only provides 180 days for a lawsuit to be commenced on EEOC violations, and many states follow the 180-day federal time frame. Other states provide one year for employment and labor disputes.

- 1:30:18 Labor disputes? In 2015, Rennie v. Hess Oil, Virgin Islands, case site 62 VI 529, 2015, the Supreme Court of the Virgin Islands enforced the law for statute of limitations at 5 VIC 31, section 3, that the statute of limitations for wrongful discharge is six years because the legislature failed to specify a time frame. this finally ended other courts ignoring the vi code to apply their own preferential statute limitations in fairness the wrongful discharge act should have a two-year statute of limitations businesses should not have to hold their breath for six years for a lawsuit on a labor employment issue those fired terminated or treated unfairly do not need six years to contemplate to sue while a person who lost an arm leg or eye would only have two years adding wrongful discharge to five IVIC 31, at subsection 5, which is the statute of limitations provision, will make the statute of limitations two years.
- 1:31:24 Two years is more time than the federal government and other states with labor employment laws provide. I'm not a corporate or business lawyer. I represent people who are generally injured by corporate negligence. All laws should be fair and balanced. Just as providing a person in a car accident six years to sue would be too long, six years for wrongful discharge is too long, and it's a burden upon business from large to small. This is an easy fix which promotes balance and fairness. Thank you, Senator. I can answer any questions on this. I also would like to say it's an honor and privilege to be in front of Attorney Ivor Stradiron. He will be honored for his 50 years of practice at the bar meeting in December, our annual meeting. I'm very excited to present those awards for legends of the bar that have been practicing so long and to have him as the code revisor is an absolute blessing for the Virgin Islands.
- 1:32:19 Thank you. Legends of the bar. I like that. Yes, and that's why when I first took this as, you know, this position as the chair and rules of judiciary and I've had the opportunity to work with attorney Stradiron and back then I was the vice chair so he's been I was a vice chair of rules then so back then from way then the 30th I've been hearing him say there's a need this needs to be done so with with that being said that's when I took this position as the chair that I am happy to work with attorney Stradiron because there are a lot of impactful legislation that needs to be revised to you know improve the the services the processes increase of fees so talking about increase of fees let's talk about licensing and consumer affairs because I know there's potential increases and you know as we we talk about some of these amendments and I read some of them um you're talking about them but that doesn't mean it's going to happen because you know some of the increases might be too much or it might be just fair enough that that's a fair increase so talk about some of the uh impactful or potential amendments that um would be able to change your license the Department of Licensing and Consumer Affairs okay just before I begin exactly how do you want me to discuss it because I'm basically reading from the same document that we sent you mm-hmm the sections of the code and what the changes that we are proposing yeah you could yeah okay just
- 1:34:24 want to make sure yeah yeah you could proceed okay as I said this is not as formal as the usual rules meeting we're happy for that good so yeah this is just discussion today so you may proceed after we have the discussion then my the floor would be open for any questions okay so the first recommendation that we're proposing is to 3VIC chapter 16 section 272 B4 and 5 so 4 says establish all licensing fees we want to add and licensing categories striking out not otherwise established by law upon review of the annual licensing fees the department may increase licensing fees annually at a rate not to exceed 30% per year the Commissioner shall publish said licensing fees and licensing categories annually in at least one of the newspapers of general circulation in United States Virgin Islands so that's the actual language that we want to add or section 5 paragraph b5 we want to add it currently it reads as follows upon previous notice and an opportunity for a hearing impose administrative fines and we would like to add the language and administrative costs including but but not limited to hearing officer fees the sentence continues for violations of the rules regulations and orders approves approved or prescribed by the
- 1:36:15 department such fines shall not be less than currently it is \$25 and not more than a thousand we will want we would like to increase it to not less than \$250 and not more than \$10,000 and at the discretion of the commissioner and for good cause shown additional fee fines not to exceed 5% of the licensee's gross monthly revenue computed from the date of the violation through and including the date the licensee becomes compliant so that's the first one okay Okay. You just want me to run through all of them? Okay, not a problem.
- 1:37:02 Colleagues, you don't have copies of these amendments? Okay, so let's take a quick recess. Thank you. Thank you. We'll be right back. Thank you. Thank you. We'll be right back. Thank you. Thank you. We'll be right back. We'll be right back.
- 1:42:29 Thank you. Let's go. We'll be right back. [3 such phrases repeated 17 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 1:50:59 We'll be right back. Thank you. We'll see you next time. [3 such phrases repeated 42 times · standby audio before the proceeding, transcribed by the recogniser as speech]

- 2:11:59 The Committee of Rules and Judiciary is out of recess. Before we went into recess I had asked the Attorney for Licensing and Consumer Affairs, Attorney Vaval, to talk about the proposed amendments as it pertains to DL DC LA is the LCA right it wrong so you may proceed and then we will have discussion and we go to the other testifiers okay let me restart by saying currently the licensing fees are are codified at 27VIC Section 302 and has not been increased across the board by the legislature since July of 1973.
- 2:12:52 This amendment would give the department the authority to increase licensing fees as appropriate. The first one I'm going to discuss is 3VIC 16272 B4. So as you can see from the documents that you have, the changes are written in red, and some of them, the deletion that's been crossed out, that's the language that we want to cross out, that we want to amend.
- 2:13:23 So 4 says establishing all licensing fees, and written in red says in all licensing categories. Upon review of the annual license fees, the department may increase license fees annually at a rate not to exceed 30% per year. The Commissioner shall publish said licensing fees and licensing categories annually in at least one of the newspapers of general circulation in the United States Virgin Islands. The next one is to increase in administration.
- 2:13:59 The increase in administrative fines covers the increase in administrative costs. So B5 reads, upon previous notice and an opportunity for a fair hearing impose administrative fines and written in red, and administrative costs including but not limited to hearing officer fees for violations of the rules, regulations and orders approved or prescribed by the Department. such fines shall not be less than cross out \$25 and input \$250 and not more than cross out \$1,000 and make it \$10,000. At the discretion of the Commissioner and for good cause, shown additional fines not to exceed 5% of the licensee's gross monthly revenue computed from the date of the violation through and including the date the licensee becomes compliant. The next code section is 3VIC Chapter 16, Section 272.
- 2:15:09 This amendment expands the powers of the Commissioner. Currently, there are no civil penalties under 27VIC Chapter 9, only criminal penalties. This amendment provides both civil and criminal penalties, not either or. There would be no issue of double jeopardy as the amendment would provide for civil penalties. And the amendment that we're proposing is adding a subsection I. Anywhere in this code, under the powers of the Commissioner, where an offender shall be found guilty of a criminal act and fine, the Commissioner may, in his or her discretion, a civil citation for the same fine amount as the fine under the criminal violation. The Commissioner, in his or her discretion, is authorized to issue either or both a civil and criminal citation for the same offence. When a civil or criminal violation is adjudicated and the offender is found guilty and or liable for the charged offence, in addition to the civil or criminal fines assessed, the offender may be assessed additional administrative costs pursuant to 3VIC Chapter 16, 272 . The next proposed amendment is adding up Section B, Dissolving the Alcohol Control Board and and establishing the alcohol control unit. So on the 3 BIC 276, we crossed out the whole paragraph and changed it to read, subsection A, any reference in this code to the Consumer Service Administration or to the Director
- 2:17:01 of Consumer Services shall be deemed to refer to and apply to the Department of Licensing and Consumer Affairs and the Commissioner of Licensing and Consumer Affairs, respectively. An added subsection B, the Virgin Islands Board of Control of Alcoholic Beverages, also known as the Virgin Islands Alcohol Control Board, is dissolved. The employees, equipment, funds, duties and responsibilities and powers under control or authority of the Virgin Islands Alcohol Control Board have been transferred to the Department of Licensing and Consumer Affairs pursuant to the 2003 VI Bill 30, Section 33, which went into effect December 23, 2003.
- 2:17:58 Any reference in this code to the Alcohol Control Board and or the Virgin Islands Alcohol Beverage Control Board shall be deemed to refer to and apply to the Alcohol Control Unit, a subdivision of the Department of Licensing and Consumer Affairs and the Commissioner of Licensing and Consumer Affairs, respectively. The next proposed amendment creates a definition for the alcohol control unit. So we want to take out the definition for board, because it was a definition for the Virgin Islands Board of Control of Alcoholic Beverages, and want to propose a definition for the alcohol control unit, which means the Department of Licensing and Consumer Affairs Alcohol Control Unit as identified in 8 VIC, Chapter 16, Section 276 .
- 2:19:05 The next proposed amendment clarifies the fines for violation. As written, the section is vague and left up to interpretation. This amendment makes it stricter to ensure compliance, and this has to do with the penalties found in 8 VIC section 19 and section 106. Currently it reads, 8 VIC section 19 reads, whoever violates any provisions of this chapter or of the regulations issued under this chapter shall be fined not more than \$200 and we want to add per violation or in prison not more than one year or both.
- 2:19:51 In the penalties for 8VIC section 106 it reads whoever violates section 102, 104 or 105 of this title or regulations issued pursuant to section 103 of this title shall be fined not more than \$200, and we want to add per violation, or in prison not more than one year or both. And then we also want to add, provided that any entity having been cited for four offenses

shall then be subjected to 27 VIC 304. The next proposed amendment is to 8VIC 160 and it adds an administrative fine to ensure compliance. 8VIC section 160 reads as follows.

2 : 20 : 45 The Commission of the Department of Licensing and Consumer Affairs may, for any violation of this chapter or any regulation issued pursuant thereto, after public notice and adequate hearing, suspend, cancel, or revoke any license issued pursuant to Chapter 1 of this title as follows, for a first offense not exceeding 10 days suspension of a license, and we want to add a fine of \$3,000. For a second offense not exceeding 30 days suspension of a license and we want to add and a fine of 10,000 and for a third offense he must suspend cancel or revoke the next proposed amendment intends to combat the sale of alcohol to minors section 8 vic 161 reads as far as we we We want to renumber it A and B. A would read, a person who sells or furnishes alcohol beverages to a person of lawful drinking age does not thereby become liable for an injury or damage caused by or resulting from the intoxication of such person. However, a person who, and we want to add the word willfully and unlawfully, sells or furnishes alcohol beverages to a person who is not of lawful drinking age or who knowingly serves a person habitually addicted to the use of any and all alcoholic beverages may become liable for injury or damage caused by or resulting from the intoxication of such minor or person. And then we're proposing to add paragraph B which would read a person who willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age shall be fined not more than 15,000 per violation pursuant to 14VIC 485G.

2 : 23 : 00 Weights and measures. This section has not been amended since its enactment in 1975. So, 12AVIC Section 163 reads as follows. A. Upon previous notice and an opportunity for a hearing, for a fair hearing, the Director may impose administrative fines of not less than, we want to change it to \$50 and not more than change it to \$200, for each violation of the provisions of this subchapter or regulations issued pursuant to this subchapter.

2 : 23 : 51 The next section is 27VIC TRIO 2A. Should the Department be given the authority to increase licensing fees, this section would be obsolete. So we want to delete, in its entirety, 272 B-4, that's 27 VIC 272 B-4. The next proposed amendment would allow the department to set license fees above 500 as appropriate.

2 : 24 : 28 So section 27VIC 302B reads as follows. Any person or association engaged in a business, occupation, profession or trade not designated in subsection A of this section or not otherwise covered by any other provision of the code shall obtain an annual license at a fee determined by the Commissioner as reasonable to defray the cost of regulation and we want to strike out but not to exceed \$500 the next amendment we are proposing this amendment because there are too many instances of businesses continuing to operate on expired business licenses. This amendment allows the Department to work with sister agencies to ensure compliance similar to the provisions of 16 VIC 373, which is a civil liability for child support. And it would add a subsection H. So it would be 27 VIC 304 H.

2 : 25 : 47 If licensee or unlicensed individual fails to pay the required licensing fees or unpaid citations and upon request by the Department and having served such request by certified mail on the Bureau of Motor Vehicles, said Bureau shall take appropriate steps to withhold, suspend or restrict the driver's license or vehicle registration of said licensee or individual pending the department's issuance of a paid receipt. Responsibility for notifying the BMV of the department's paid receipt is solely the responsibility of the licensee.

2 : 26 : 32 Denial, revocation or suspension of a license, which is 27VIC Chapter 9, Section 304. propose an amend adding as subsection L if the Commissioner initiates an action under this section the department shall be entitled to both an administrative fine of \$1,000 and administrative discretionary costs the next section amendment the next amendment and intends to come combat the sale of vape cigarettes to minors when he said so we're proposing adding a 27 VIC 307 F which would read any entity who willfully fails or refuses to comply with sections 305 C of this chapter shall be guilty of a misdemeanor and shall be fine not less than a thousand for the first offense not more than 5,000 for each offence thereafter provided that any entity having been cited for four offences shall then be subjected to 27 VIC 304 we also have at least five other for five of our boards where we've submitted amendments to various senators so those aren't included in the amendments that we propose here here, but we're concerned with, we're actually concerned with the amount of time these proposed amendments are sitting and not being worked on, because it's affecting businesses, you know, consumers.

2 : 28 : 13 So we listed them at the bottom of the document that we sent in. Okay, thank you, Council Vaval, for your proposed amendment. to the VI code as it pertains to the Department of Licensing and Consumer Affairs. I just wanted to let the listening and viewing audience know that departments, we reached out to the executive branch to say, ask your departments to look at the VI code as it pertains to their department, their departments, to see if there are any amendments needed to be had from their departments. And so thank you, Licensing and Consumer Affair, to responding to this. And as I see the last set of boards, their senator's name attached because they have these amendments. So we'll see. We'll have discussion with legal counsel to see how on the 26th we could attach those to the omnibus bill. Okay,

with that being said, Ms. Regina D. Shabir-Peterson, would you like to proceed?

2 : 29 : 36

Yes, good morning once again, Chairperson Capehart. I think that the approach for the courts was slightly different because we did receive some draft code amendments previously that we have been reviewing. We do have a committee on rules that serves under our Judicial Management Advisory Council and they have not yet convened, but they've been asked to review these as well as to poll our group to see if there are any additional amendments we may need. But in general, looking at many other provisions that were recommended serve to harmonize, of course, after the unification of the courts, correcting a lot of the references within the code where the district court was specified when we now have a Supreme Court, and just trying to harmonize and correct those old references in certain areas of the code. But we will make sure to flush those out a lot clearer and submit those as soon as our advisory committee has had an opportunity to put those in an organized manner. But we agree with everything that the Code Revisor, Attorney Stradiron, has submitted thus far, with some minor exceptions, as I have discussed specifically, or I should say one example, would be when it comes to fees. And similar to my testimony when we were looking at the jury fee schedule and just, you know, it doesn't make, it isn't prudent in terms of adopting a modern approach to fees in the code in general when the Supreme Court and the judiciary has rule-making authority and has tasked the administrator of courts for surveying the operations of the court from time to time and, you know, reviewing and making recommendations for fee changes that perhaps we need to be shifting away from codifying or legislating fee increases. You know, the court I think is empowered or able to review and make such recommendations and probably adopt and pass those from a rulemaking standpoint rather than having to come to the legislature to request that those fees are changed, whether it's jury fees, whether it's witness fees, whether it's even fees for interpreters like we have one provision in here that you're trying to address that we can, from an operational standpoint, see that inflation, the market, requires us to budget accordingly and to plan so that those services can be provided timely and effectively. So those are some of the areas that we would like an opportunity to review a lot closer and make those recommendations. But I know in speaking with my chief and our team that in some of those areas just giving us that blanket um it's not really blanket authority because of course if you have an issue with any fee increase you can have the authority to call us in and we can have a discussion but we always try to be reasonable within what's going on in our community and and the market um so yeah and also the other one would be the upl penalty as well since the unauthorized practice of law falls under the jurisdiction of the court and its authority to oversee the operations of the Virgin Islands Bar.

2 : 33 : 32

And so those are things that perhaps can be left up to the rulemaking authority of the court. I did have one thing from our operational standpoint, and I'm not sure if there's going to be a preemption because I do think that at some point in time we had tried to submit an amendment some time back, and that would be 4VIC, I believe it's Section 87, which is on the archiving policy, and that would be to modernize that section of the code that still speaks to microfiche. As you know, that's a very expensive proposition, and a lot of jurisdictions now are digitizing and using other forms of preserving their records, and so I did share with your office that proposed amendment. A proposal, two ways, it gives you an option to follow the more traditional route of an amendment or the modern, which just basically says we leave it up to the authority of the courts, and that update would really assist us as we are now currently trying to stand up a new storage, a new archiving facility, and this recommended amendment would be key and critical to our records retention policy that we've just recently adopted.

2 : 35 : 03

Points of information. Points of information, Senator Gettins. Thank you, Madam Chair, and good morning to all. To the court administrator, so when I used to be in court often, traffic court to be specific, If a defendant was in court for a traffic offense and was found guilty, and the judge states you're guilty and you're to pay \$25 ticket fee plus \$25 court cost, where does that court cost go to?

2 : 35 : 56

Court costs go to the general fund. really acts as a pass-through and all currently all costs even if it says court costs are paid over to the general fund and that is still the case that is still the case thank you thank you senator Gittins that's the purpose of this meeting today this discussion because there are a lot of departments the courts that there needs to be amendment because as senator Gittins just clearly stated there's a need for that change general fund Wow attorney pate you may proceed to the wrongful discharge act and your suggested amendments even though you talked about it in your your testimony today let's just talk a little more about that thank you senator the suggested amendment is extremely simple you simply put wrongful discharge that phrase into the statute of limitations section which is 5VIC 31 at subsection 3 which is two years and if you want the an actual proposed bill I believe that Senator Maurice James may have a copy of that I my copy was unfortunately corrupted for today's meeting Okay, so colleagues, at this time we could ask any questions that you may have. Madam Clerk, you can give the first round of questions six minutes, starting with Senator

- 2:37:58 Johnson. Good morning, thank you very much, Madam Chair. Good morning to my colleagues. Good morning to the testifiers. Good morning to the viewer and listening audience. sure have been a learning lesson here today but I've always know that we have a lot of laws that are in the book that pretty much is antiquated just doesn't go with this change at times and I wanted to start off with a attorney paid because he spoke about the time to file lawsuit specific at 5 BIC 31 for For example, if you were paralyzed in a car accident, you have up to two years to file a lawsuit. And when he spoke just that section, I have a friend that was in a car accident. And as we know, our infrastructure, our medical facilities, all of that, doesn't have the adequate staff and nursing, doctors to take care of a lot of our family members. So he was sent off to the mainland and been passed two years.
- 2:39:06 And when he came back, the statue was run out on him. He couldn't sue anyone. The government had to absorb the entire cost, MAP, and for sure this one, two years is not sufficient based on our infrastructure, our hospital, medical doctors and everything, so what. So my question to you, would you be in agreement that based on our infrastructure and our medical our capabilities that two years is not sufficient in this particular case.
- 2:39:40 I've had many, I've represented over a thousand clients and there are in that subsection people who go to the States to Cleveland Clinic and generally when they're very hurt or someone is fighting cancer, they've been diagnosed with a cancer and they're away for two years getting the treatment and if by God's spare life they recover, they've missed that time period. It's been few, but it is if you're fighting for your life, then you're not really concerned about the legal remedies. Other states have three years and four years. Two is about the middle, but it's something that can be solved easily. There are a lot of issues, and I'm here to support the courts as an attorney. We only exist because of judges hearing the cases and the court that staffs, we have no power to do anything without the system. And right now the system does need a lot of help for the judiciary because the bigger issue for my clients right now is just the delay that that person, even if he did file within three years, or let's move to three, I have to tell them it may be five, six, seven, eight, nine, ten. I've got some cases that are pending 17 years for a trial. And that's what we want to solve because all three branches of government have to be strong. And the judiciary needs to be strong, the legislative branch, the executive branch, you want them to function well to serve the citizens. So that may be a longer answer, but it's multifaceted. But the statute can be easily, that's an easy, easy change. I will put it this way. There are less lawyers that represent generally people like me, what you call a plaintiff lawyer, because the defense side, if I bring a case, I may bring three defendants. So there's three lawyers on the other side versus me. So if you do bring that bill, you may see more faces on the other side against it just because that's how the process of law works. one of me is like 10 on the defense side so if it came down to just a majority vote in law then usually the people who have the injury are going to lose because they're going to be outvoted by the other side of the the v as we call it well well you know from from my standpoint i i i
- 2:42:00 definitely see it needs to go to tree based on our infrastructure and our medical capability our our folks going to have to continuously be sent off island for treatment and according to bad that accident was it could run past two years some people have six seven eight surgeries can't come back home because they're going through therapy for one and then getting ready to go to a next surgery and by the time they come back that statue is gonna run out so I I don't have a problem taking on that fight because it's it's well needed I'll do another personal example where my my cases are mostly against you know the old refinery pre-1994 or the the aluminum plant and a lot of them are lung injuries but our hospitals do not actually have at least on st. Croix have the testing called pulmonary function testing where you're put in a box and they can test how efficient your lungs are we haven't had it so when I've had to use doctors in the states that we have to ship all the gases down the equipment down because it's not here and attorneys in the states are blown away they are absolutely shocked that we wouldn't have this type of medical equipment and testing for an island that ran a refinery and an aluminum plant that you'd have lung injury so we just lack we're a small place and if you look across the United States little rural towns they don't have orthopedic surgeons they don't have neurosurgeons you don't have cardiovascular surgeons we are in the scheme of things the territory is a small town surrounded by water you just don't have access to that it's amazing that you use the cardiovascular because I had a friend that just came from Cleveland, and they didn't have cardiovascular surgery there. Wow. As big as Cleveland is. Wow.
- 2:43:44 So sometimes we might think we are small and different, but everyone run to go to Cleveland. Just spoke to my friend over the weekend, and Cleveland didn't have cardiovascular surgery, so they had to leave Cleveland to go to our next doctor, our next hospital. So these are things that we must pay attention and understand that we might think that we should have all of these physicians and the physician doesn't survive here he can't survive he or she can't survive because they don't have enough clients here and sometimes you hear folks complain and say oh we need to have specialists and everything it's impossible for that physician to survive here so he he or she won't want to take a job and come here because not enough clientele one minute another structural issue is of course the federal government doesn't reimburse all of our medicaid Social Security income and disability so I always put this in is that we're gonna get a billion dollars for a hospital but how are you gonna sustain that hospital when they only get paid seventy percent of what they get paid in the

States and secondly how are your doctors gonna operate when the power is going on and off I mean there's generators and two but when you're open on the table with your heart under the knife we've got to build there's so many structural changes that we can't you know solve incrementally but yes that's the three years that's an easy fix if you're ready for the fight then that's easy to ready for the fight let's move on I want to ask you something in one of your one of your definition 8 VIC 1 you spoke about changing from board to alcohol control unit have they ever been a full state of board members for that board I can't answer that question senator because I've only been with the agency for about two years, but I don't think so.

2:45:36 Okay, and I could see that being an easy fix because many times we ourselves have difficulties on, I should say the administration, have difficulties finding people that want to serve on a board and sometimes some of these boards definitely need to be dismantled because it just isn't working and sometimes the agency can have a lot more accomplished by putting it into their policy. So I definitely will support that. Madam Chair, I just need one little shot. because this could be a pretty long day here. Yeah, you may conclude. We started out not realizing what we're really getting involved in, and as the different testifiers start to speak on the issues that are really challenging to us, we definitely need a lot of time to, as Tony Schraderan said, some thousand deficient piece of legislation that are there on the books. I still want to keep the one for the alcoholic person, abusive alcoholic. And again, liability for injury or damage resulting from intoxication, that was 8VIC 161. And that one got me a little confusing, because down in part of it, it says, knowingly serve a person habitually addicted to the use of any or all. knowingly serve a person habitually. Who detects that the person, especially someone in the bar that's solving, who would determine that that person is a habitual drinker and to determine that? Well, before you answer this, Attorney Pate, knowingly it's already part of the legislation right now.

2:47:19 We want to add willfully. That's our proposed is adding the word willfully so currently it does say no knowingly knowingly yes so senator Johnson that bill came from Senator Shawn Michael Malone is an on-the-floor amendment and I remember it specifically because before we used to have a common law over service of alcohol also known as what they call dram shop because if the shots were called drams that law is from Florida which means Florida we have Florida pretty much has no over service of alcohol because of this law because you cannot prove habitually over served okay and so when i talked to senator barshinger about this i said how the heck did this law get on our books without a committee hearing like i would have had a ton of attorneys talk about how dangerous this is that people can go into a bar have two hundred dollars worth of shots they can have their keys on the table and the bartender can throw them out with their keys and i've had clients crashed into going to church early church five o'clock in the morning from a bartender and you can't from not a bartender from someone over served you can't sue and that puts the burden back on virgin islanders who are using public monies now to take care of these people i have a bill for you over service of alcohol that's based on a vermont new hampshire law that actually is balanced that shows if somebody is driving don't over serve them if they're on a tourist cruise ship or whatever they're walking somebody else drop them off and a taxi's picking them, get them as drunk as you want. And it actually protects the business from them falling when they leave. This is the irony here, is a business could be sued for a drunk person falling on their property, but when that person gets in a car and kills someone else, the business can't be sued. It's absolutely ludicrous, this law that we have. Thank you for pulling it out. And that was a law that there was

2:49:11 no discussion. It was on the floor amendment. Barshinger told me Senator Malone said it would help the Virgin Islands. So he passed it. And it doesn't help anybody but bars that are unscrupulous that get people drunk and let them get out on the road. Thank you so much for that. Madam Chair, thank you very much for that lenience. Yeah, it's quite interesting here today. Thank you. Thank you, Senator Johnson, for your line of questioning. That's the purpose of this meeting because when you really look at some of these legislation, you really question like, what were we thinking about then so it's good that you know you're able to come and talk about some of these amendments that's impacting your department senator Milton Potter the vice chair of rules and judiciary you may proceed with six minutes thank you very much good afternoon colleagues a special good afternoon to our testifiers madam chair I'm definitely supportive of this major initiative that we have before us to bring some level of revision and to identify significant clean-up language to the Virgin Islands Code. I think what we received from the Office of the Code Advisor today really demonstrates that Attorney Stradiron and his team has really been doing a lot of work to identify some significant edits and major revisions that may be needed in in order to harmonize the language in the Virgin Islands code. So this is absolutely a process that is very much needed and the contributions of the various departments and agencies who have provided their analysis

2:51:15 and their recommendations as to ways to improve the language referencing their departments and agencies, we can improve their ability to do their job to fulfill their mandate I wanted to start by asking attorney Vival regarding fees and I know I think at one point you said that some of the fees and penalties haven't been adjusted in a comprehensive manner since maybe the 70s so is there a process or what is the process for example moving a penalty from 200 for example to a thousand is there any sort of scientific thinking and processing that goes into arriving at that number that adjustment is

there you know what sort of process is involved in determining, well, hmm, 200 has been here forever, maybe by now, 20 years later, I don't know, 50 years later, it ought to be 1,000. Is there a scientific process, or is it an arbitrary number?

2:52:31 Good question, Senator. I wouldn't really call it a scientific process, but what we do is we look at what other states and territories have done. We look at the impact to our society. And just the, yeah, basically the impact. And like for instance, we looked at Puerto Rico, the fees that Puerto Rico charges for their licensing fees, they go as low as 200 and as high as 6,000. And that depends on the industry, like especially for like the alcohol industry, because of the amount of money that's made in that industry, they go as high as \$6,000. So those are the things that are looked at.

2:53:19 Understood, understood. With regards to the statute of limitation adjustments, I know Tony Pate, I think, made a very, I think well-reasoned logical argument as to why we ought to go along with some amendments to change, I think right now it is silent with regards to the statute of limitations for employment lawsuits. And I think you said in your testimony, attorney paid that by default, if nothing is specifically mentioned in the code in the code with respect to timelines, then six years is the timeline that the judiciary will utilize when determining what the statutes of limitation would be. And I wanted to know, with regards to employment lawsuits, generally, looking at what our friends and family friends and family in the states are doing. What is the general timeline that is utilized for statute of limitations with regards to wrongful discharge lawsuits?

2:54:42 Thank you, Senator Potter. First, most states do not have wrongful discharge statutes. Most states generally leave it as at-will employment. That's the majority of states, and they just follow the federal laws as far as race, national origin, gender discrimination, and the ADA laws, the Americans with Disability laws. And then there's OSHA and other laws. So most states do not. The few that do, like California, I believe it's a one-year term.

2:55:18 Also the federal government on the EEOC or ADA, those timeframes are 180 days to about 300 days so most states are less than two years it's generous at two years but that that already fits for all of our other injuries so it just makes sense that if you have a personal injury or you're fired or terminated it just is easily into that two years and that's that's the reason it's two instead of one okay I agree with you I think I support your your recommendation in that good do you see it having any impact on our ability to seek justice I mean I know we have been with the you know the law has been what it is for some time is a change is an amendment the proposed amendment likely to have any impact whatsoever on our ability to seek justice at Senator Capehart I know it was time may I answer yes you may proceed in in the scheme Senator Potter the ability to seek justice there are so many other structural issues right now that that are this is like the speck in the eye out of the Bible when we need to pull the plank out of our eye well getting the courts to be able to try cases faster because you could file a wrongful discharge case and you may wait eight years or ten years I actually know a few wrongful discharge cases that have been pending over 10, 15.

2:56:52 I could probably email you the one that's at 22 years. That's a St. Thomas case. Moving it from six to two years, I don't see that as an issue. The people who, and you could set it as a, you know, however you want to set it, but generally the two years would start from when the law is passed from that injury. So you could be more specific to say if the people who still had a problem have six years, and generally the way the law is read is, let's say it's passed January 1st. Anybody who was fired after January 1st would have two years, but if you were fired in this year, you'd still probably have six years because the law is read remedially. So people who actually were fired right now, they'd still have six years. So I don't see it being a big issue.

2:57:46 I appreciate the response, Attorney Pate. Madam Chair, I definitely support this effort to bring some adjustments and revisions to the Virgin Islands Code. Without question, I think that there will be value also, I believe, in us sitting down on a roundtable and a highlighter with Attorney Stradiron and some of the key stakeholders to really put dent on this monumental you know monumental effort thank you very much for your this opportunity madam chair thank you senator Potter for your line of questioning yes a roundtable sounds great we could probably do that even before the 27 because it's very important that we look at these impactful amendments because just like you mentioned and got the the reason for the proposed amendment for DLCA and how did you come up with this number was I was waiting till my time but I'm glad you asked because you know when we talking about increasing fees for small business owners we don't want them to go out of business because I have a large fine to pay. Yes, we want to make sure they are complying. We want to make sure that the regulatory agency is doing their job also, but we don't want to kill businesses. So I want to, when I'm supporting an amendment or voting on it, I want to make sure that there's parity, there's fairness, other states are doing it, other territories are doing this. So I'm glad you mentioned that. You wanted to ask?

2:59:48 Yes, what the department does is we educate before we regulate. So once the amendment goes into effect we would literally go out and say these is what you, these amendments are what you're subjected to if you don't come in compliance we do that all the time so then we put the onus on the licensee to come into compliance but we have the authority to take action when they don't okay senator Maurice James you may proceed with your six minutes thank you madam chair good

morning colleagues good morning Tessa Fias good morning staff and everyone in the Virgin Islands listening to what's a very important symposium or discussion of law this is my frustration I'm an attorney so I cannot sit here and say this is great because just sit in here and I'll give you an example and maybe the code revised I can address it an example is is where you speak to the federal programs services to senior citizens and VI. And you say that, and I'll read what you wrote. This statute, this is a little typo, but this statute was enacted in 1977 to address perceived inadequacies in federal program services to senior citizens in the VI. Since that time, the Human Services Department and other departments have adequately provided the reference services. The statute, Title 3 section 72 should therefore be repealed as redundant. I'm fine with that but I need to know where that authority is still retained by the departments and in what sections they're retained and I'm just wondering if if we're going to be provided with that information because I'm not

3:02:04 going to repeal something unless i know it's adequately covered or no longer necessary in in the law so can the attorney straight iron can you address that for me please yes senator the the redundancy here is that the the services are being provided now i don't know uh specifically specifically how the department does what they do, but the statute that is on the books is no longer being adhered to. I mean, they're just not using that particular part of the statute to provide the services. So in the absence of that, over the years, and this is the problem that we have with many of the statutes, over the years what has happened is that although a statute may to say A is responsible for these services. Well, by just a number of years, B has taken over that role. But it's nothing formal, and that's where the problem comes in. And that's my issue. That has been my issue from the time I have set foot in the Senate. We will pass laws that are not implemented. That's one thing. Or as you say, no longer is practiced, no longer is totally ignored. Then we repeal, and my concern is are we, you understand, are we repealing something that, or a service specifically, or a program that in fact it's not a matter that it's no longer useful, it's that the agency or the department is not doing the work that the legislature, that the Senate found necessary for it to do and decided to pass legislation for it to do. You see my concern? We can have a conversation on that. I want to ask Attorney Vaval this question. The 304, no, 302, where you are, you're deleting the entire section on the

3:04:23 categories, correct? So all these categories would be gone. It's not that we're deleting the categories. We're trying to amend the fact that there has been no revisions to the fees since 73. They haven't moved. The legislature haven't touched it across the board. There's been no revision. So we want the department to have the ability increase those fees right without coming back to the legislature but you also want to have okay so we're deleting the fees in a we're deleting in its entirety section a but then in in your notes 27 vic section 302 b um you need to then delete or i'm asking where you say any person or association engage in a business occupation profession or trade not designated in subsection a but you've deleted okay in its entirety you see the problem yes okay yeah that's that we'll clean that up you need to right and that's why it's going to require more than just sitting in a symposium which i think is excellent because you've raised the need for work to be done i must say that which is great but it's going to take a and you and you mentioned at the very beginning madam chair that it's going to take some time um when you when you spoke about the categories i'm a little concerned about where you say in um one minute

3:06:10 3 VIC, defined section 3 VIC chapter 16, 272 B4 and 5, establish all annual licensing fees and licensing categories. That, when you're talking about the categories, you're talking about all these plus more that you will establish. Yes. What's going to be the basis for establishing it? Is it going to be, for example, at one time, we didn't have computer technicians, but now we do, that type, as time moves forward.

3:06:47 You know what I'm saying? That's exactly how we do it. Yeah. When people reach out, like, for instance, someone reached out to us recently about casino, well, poker games, and our initial thought was, that's the casino commission. Right. And they came back and said, well, no, because it's not a game of betting. I wouldn't know.

3:07:13 I wouldn't know, yeah. It's a game of strategy, whatever, right? Right. So now we have to research to figure out whether or not we need a licensing category for poker games. Okay. So that's how it comes up. Right, right. Okay, so it's created by need or someone saying that I want to practice this type of business, but it doesn't exist in your time. Exactly. Time. Exactly. Wow. Let me continue. Okay. Thank you, Madam Chair. I wanted to say to Attorney Pate, Attorney Pate, that's why I am a real estate attorney. We close within a year, and you are a litigator. I know for a fact about those cases lasting for a long time, and we need to, with the court, we need to, Madam Chair, That's something that we need to address in the future, the judiciary and its ability to move cases forward.

3:08:09 So I'll · are we going to have another round? No? Yes? If there's other burning questions, yes, we'll have another round. Yeah. I mean, at this point, I think · well, I have one more question, and then I'm good. I'm good to go. When you're increasing the rate, Why did you choose the not to exceed 30%? Isn't 30% high when it comes to increasing those, allowing you to increase the license fee at a rate not to exceed 30% per year? Where did the 30% come from? That was the figure determined by the former director of licensing. Okay, okay. And I definitely agree with my colleague, Attorney Pate, the two years probably need to increase a little bit. I agree with you, Nat Six, but we need to find a happy medium,

right? Thank you, Madam Chair. I appreciate today's hearing. Thank you, Senator Maurice James, and also for your line of questioning.

3:09:21 yeah you know today's discussion is to just have a talk about some of these amendments we may not all agree and that's why we are here today to say yeah that two years we need to find a medium ground or why that 30 percent increase why so high this is the discussion that we're having today because these are your suggestions to these amendments. That's what we wanted to hear. So Senator Gittins, you're the last one.

3:10:03 You're not ready. So anyone have any further burning questions? You may proceed. I'll give you six minutes. Thank you, Madam Chair. This is for licensing and consumer again. Just words, you know, it's just words jumping out at me. Explain to the community why you want it changed to per violation. What's been happening that prompted you to do it per violation? so when the alcohol control unit goes out to inspect they will find that the violator wouldn't violate with what with just one bottle let's say it's a labeling issue it's not just one bottle okay it's a slew of bottles could be five ten fifteen you know hitting you a penalty of just \$200 if it's 15 bottles doesn't mean anything but if it's 200 per bottle that means something and will cause them to think a second time to not do it again because for example the CFR talks about the pregnancy labeling and alcoholic beverages currently if you find them but if you're found in violation of the CFR, it's \$25,000 plus per day. They want it to hurt. They want you to stop doing it. If you don't label the bottles correctly, finding you \$25,000 plus per day causes you to rethink the next time, okay, we got to make sure we do it correctly, because the last time it was 10 bottles, and that's \$25,000 plus times 10 or per day until we

3:12:00 correct it. So it's easier to, you're stopping the perpetrator from easily violating and then saying, well, I'd prefer to just pay \$200. Yeah, we need to definitely address that. I personally don't have a problem with the increase in fines because there's a reason why we stop people from doing what they're doing, committing injury to others. And there was something that Attorney Pete said that slipped me that I think I can sum up by saying that if the guilty don't pay, the innocent pays, right?

3:12:51 MR. Thank you, Senator. So if I may, I wanted to talk about our administrative agencies, and thank you for your work on this, on updating it. A lot, you have to realize that some of our punishments for the administrative agencies are criminally too high, but administratively civil too low right so we live in the modern age if the penalty says two thousand dollars or one year in prison that's a whole lot different than 200 years ago where people have the prison time is exceedingly it is devastating for a business person right so my issue on on some of this is look at progressive discipline just like in employment you don't fire the person on the first issue or in schools you don't spank the kid or you don't do spanking anymore but you don't punish the child you progressively discipline so there could be an opportunity for dcl dlca to say here's our punishment schedule and the schedule is in many states almost all states do per violation that's just that's majority law but the first one is usually you know you have the warning if it's that or or an education and then there's the the civil and you really don't get you have to make a distinction on criminal that the criminal element is you have willfully willfully and knowingly it's it's a men's ray and i really hate hate hate hate hate when you see this very simple thing that says you shall be punished up to ten thousand dollars in a fine or imprisonment for one year. That's terrible to have it written that way. I mean, that is, because then when you bring a charge against somebody, they're going to melt and pay the civil fine, because if you could go to prison versus, or jail, I mean, so that's, I'm just hoping here. Are you recommending that it should not be, the court shouldn't have, or the administrative agency shouldn't have a discretion between one or the other? Yes, it should be kind of, we're in the 21st century, almost any penalty, and this

3:15:05 is across the whole VI code, because this is what the code did back in 1921. They would say a civil penalty, and this is the codes across the United States, civil penalty or criminal penalty, and here's how it was implemented. If you were white, you got the civil penalty, if you were black, you went to jail. That's just, and our code is from 1917. So I would like to see a lot of these split apart where it's like, you know, here you are progressively for your fines, and if you get into this level with your mens re and intent, then yes, you could have a criminal sentence, but it's split. And that's just a judicial philosophy across the whole code is we look at revising it to get into modern judicial practice of splitting the criminal and civil penalties. And so I know that the counsels here are familiar with this and attorneys to Iran. And if we're doing an overhaul, let's go ahead and make it the 21st century. Thank you. That's a good point.

3:15:59 I was going to, and I will point to Attorney Vaval, I was going there with 8VIC, Section 106, where you were saying 200 per violation or in prison, not more than one year. So that's what Attorney Pete is speaking to, or both. Of course then you added, or both, provided that any entity having been cited for four offenses shall then be subjected to 27VIC 304. That's the part about reading these things, and now I need to find 27304. That's the hearing. Yes, that's denial, revocation, or suspension. Denial, revocation, or suspension of licenses.

- 3:16:50 Okay. So that's another one that we could consider cleaning up to, because then you're giving them both or then subjecting them to the administrative hearing. Thank you. Madam Chair, thank you so much. I appreciate this. You're welcome. Thank you, testifiers. Thank you. thank you they're saying a regular regular committee meeting so the discussion is welcome senator Johnson did you take your time you'll get your chance I like the idea about progressive progression moving forward because sometimes the progression moving forward sometimes you say you hit them in their pocket on the line sometimes you send a pause into prison and the castles just as much and more. You know, when you listen to the prison officials saying what it causes to hold a person. So I do agree with that progression going up. And I also agree that time for incarceration should be there, too, because some folks might just say, you know, I could afford it.
- 3:17:59 I'm going to keep paying the fine. So progression going up sounds very great. I wanted to ask In your section with weights and measure administrative fines, enforcement, seizure, I saw the changes wanted to go from 50 to 200, but I don't know what it was before. You didn't give us a figure of before. That is true. Give me a few minutes.
- 3:18:30 So while you look at it, I'll ask the administrator of the court, because you spoke, Senator Giddin, ask you a question, court costs, and you say it goes to the general fund, then why does it name court costs? It should be, why is it called court costs if you're not holding the money, because it's supposed to be for the cost that it takes you to manage this hearing. I can't understand why we're using that term and sending it to general fund. That money should definitely stay within the courts because you don't get it back. Is it fair to say that? Not directly. Not directly. And it's it is a slippery slope that we should proceed cautiously, because, you know, fundamental principles in 2016, the Conference of Chief Justices and State Court Administrators launched a national task force on fines, fees, and bail reform. And the modern day principles is moving away from excessive fees, because it's an issue of access to justice. And courts shouldn't be self-funding. Any fees, court costs assessed, should represent just that, the level of effort. But at the same time, if all of a sudden we increase all the fees, we're the ones retaining the fees. So aren't we self-funding?
- 3:20:06 It's a balancing act that has to be very careful because there is a nexus between fees and surcharges and the administration of justice. And that leads, you know, that goes to public trust and confidence in your judicial system. That's fair. Yes. Senator Johnson, currently it is \$25 and not more than \$100, so we're just doubling it. Just double. Okay. And I'm not against fees going up. I think some of our citations, I think my colleague might have that measure to increase some of the citations. I am so angry being on the road, seeing people running these lights, like it's nothing because there's no penalties, the cameras are nothing, and they're not in place, and the enforcement is not in place, and people lose their lives just for something as simple as that. And if we could just hit them in a pocket and get it done, it'll sometimes change. You could beat a dead red light, and somebody will pull up and just go right through. And it's like, jeez, I'm bread, no respect for the law. They go wrong and the two lanes will be clogged up and they'll go right around and go through that red light. And I'm like, this is madness. And I'm scared every time I see it. So I definitely hope that these type of measures will come forward and the penalties will be put in place and the cameras then could start working because we're way behind. Attorney Payne, I think you wanted to chime in on some of this.
- 3:21:39 Yes, on the court fees. I fully agree with the administrator on penalties like criminal penalties that the judge has discretion, or the judges that are issuing penalties that are court fees in criminal cases, you don't want a law that encourages, you don't want to create laws that would encourage self-dealing or immorality, you know, that, hey, I'm going to punish these people because the court gets more money. But there is a fine line to weave, and I have a, I believe Senator James has the bill, but it's on raising the filing fees for the court, which now I'm glad that the administrator talked about giving the court that power. Our filing fees for civil cases are \$75. It's one of the lowest in the country, and we could raise it to \$150, and then you make it for, whenever you file a suit, you ask for relief. So if I sued you and then you sued me back, right now you wouldn't have to pay the fee for you asking for money back. We would make it where it's everybody who asks for affirmative relief. Now, that's civil cases. It would be proper for the court to get those fees, and the legislature could put it into a capital improvement fund to say, hey, court, every year you have thousands of cases that are filed. We want you to keep that money to build the courts up and that you know that money is coming, and it's not on our, you know, that we're giving you every year and it may go up and down. You can then plan how to fix your courts, put the new roof on, and there's no kind of self-dealing incentive there because it's not a punishment. It's just the people who are going to court for remedy pay those fees to file their cases. So I think there is a way we can weave in between. Because it's not a penalty.
- 3:23:23 It's the fee to just start your case. Correct. And I wanted that the other side, because maybe I sue you and you say, hey, it's these two people who did it. For you to get money from them, you'd pay the fee also. and I do I have provided that bill I can find it again and I'll send it I'll send it to you all right thank you very much thank you very much Madam Chair appreciate it thank you Senator Johnson Senator Gittins you ready today is a day of discussion no pressure thank you madam chair and good afternoon to all you You know, discussion, right?

- 3:24:05 Yeah. So getting people to do what they're supposed to do in this government seems to be a bit problematic at times. And it is clear in the Virgin Islands Code, as I was looking at some previous legislation here. I wanted to go back where it was but the Virgin Islands Code gives you it's like your Bible your guidance in running this government and in the code under title 3 what is it 61, please bear with me.
- 3:25:13 In any case, well, I'm not on it immediately. There's something under 61 that requires the heads of all agencies, and agencies, departments, boards, commissions, everybody under government, that they shall report on a semiannual basis to the finance commissioner of all expenses incurred in electricity.
- 3:26:08 The legislature also put in legislation where we have the single-payer legislation now. So we shouldn't even be having a problem not knowing what it is the respective agents pay for electricity. Are these reports being done? It doesn't seem like these reports are being done on a semi-annual basis to the Department of Finance. And then, from there, once that is done on a semi-annual basis, they're supposed to submit that report to the legislature of the Virgin Islands.
- 3:27:07 That said, under the duties and responsibilities of the agency heads as well, they're supposed to be reviewing the Virgin Islands Code specifically in the areas that pertains to them. And if there's anything in there that's obsolete, outdated, no longer needs to be there, hampering your production, etc., you have a responsibility as agency heads to report that to the legislature. Is this being done? We don't see that done hardly.
- 3:27:56 I wouldn't say not at all, but it's hardly being done. I say that to say that I embrace this conversation today, but truthfully, we need for more agencies to do exactly what you all are doing here today and bring in forth the areas within the code that's hampering them from doing their job. But again, getting people to do what they're supposed to do in this government is so hard. It's not like we don't have laws on the books. We have some laws on the books that are, like we're saying, outdated and whatnot, but then we still have laws on the books that's just not being enforced. And the legislature can be the legislators and the enforcers.
- 3:28:49 so like the older folks used to say fish your fowl and in this case we just need for individuals to do what they're supposed to do, we have a lot of areas, even under I was trying to even go back to the one for the Virgin Islands Police Department you still have wording in there that speaks to the Department of Public Safety you still have where when you read the code that the fire director supposed to be actually reporting to the police commissioner things like that needs to be changed and I've brought this to their attention as well and hopefully we'll see this even at the end of some of the the laws it states again that that is their responsibility to report to the legislature the respective changes as well as his recommendations we we really see recommendations coming in the court administrator thank you for that clarity with regards to the the court fees because I couldn't understand it and you know I used to go back and forth with you all because I keep saying so why when I sit in court am I hearing a judge saying \$25 ticket fee plus \$25 court cast a court cast sounds to me like it's for the actual administrative fees going towards the courts so if that is not the case then we need to track and
- 3:30:40 follow this money and like my colleague spoke about it he too is a co-sponsor on it we are addressing the traffic fines it's just being fine-tuned because we not only want to just increase the fines but we also want to make sure that we're specific to where some of these fundings are going and how we're how we're going to assist even the agencies involved too is that a percentage will be going to the issuing agency may conclude or continue yes you may conclude thank you specific percentage will be going to the issuing agency specific percentage will be going to the courts for the administrative cost. In this case, to the courts, not to the general fund. And we're even looking at funding some necessary youth programs. And to, for the administration and upkeep of our camera systems and whatever other system that's put in place to assist with our traffic enforcement is the next problem that we have is is that we love to build things but we don't maintain it so in building and these infrastructures we have to find a way that we're able to to afford to maintain it properly so that we could continue the services to the people in this territory so hopefully um we could address a lot of these um like i was selling attorney should iron earlier um i thank him and i thank all of you for this but i i didn't like the wording
- 3:32:34 this morning of we haven't updated our code since 19 wherever that that's that's not factual my mama always used to say the english language is a messed up language and that's because i would have preferred here that we haven't amended parts of our code for a particular time but not that we haven't amended the court at the court at all because a lot of my colleagues have been bringing forward a number of amendments trying to update things and as you all know i've been taking some blows even with the updating of title 18 so now it's a matter of when we decide to do it we got to get it done and stop kicking the can down the road so eventually hopefully um we will get to this just like how we were able to address the one unified court system thank you madam chair Thank you, Senator Gittins. Yes, I do agree. Colleagues, I've actually, Senator Francis and I, I think we sponsored the increase of juror fees. So there's been updates being had by some of the colleagues. But this symposium, I addressed, like, asked the executive branch, you know, to look at legislation that impacts you. So we've been doing our own little updates as we encounter situations where we see this department needs a

change, needs an amendment. So this is the start of having conversations with departments.

- 3:34:20 Look at what the VI code is to your department. See if there needs to be amendments. And if you have a particular senator that you want to reach out to, feel free to reach out to that one and say, hey, I think this needs amendment for our department. So that's just the purpose of this whole symposium, encouraging departments to look at their legislation as it pertains to their department. I just have just a few questions, not much, and it is for licensing and consumer fare. You talked about cost reference to codify law, the VI code, section 3, no, section 236 A and B for the, where is this? the Virgin Islands Board of Control and Alcoholic Beverages.
- 3:35:22 So apparently you're asking for this change, but how effective has this board been? Because I've never heard about it until this suggested language. So just tell us how this board operates. So when I, good question, Senator. When I joined the agency, hello? When I joined the agency, the board consisted of the commissioner. That was it.
- 3:35:51 Okay. So then we hired a alcohol control coordinator and some inspectors. They're the ones who are actually going out and doing the work, making the recommendations up to the commissioner to take action. So let's do it with the board and call in the alcohol control unit and let them do what they've been doing since we got them on board, which I think was about a year ago. It just makes more sense. More sense, right? I could understand that.
- 3:36:20 So do you think in the Virgin Islands that we have a major issue with businesses selling alcohol and cigarettes to minors without asking for identification? Do we have this problem in the Virgin Islands? I think there is a problem because it came to light with the recent carnivals and festivals. It was a big issue. So, yes.
- 3:36:49 But not only just that. The vape issue. People think that it's safer, but it's not. Studies have shown that it's not. It's just as bad as doing alcohol and, I mean, cigarettes. Kids think it's cool. So we need to fight that. We need to find a way to fight that. Time's really changing. Yes. Because, you know, back in the day, we weren't thinking about buying cigarettes and alcohol at these retail stores. So, thank you for those suggested amendments. So, colleagues, I think we have exhausted some of the questions.
- 3:37:31 Any burning questions, Senator James? Acknowledge Senator James. mic please um two things it's just a one is a point of personal privilege really okay but i but i did want to to correct um attorney pete i don't have the the legislation that you mentioned um when we met it was divvied up between three of us so the ones you mentioned today i actually don't have any possession of those, just so you know. I served with Attorney Vaval in the military.
- 3:38:11 She was Lieutenant Colonel Vaval. And this is a point of personal privilege that I want to say. To my students at Elena Christian in Central Ohio, I was known as Miss James. In the military, I was Major James. To my clients, I was Attorney James. When I went to school for my children, I was known as Mrs. Paul. That's what I was known as. And up to today, they call me Mrs. Paul. My husband and I will be celebrating 37 years of marriage on August 22nd. And the sweetest song is when he calls me by the name my mother give me, Maurice, because he says it in his Trinidadian accent. So today I want to say to my husband, happy anniversary, love always. Thank you. Thank you, Madam Chair. Oh, that was a good point of personal privilege. Happy anniversary, Mrs. Paul, happy anniversary. Points of personal privilege, Senator Gittins.
- 3:39:31 Thank you, Madam Chair. Let me too say congratulations to my colleague. However, on a bitter note, I want to bid condolences to the family, and especially since we have two high-ranking military people here and the passing of retired General Rudy Francis, who departed us, I think it was last week, Sunday. But I wanted to just ask us to do a quick moment of silence. In his honor, he was one of the founders of the Virgin Islands National Guard as well.
- 3:40:20 And this is why I do believe in us honoring and commending our individuals while they're here and alive with us. The Guards just celebrated 50 years in existence, and I'm just sorry now that we didn't highlight General Francis during that time. But if we may have a quick moment of silence, I'll appreciate that. Thank you.
- 3:40:58 Thank you. May he rest in peace. Thank you, Senator Gittins. I'll also offer my condolences to General Francis. I am just finding out about this now on the legislative floor. That's why I miss the Avis, because some of the times we have loved ones pass, friends pass, and we don't know until a funeral passes. So this is how we've been finding out about sad news, sometimes on the legislative floor, which is unfortunate. So colleagues, I just want to say thank you for our first-oh, he did-I did ask him if he wanted to. Senator Potter on St. Thomas, you may proceed. You had a burning question, Senator? No, I'm good. I'm good. Okay. Okay. Thank you. So before I adjourn, I'll just ask the testifiers if you want to conclude with a hot 30 seconds wrap up and then colleagues also if you are interested and willing we have uh attorney straight iron here on the island we can huddle and have a little work group uh to talk about some of these amendments um the 82 of them that he has this is this big copy here and you know this is not to rush anything but just to look at some of these legislation that has not been updated that we may not even be familiar that needs to be updated and it's just a process and I I think it's a good thing that we can start looking at these legislation, and I am so happy that some of the departments, like Human

Services, who wanted to be here, but they have a conference going on, and Medicaid, which I wish I was at, being a former administrator of Medicaid, but this is important too. So at this time, starting with you, Attorney Pate, that if you can conclude, just give us a little wrap-up.

- 3:43:34 Thank you. Thank you, Senator Capehart. I love the idea of quick fixes when we can. Those are obviously, as Attorney Stradiron said, issues that are non-substantive or fixing an error. And then as we've looked at, there's general policies as we update. nice to say let's create laws for the 21st century that that make your your people and your departments you know encourage them to do the best thing for for people and then there's the big structural overhauls and those are going to be the tough ones and for me I can assist and I on any judiciary related issue those will be big structural the Chief Justice has asked that the magistrate judges be elevated to full judicial powers I feel like that's actually pretty simple in the code but other things may be needed like having attorneys do per diem per diem part-time work as a hearing officer to handle traffic or maybe small claims or some simple issues to let the judges that are appointed by the governor and and not confirmed by the legislature get in and do the hard cases one of my last proposals is that the retention of judges should be handled by the legislature not by the governor just because the governor is involved in the litigation as an executive branch that's who's sued usually in civil cases and also in criminal cases that's every case so a lot of states for retention of judges put that to either a retention election or a binding Commission here the legislature and I have those those bills and I'll be happy to well the language I'll be happy to provide that to Attorney Stradiron and then that allows judges who are sitting for their
- 3:45:19 first or second term not to worry about kind of the politics of maybe making the top person unhappy but to get you know be productive and do their job and and if there is a case with the legislature there can always be a senior sitting judge appointed and we have those so that there's never a conflict when this body looks at judges they can look at the merits of the judge whether they're retained. That's a little longer than 30 seconds, but it's very exciting to put these ideas out because I believe it'll benefit the Virgin Islands, and there's 15 senators who can vet it and look at whether it helps their constituents, and if so, we'll make this a better and stronger territory. Thank you for that, Attorney Pate. We look forward to hearing your suggestions, your opinions as we work on these amendments. Attorney Vaval, you may proceed.
- 3:46:15 Thank you. Senator, thank you for the opportunity to present the proposed amendments. If they're passed, it would go a long way in making the department operate more efficiently. And at the end of the day, it will protect their intent on protecting, which are our consumers. Thank you. Thank you. Thank you for participating today. That means a lot to this committee because it's helpful for us to have this discussion. Regina DeShabir-Peterson, you may proceed.
- 3:46:52 Thank you, Chairperson Capehart and the members of the committee for giving the judiciary the opportunity to be a part of what I do think is important work. I'm always grateful for the opportunity to review and to provide input on behalf of the branch. Of course, for obvious reasons, our judges can't do that. But it is important work, and it's important for us to know what potential changes are being contemplated and how those changes, and to have the ability to speak on how those changes impact judicial branch operations. So thank you for the transparency and the inclusion. Thank you. Thank you for your attendance today.
- 3:47:37 I thought about probably we need to have a roundtable meeting with the Judicial Committee and the Rules and Judiciary members. What do you think? I think that that could be arranged. I think that's a good idea. But this is my opportunity to plug once again that we do have the Judicial Council. and we've been trying to schedule those meetings. Of course, the chair and vice chair of rules are members of that council, and that's an opportunity for us to really get into the weeds, so to speak, on some of our issues. Okay. Well, thank you, testifiers, for coming.
- 3:48:23 the committee members, the legislature legal team who's here before us that if we had any questions that they was here on board with us. I would like to also thank media, St. Croix, St. Thomas, legislative reporters, sergeants of arms, and my staff, central staff for helping for this symposium that we started today, first symposium for rules and judiciary. Thank you Attorney Stradiron and your team. After this meeting we will adjourn this meeting and colleagues we can have a working group to talk about some of these proposed amendments through the code revisor and and also the testifiers are welcome to sit in with us if you would like so there being no further business to come before the committee of rules and judiciary this meeting is adjourned Thank you.
- 3:50:06 We'll be right back. We'll be right back. I'll see you next time.

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.

9x	Senator Kenneth L. Gittens heard in this transcript as: Gettins, Gittins
8x	Senator Diane T. Capeheart heard in this transcript as: Capehart, Diane T. Capehart
7x	Senator Marise C. James the surname alone also matches: Javan James; Giovanni James Sr heard in this transcript as: James, Maurice James
6x	Senator Franklin D. Johnson heard in this transcript as: Johnson
6x	Senator Milton E. Potter heard in this transcript as: Potter
4x	Senator Carla Joseph the surname alone also matches: Clifford Joseph; Karla J. Joseph heard in this transcript as: Carla J. Joseph, Joseph
3x	Senator Shawn Michael Malone heard in this transcript as: Malone
2x	Senator Angel L. Borges Jr heard in this transcript as: Angel Borges Jr
2x	Senator Diane T. K. Park heard in this transcript as: Diane T. K. Part
2x	Senator Novelle Francis heard in this transcript as: Francis

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.

Referred to but not found in our acts corpus: Bill 35-1247