



| Finance Committee

Legislature USVI

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- 0:00:00 Let's go! Thank you. We'll be right back. [3 such phrases repeated 36 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 0:18:00 oh To be continued... Thank you.
- 0:19:30 do We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. Thank you. Thank you. We'll see you next time. The committee of finances hereby call to order. Madam Clerk may I have a roll call please.
- 0:28:11 Senator Marvin A. Blyden. Senator Blyden, present. Senator Samuel Carrion. Senator Carrion, present. Senator Dwayne M. DeGraff. Senator DeGraff, present. Senator Donna A. Fred Gregory. Senator Fred Gregory, absent. Senator Javon E. James Sr. Senator James Sr., absent. Senator Janelle K. Saru. Senator Saru, absent.
- 0:28:50 Senator Kurt A. Violet. Here. Senator Violet, present. Mr. Chair, you have three present, four absent. Thank you, Madam Clerk. Any correspondence? Yes, Mr. Chair. You may proceed. Correspondence dated August 18, 2022. Honorable Kurt Violet, Chairperson, Committee on Finance, Legislature of the Virgin Islands, 3022 Estate Golden Rock, Christianstead St. Croix, Virgin Islands. Dear Chairperson Viale, please accept this letter as a formal notice of my absence to today's Committee on Finance meeting, which is scheduled to begin at 11.30 a.m. in the Fritz-Lewetz Legislative Conference Room on St. Croix. Please have all circulated documents placed on my desk for immediate review upon my arrival. Thank you for your consideration in this matter. Kindest regards, Donna Fred Gregory, President, 34th Legislature of the Virgin Islands. please mark senator donna fred gregory as excused mr chair you have three present three absent one excused well thank you thank you madam clerk you may go ahead and read the agenda into the record the committee on finance for thursday august 18th 2022 at 11 30 a.m in the fritz e lewets legislative conference room christian stead st croix u.s virgin islands the committee on finance will consider the following bills bill number 34-0252 an act amending title 23 virgin islands code chapter 5 section 455 relating to firearm licenses to increase the time period for the renewal of

firearm licenses to provide for a discount of the renewal fee for senior citizens and to define the term senior citizen proposed by senator Dwayne M the graph invited testifiers Jennifer O'Neill

0:31:09 Director Office of Management and Budget Ray Martinez Commissioner Virgin Islands the Police Department bill number 34-0249 an act amending title 20 Virgin Islands Code chapter 37 section 404 relating to the tariff of automobiles for hire to require annual publication of maximum rates for taxi service, authorize a dollar surcharge for increases in gasoline or other fuels, and direct the Taxicab Commission to conduct a feasibility and impact study on ride sharing businesses proposed by Senator Genevieve R Whittaker invited testifiers Bernice Gumbs acting executive director Virgin Islands taxicab Commission Samuel Ferdinand taxi driver Gerard Steven taxi driver Alphonse J Stalyard taxi driver bill number 34-0251 an act amending title 2 chapter 3 of the virgin islands code pertaining to certain benefits of the employees of the legislature proposed by senator genevieve r whittaker invited testifiers corell a sheridan executive director legislature of the virgin islands michael benjamin acting director business and financial management legislature of the virgin islands mr chair this concludes the reading of today's agenda thank you madam clerk good afternoon to the people of the virgin islands good afternoon colleagues and good afternoon to those who will be

0:33:11 testifying before us today who speaks to bill number 34 does zero two five two Senator DeGraff, you're recognized. I do, Mr. Chair. Thank you, Mr. Chair. Good afternoon to my colleagues. Good afternoon to the testifiers of you and listeners. I'm present. Bill number 34-0252, an act amending Title 23, Virgin Islands Code, Chapter 5, Section 455, 5 relating to firearm licenses to increase the time period for the renewal of firearm licenses to provide for a discount of the renewal fee for senior citizens and to define the term senior citizens. Mr. Chair and colleagues, this bill is straightforward. It seeks to extend the years for renewal of the firearm license from three years to five years.

0:34:13 It also provides for 25% discount to senior citizens, and senior citizens described in the, defined in the bill is from persons 60 years of age and older. Very straightforward, as said before, I've met with Commissioner Martinez, and we had the discussions, and so I asked for the support of my colleagues. And basically, a commissioner couldn't do this on his own. It has to be done through legislation.

0:34:48 So that's why we have here moving this bill forward. I ask for the support and a way to hear comments and everything from my colleagues. Thank you for the time, Mr. Chair. Thank you, Senator DeGraff. I'm going to ask Madam Clerk to read the two testimonies. Commissioner Martinez and Director O'Neal sent. Let's. They're right there present, they're present, Mr. Chair. Thank you so much, okay, thanks. I would allow both individuals to put the name and title on the record, and then we will proceed to the testimonies. Director O'Neal?

0:35:39 Good afternoon. Jennifer O'Neill, Director, Office of Management and Budget. Commissioner Martinez. Good afternoon. Ray A. Martinez, Police Commissioner. Thank you so much. Let's begin with Director O'Neill. Good afternoon. Chairman Kurt Viallee and other members of the Committee on Finance of the 34th Legislature of the U.S. Virgin Islands, other senators present, and members of the listening and viewing audience, I am Jennifer O'Neill, Director of the Office of Management and Budget, and I thank you for the opportunity to provide comments on Bill No. 34-0252, an act amending Title 23, Virgin Islands code chapter 5 section 455 relating to firearm licenses to increase the time period for the renewal of firearm licenses to provide for a discount of the renewal fee for senior citizens and to define the term senior citizen vipd's commissioner ray martinez has shared with me his testimony which speaks to the amounts collected on an annual basis from firearm licenses We are aware that Act 8434 requires the funds collected to be distributed to the Virgin Islands Education Initiative Fund quarterly. However, after conferring with the Department of Finance, that has not yet begun as the Act was just codified. Moving forward, VIPD will ensure that the funds are coded to the Education Initiative Fund to allow for immediate transfers of same by the department of finance currently the education initiative fund has an available balance of 10 million 650 479 dollars i will leave all other comments to commissioner martinez mr chair this concludes my comments and i remain available to answer any questions that you may have thank you thank you director o'neill commissioner martinez you may proceed

0:38:10 uh good afternoon honorable senator kurde vla chairman of the committee on finance committee members other members of the 34th legislature my fellow testifier and the listening and viewing audience i am ray a martinez commissioner of the virgin islands police department Thank you for the opportunity to appear and discuss Bill No. 34-0252, an act amending Title 23, Virgin Islands Code, Chapter 5, Section 455, relating to firearms licenses, to increase the time period for the renewal of firearm licenses, to provide for a discount of the renewal fee for senior citizens, and to define the term senior citizen. The Virgin Islands Police Department is tasked with the responsibility for issuing firearm licenses, license renewals, and firearm license revocations. There are approximately 4,270 firearms licensed in the Territory, 2,235 on St. Croix, and 2,034 on St. Thomas. Unlike on the mainland, the Virgin Islands licenses the firearms to the individual as opposed to mainland states that license the individual who may then have multiple firearms under one license.

- 0:39:29 In fiscal year 2021, VIPD collected \$122,630 in firearms fees, which included 767 new applications and 1,423 renewals. As of June 30, 2022, we have collected \$82,850 for 573 new applications and 813 renewals. It is important, I note, none of the collected firearm fees are utilized by VIPD. Based upon Act 8434, fees for initial and renewal firearms, overrated in December of 2020, all revenue derived from fees imposed by Title 23, Chapter 5, Section 455B of the VI Code until October 1st of 2030 must be deposited quarterly into the Virgin Islands Education Initiative Fund.
- 0:40:28 VIPD agrees in part with the proposed legislation. We agree with increasing the license period from three years to five years. The renewal process, though, should also be updated in our policies and procedures to include a health declaration signed by a practicing physician, confirmation of a recurrent safe handling firearms training, and a firearm check documentation confirming that the firearm is in good working order. We are not opposed to the 25% discount on the renewal fee for senior citizens. However, the discount should be on one weapon license to the individual on an annual basis and not added to every license the senior citizen may hold.
- 0:41:16 Moreover, it behooves me to add that the firearm license fees are low and were last increased in July of 2021. New firearms registration applications are now \$65, and firearms renewals are \$50. These fees must be increased. I thank the Committee on Finance for this invitation, and I am available to take your questions. Thank you so much, Mr. Martinez. Please mark Senator Jay Van James as president.
- 0:41:48 We already have Senator Cariung as president, and welcome Senator Nobel Francis. uh point of information or inquiries point of inquiry senator james thank you mr chair good afternoon to the people of the u.s virgin islands i have a quick point of inquiry and that is to commissioner ray martinez regarding the demographic or statistics as far as by age when it comes to firearm owners in the u.s virgin islands do you are you in possession of that today i'm not in possession of that senator but in the um previous demographics we've looked at, the majority of firearm holders are between the ages of 38 years old and 48 years old. Thank you, Mr. Chair, for the time.
- 0:42:37 Thank you, Senator James. Senator, let's go to a four-minute polly. Senator Blyden, you recognize. Thank you, Mr. Chair. afternoon Commissioner Martinez and director O'Neil and thank you for your testimonies in respect to bill number 34.0252 I commend the sponsor for the intent but I have some questions in respect to the bill first question to Commissioner Martinez, in your testimony you spoke to the firearms renewal fee, and you spoke to it being increased based on the bill. You said you don't have a problem with changing it from three to five years. Can you explain to me why you don't have a problem with changing the time frame from three to five years? because based on a bill, it's going to affect the amount of revenues collected from firearm licenses. Can you speak to the change in the time from three to five years, please? The way that I look at it, Senator, is first of all, I took a look at relatively, I think it's about a dozen states.
- 0:44:06 And out of those states, the majority of them, the licensure is between four and six years. And so we went with the five-year term. In addition, we also took a look at the fact that we moved our driver's license from three years to five years. And I'm not certain what, if any, revenues have been lost with that. But I think that by moving to the five-year period and increasing the fee structure, which needs to be increased, again, I haven't ran the numbers, but I don't see it would be that much of a loss. More importantly, most recently, we have had a substantial increase in the number of folks locally who have been submitting for firearm licenses.
- 0:45:01 So again, those numbers are increasing, and as such, so are the revenues. Quick question. When you renew your firearm, you have to go through the course again, correct? In terms of safety course, et cetera, being on the range? That's part of the renewal process? is it it is not a part of the process now it is a part of the process that i intend to um to bring in to to re to change our rules and procedures to update our rules and procedures to and what i found that is every state all 50 states requires some type of recurrent training and um we do not and it is something that should be done because again And what we've done, we have folks who have had firearm licenses for over 20 years and have not gone back through any recurrent training. So we're not even certain if, in fact, they still know how to safely handle those firearms. And that's something I'd like to take care of post-haste.
- 0:45:57 One minute. I appreciate it. I look forward to those changes. And quickly, Director O'Neill, in your testimony, you spoke to the Education Initiative Fund and the balance of today's date is \$10,654.79. Quickly, is that a revolving fund number one and what they use for that fund and how long have those funds been there to accumulate to the \$10.6 million? It's \$10 million, yes, Senator. That fund is a revolving fund. It's used by the Department of Education for a number of purposes. I don't have the long list in front of me, but we can provide that to you if you need it.
- 0:46:39 Please, it would be good to know in respect to this bill. And Director Martinez, you said as of June you have collected \$82,850. What's the anticipated amount that's going to be collected by the end of the fiscal year? Or what's the average, based on your knowledge? Time. Senator, in fiscal year 2020, we collected roughly about \$118,000 in fiscal year 2021.

We collected \$122,000 approximately, and we believe that we estimate probably between \$122,000 again and \$124,000, \$124,000 in fiscal year 2022. Thank you so much for your responses. Thank you, Mr. Chair, for the time.

0:47:27 Thank you, Senator Blighton. Senator Carione, you're recognized. Thank you, Mr. Chair. Good morning. Good afternoon. Good afternoon to you, my colleagues, viewing and listening and audience, and good afternoon to the Commissioner and the Director. Commissioner, what's the standard fee nationally for to be to have a firearm and the renewal for the same so nationally senator there I was hoping someone would ask that question the nationally the average is about ninety five dollars for the new application I'm sorry nationally it's about a hundred and twenty five dollars for a new application and ninety five dollars for renewals there's only one state in the Union that actually which is the state of Indiana that most recently passed legislation that there is no cost for firearm applications or renewals the state covers the cost and then compared to the mainland which provides the individual with the license we here provide a license for each firearm how is that comparison working out do you think it's something positive benefits us here in a territory or should it be the other way around it actually should be up the other way around i think that um the we should be licensing the individual and once that individual would like another once you meet the requirements you meet the requirements as opposed to having to go back through and submit an entire new application for just to have an additional firearm what should happen is that once you meet the requirements you just you should have the opportunity to just request you know by by letter and or one page application for an additional firearm and um that can and you know be addressed through the the department and the department can say yay or nay

0:49:36 and every time an individual comes into license a different firearm um you have to pay then a fee for each one you should be yes you should be is that the practice currently okay we have not we have did the practice has so what has occurred over the years is that um some firearm supervisors have charged and others have not we're trying to to streamline that as we we speak the I am of the opinion that we should not be charging you an additional application because the individual is already licensed. So what I have done since I've been in this seat is just approve the individual for the additional firearm once they meet the requirements.

0:50:29 Are there any limitations of how many? I'm sorry. I'm sorry, Senator. You can go ahead and continue. One minute. I said, but in the past, I do know of individuals who have paid more than, have paid for additional firearms. Do you have any recommendations other than the 25% discount for a senior citizen? What would be the amount that you recommend? Well, statutorily, the statute provides that the VIPD can make recommendations to raise the fees up to 100%. And I think that that's what it should be. Our fee should be raised up to 100%. Anything over that, we would have to come to the legislature for approval. And I think that right now where we're looking at fees of \$65 for the initial application, I think that should be raised to at least \$125, and the renewal fee should be raised to \$100.

0:51:25 And again, the key to all of this as well is to place those three requirements as well through our internal policies and procedures. You need to come with a physician's notice indicating that you are fit for the firearm. The firearm should be in working order and you need recurrent training. I remember reading, I think it was in Virginia School of 23, Mr. Chair, just if I can conclude. Virginia School of 23, subsection 455, subsection B that really speaks and says that in 75 shall be \$75 and the renewal fee should be \$150. but you're presenting a different amount that you guys currently are abiding by.

0:52:22 Correct. The fees that we now charge are 65 and 50. But are you aware then of the code 23, subsection 455 that says that section B, initial fee for a license under section 50 section 454 of this chapter shall be \$75 and the license may be renewed every three years for a fee of 150 I am now senator overall thank thank you mr. chair thank you senator carry on mr. Martinez so you're literally saying that we need to comprehensively address this particular section? Yes. Okay, thank you. Yes, Senator. And more importantly...

0:53:21 No, go ahead, Commissioner. If I may, Senator. Yes, go ahead. And if I may, Senator, if I may, the comprehensively address it, yes. And also the fact that the, while I respect the body's position to have moved these monies to go to the educational fund, those monies need to be returned to VIPD where we can utilize it to upgrade the Firearms Bureau especially in digitizing the the system the our system is still manual if you if there is a particular need to digitize that section and you have a cost you just need to let us know exactly what it is I don't see why we won't be able to provide X amount of money so to actually do that so that that shouldn't be an issue point of increase on the supply then yes thank you mr. chair I'm Commissioner Martinez when it comes to your training arm or those trainers NRA certified do we know for firearms are they are they an NRA certified do you know Sorry, Senator, your question didn't come through.

0:54:40 Sorry. I say when it comes to the training for firearms, are the trainers NRA certified? Which trainers, Senator? Whoever is doing a certification when it comes to firearms and having a training done for individuals who purchase firearms. well I can only are the businesses there are a number of businesses that are certified through the the ATF to provide that type of training some of them are in fact and most of them are in fact as I understand they are in fact certified by the NRA as far as the VIP these trainers our trainers are certified on on the um on the law enforcement side as well okay thank you so

much thank you mr chair thank you so much senator blighton you had a point senator james point of information senator james thank you mr chair for the point of information it's very important that we place facts on the record i have the utmost respect for commissioner ray martinez but the funds used to go directly to the general fund and as a result of the passage of act 84 34 sponsored by the office of senator javan james it is going to the virgin alliance education initiative fund and even though we have 12 10 million dollars in there this these funds are used specifically for curriculum books purchase of supplies for our ctech students not just for saying croy but i don't know saying thomas said we don't have to be running on the commissioner they know for sure that they have a cushion there so if they need to buy any supplies welding materials whatever the case may be it is there so it was never to the general i mean to the

0:56:35 vipd was to the general fund thank you mr chair for the time thank you so much senator james let's go next to It's your turn, Senator James. You're up. You're up. You're recognized. Yes, thank you, Mr. Chair, for the time. Good afternoon, colleagues. I have no problem with any legislation that will provide a discount for our veterans or our seniors. I have no problem with that. However, as we speak about increasing the time from three time from three years to five years, I want to make a decision based off of data and not based off of the pulse of the people. So I'm asking Commissioner Ray Martinez to provide to this committee or to the sponsor of the measure so he can share with us the breakdown.

0:57:28 Just the other day we saw the breakdown of the early voting turn out by age and demographics. I would like to see that so we make that decision is an informed decision based off of data because I want to know if it's going to have a great impact on the funds that will go towards CTECH. And it's not just a St. Croix bill, it's a territorial bill that benefits the Raphael O'Whitley Skills Centre and the St. Croix Educational Complex Vocational OCTEC Program. As far as Title 23, Chapter 5, Section 455, Paragraph B, the last time I checked the rule shall mean you should do it but I guess the lie is not being followed right now and I know that you have the discretion based on what you said you can be able to mark up by a hundred percent or something of that nature I'm not sure if the VI code should put in place a monetary value as far as what the cost may be or to give it a flexibility but But if the law says shall be \$75, I don't see why we're going lower than that. Well, my argument today is just data.

0:58:39 I have no problem with the issue with the 25% for our senior citizens. My only issue with the bill is moving it from three years to five years. And I heard conversations today based on Commissioner Ray Martinez and my colleague inquiring about the need to increase the fee. I remember when I first came in, in the 33rd Legislature of the Virgin Islands, I brought an amendment to increase the fee, and a popular guy who I always call on the radio said, well, that Mumu would increase in the fee fast. So I guess whoever bring the bill gonna be the Mumu too.

0:59:12 So we try to do things, and individuals fight we down. So I wanna see who gonna be the Mumu to increase that. But as far as the three years to five years, I cannot agree to that. But when it comes to the percentage for what you might call it, the senior citizens, I will gladly support that. So, like I said, my decision today would be based off of data, not emotions. I love my seniors, so anything to do with giving a senior citizen a discount, I have no problem with that. According to them, that's the biggest vote in black, right? Yeah, biggest vote in black.

0:59:51 But let's not play with the value of education when it comes to funding our youth. we'd like to come on the senate floor and say the youth is this the youth is that one minute but look at the status of the ctec school go down there it hurts my heart when i go down there an individual is begging me for donation because they need welding materials they need this but we bragging we get 10 million dollars in the virgin islands education initiative fund yeah the youth are the future this territory do not mess with the three years or the five years and i want to see what be the moment to increase the fee thank you mr chair for the time thank you so much senator james senator francis europe thank you very much mr chair good morning good afternoon to you good afternoon to listening and viewing audience good afternoon central staff good afternoon to the king in the house good afternoon to the people of the virgin islands so i am in general support of this measure certainly to give our seniors a discount and also to move from three to five years um you know that come with a little bit of reservations in terms of whether or not there will be a cost association with the extension of the time um and for the increase because what what we're doing now is taking away somewhat from the coffers of the government to the Virgin Islands if we don't have a cost association with the increase of fees. Additionally, this falls in line with the industry standard as well as the driver's license, you know, mechanism and Commissioner, do you currently, firearms are renewed on their birth date? What's the date that's

1:01:42 that was determined for renewal. Yes, Senator, it is on the birth date of the licensee. Very well. And Director O'Neill, in respect to the Virgin Islands Education Initiative Fund, how much of that money has been deposited in that fund as a result of the legislation that was moved to make sure that funds go to that area?

1:02:12 Senator, to date, none has been transferred to the Education Initiative Fund from these fees. As I mentioned in my testimony, the Department of Finance is working to address that issue since the act was just codified. So moving forward, the monies for last year will be transferred and the virgin house police department when making the deposits will actually

just code it to the education initiative fund one time so that there is no delay moving forward with transferring the monies very well thank you i just want to caution um the committee you know despite i'm not a member of this committee that the frequency of the licensure is not just for the three years is not just for the purpose of that that's a random number it also allow for the police department to be able to be accountable and for the firearms licensee to also be accountable you know it gives them an opportunity to be able to inspect that firearm you know be able to make sure that this is in working condition make sure it's not lost or stolen you know so there's other mechanism that we'll have to develop uh to make sure that there is some timely um accountability levels put in place for for this purpose i also commissioner can you just speak to the additional fees associated with the firearms licensure i know that there is i know you spoke to the application fee but there is also fingerprint um fees that that are also included as well as a record check.

1:03:55 Can you speak to those other fees as well? Yes, Senator. So I think the fingerprint fee is roughly, and I don't want to misquote it, I think off the top of my head it's \$35 or \$40. The NCIC check is now a part of the application itself. the of the application itself so that's not you know singular and and as well as the the background that's all covered in the in the application fee itself but then of course there are also additional fees for the an additional copy of the duplicate license that's a \$15 fee as well as as there's also the the additional fees for security companies they pay an additional fee time for um for theirs and as well as the fines for individuals uh who we have firearm hearings for who may not be adhering to the um to the rules of uh firearm licensure very well thank you and if you could just um touch again mr chief i could just wrap up here um if you could just touch on the importance of automating the firearms division you know i think that that's extremely critical for the investigatory aspect of um of cases as well as a need to be able to track um you know all of the firearms that come in and and you know the ballistics that that also accompanies uh an application or the firearm because all of that information needs to be documented but it's essential that the automation um is is done you know so now that the money is not available for that there must be some allowance by this body uh to make sure and and maybe you could give a cost of what that would look like but it's critical that we're able to fund that automation because it's extremely critical um for investigation as well as documenting and tracking firearms

1:06:04 certainly senator thank you the so if we're looking at a cost well first of all let's start out with the um the relevancy of digitizing the system and automating the system is is huge uh digitizing it right again right now the system is manual so when a request comes in the firearm supervisor and the firearm staff actually go in and they manually have to go through the records to check whether or not an individual does in fact have a firearm license.

1:06:43 To digitize, to automate the system, of course, we know that would be a keystroke, again, and even to Senator James's point where he's asking for the information about the demographics and stuff those are all keystrokes once we automate the system the we've been working on this uh my predecessor as a matter of fact started working on this it's um it's costly we're talking about just to because one of the things we have to do is we cannot unless the even if the individual is deceased for a certain amount of years going back we still can't destroy those firearm records uh so we have to scan them in just the the best uh code for scanning those records in that we have right now is approximately 250 000 that's how many firearms records we have going back to if i'm not mistaken uh 1963 if i'm not mistaken we have to scan all those records moving forward and then automate the system we're looking easily at around half a million dollars that's a half a million dollar project to bring the system current and then to move forward with with the automation thank you Commissioner Martinez point of information yes mr. chair you know you I don't usually do this but it's very important that we place accurate information on the record. I want to read quickly a letter from the Department of Finance dated July 26, 2022. Dear Ms. Webster, pursuing the Act 8434, our revenues derived from the fees for initial and renewal of firearms and ammunition license will now be deposited into the Virgin Islands Education Initiative Fund. Below is a new account code and charge code for where the revenues will be deposited into revenue code 218-85009-445-520, charge code 50FALR.

1:08:59 So the account was established as a result of my hard-working researcher being on top of the case. This law was passed two years ago to benefit the youth of this territory. And according to them, they have over 170,000 or 160,000 sitting in there that can help our students to buy books and curriculum items and what have you come on let's not let's start playing games and let's help the youth of this territory and if you want to direct it someplace else no problem but we never went to VIPD was the general fund thank you mr. chair for the time thank you senator James like I said before we are in the middle of the budgetary process and we will be taking recommendations from everyone in reference to what we need to do to make the Virgin Islands a better place then it's a digger right of increase in the career Commissioner are there any penalties for individuals that don't renew their license and what's the grace here and what's that fee Unfortunately, the grace period is 60 days, and the penalty is \$15.

1:10:18 Anything over 60 days, then they would have to renew or start the application process from scratch. And then, of course, that would be the \$65. Thank you very much. Thank you. Thank you, Senator. Senator DeGraff, you're not recognized.

Thank you, Mr. Chair. Excuse me. To my colleagues, thank you for your input. Commissioner, thank you for being here.

1:10:54 Director, thank you for being here. I am in 100% support of CTE, so I don't have a problem with money is going to CTE and it should and to hear Mr. Chair recommend that if we could get a cause to assist with VIPD of getting these things done then I am satisfied with that we could get a cause now Commissioner when you and I spoke the other day you mentioned \$50 I was under the impression that you were that you misspoke and meant \$150 because I too um i'm under the impression that under title 23 uh section 455 b where he said uh the initial fee shall be 75 and then the renewal fee for three years at 150 is what i um thought was the amount that was being paid now i i wasn't aware of it you were paying 50. so the law does recommend where again like you see you found out today up to 150 and i guess you could go from there um in terms of providing you know some more money toward generating again it would end up going toward the youth i'm all for that and uh do submit all the recommendations that you have i i am willing to add this in we can add in those recommendations and make the bill even more powerful and more conducive but a switch even from three years to five years for birthday doesn't mean that only five years from now five years out we would collect everyone's birthday that fall every year it would work based on that so my birthday was set for to be three years i need two years so it would have a constant uh input or influx of funds so uh the three years to five years of the same thing like how we did with the driver's license but again the the input that was put out here was great input and in regards to the seniors for your the data that we could check on uh commissioner we check from 60 years old and up and then we go from there but um i think again

1:13:17 like i say it's straightforward and if reading the the law under title 23 suffices for the amount of increase which would take you from 50 to 100 percent even 100 it takes you to 150 so i think that probably would suffice for that but on to my colleagues not to beat a dead horse and make anything stretch out i stand in support of the youth who always have cte i'm a product of what the CTE or vocational education and also one entity in this community as an age community that is always kicked to the side and not on my watch is the seniors and i i will stand for taking any senior to the side and making them any less they are paid their dues and they deserve every discount that they could get and i would support any discount for a senior any day so again you know we may have our differences but is to agree to disagree and to come and make this bill a better bill so mr chair i i'm asking my colleagues to support bill number 34 that's zero 252 uh we can move it forward put in the amendments fix it and uh keep moving and then while we wait to hear from the commissioner getting those numbers that we could look at funding what it is you need i stand in support of that so thank you for the time to my colleague thank you for the time mr chair thank you senator de graf uh commissioner you are aware that the fee is 75 for the initial license fee and so you and 150 for renewal it's not senator okay and hence your department is still charging 60 right Sixty dollars for the initial license?

1:15:10 Sixty-five, Senator. Sixty-five. Okay. We were trying to find out exactly when this was changed. I am not sure exactly when it was changed, but the fee is actually \$75 and \$150 for renewal. There is a change in how much the government would collect. If you have two renewals that will encompass 10 years. At \$150 each, that would be \$300. If you stay with the old policy, in nine years it will be three renewals and you will collect \$450. There is a marked difference in 50% less you are going to be collecting if you move to five years. I agree that this particular section, when it comes to renewal, you need to include language that speaks about training, mental stability, and all of those different issues.

1:16:15 We should not in any way be tinkering with provisions that deal with gun licensure or guns in the Virgin Islands unless it is to strengthen the laws to make sure that we're able to verify that anybody that owns a gun understand clearly how to operate that weapon and is mentally stable. My personal belief is that this whole section needs to be revamped.

1:16:46 A meeting should be held with the proponent of the bill and the Department of Public Safety and additional provisions should be included. This committee will take a two-minute recess. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

1:26:25 Thank you. Thank you. Thank you. We'll be right back. Thank you.

1:28:55 the committee of finance is back on the record uh do i hear a motion motion motion senator the graph uh thank you mr chair after further discussion we will um address this bill and get together make amendments and uh we will fix it but uh right now i i choose to i i move to whole in committee i move bill number 34.0252 and act amending title 23 version analyst code chapter 5 section 455 related to firearm licenses to increase the time period for renewal of firearm licenses to provide for a discount of the renewal fee for senior citizens and to define the term senior citizen be held in this committee uh revised and brought back in this committee hopefully before this term is out i so move second second what what a motion yes but the overall motion is is to hold the bill in this committee motion made by senator de graaf um seconded by everyone roll call erroneous um banging of the gavel roll call senator marvin a blyton senator blyton yay senator samuel carillon senator dwayne m de graf yes senator de graf yay senator donna a fred gregory senator fred gregory absent

senator Javon E. James Sr. Senator James Sr. Yay. Senator Janelle K. Saro. Senator Saro. Absent. Senator Kurt A. Vialet. Yes. Senator Vialet. Yay. Mr. Chair, you have five yays, two absent.

1:31:02 Thank you, Madam Clerk. Bill number 34-0252, an act amending Title 23, Virgin Islands Code, chapter 5 section 455 relating to firearm licenses to increase the time period for the renewal of firearm licenses to provide for a discount of the renewal fee for senior citizens and to define the term senior citizen will be held in the committee of finance at the call of the chair Madam Clerk, next item on the agenda.

1:31:37 Bill 34-0249, an act amending Title 20, Virgin Islands Code, Chapter 37, Section 404, relating to the tariff of automobiles for hire to require annual publication of maximum rates for taxi service, authorize a \$1 surcharge for increases in gasoline or other fuels, and direct the Taxicab Commission to conduct a feasibility and impact study on ride-sharing businesses, proposed by Senator Genevieve R. Whitaker. Invited testifiers, Bernice Gumbs, Acting Executive Director, Virgin Islands Taxicab Commission. Samuel Ferdinand, taxi driver, Gerard Steven, taxi driver, Alphonse J. Stalyard, taxi driver. Thank you.

1:32:45 Thank you, Madam Clerk. Who speaks to bill number 32-0249? I do, Chairman. You may proceed. Good afternoon, Chairman. Good afternoon, colleagues. Good afternoon to people of the Virgin Islands, our central staff. And good afternoon to our testifiers. I am before you today with the hopes of passing bill number 34-0249 to support our taxicab operators to address the looming gas prices but also to address the long-standing issues of the taxicab Commission regularly increasing the tariffs for our taxicab operators. We know that in terms of this matter oil prices have been inevitably spiked as a result of the political turmoil. We know that there's issues at the pump what experience of course by our taxicab as well as the public in general and so it's a really crucial time that our taxi drivers many of whom following the storms and certainly stepped up and supported providing transportation support to our people and to ensure that you know that you know they receive the support necessary to support even our certainly our cruise ship and to our tour industry and while I understand that the the nature of the concerns also about and I also hear concerns about the consideration of rideshare I for one know that it's important for us to do feasibility studies but the biggest thing we always have to ensure that we're protecting our local people in the context of any direction that we go in that direction I want to especially I want to thank the two gentlemen who are

1:34:46 And also, we also have someone, also an additional individual, Joanna St. Thomas. I want to really thank them for, and that's Mr. Samuel Ferdinand, Gerard Steven, and Alphonse Staliard for their testimonies today. And, you know, just not them and also all the other taxi operators who have reached out to me. I really appreciate that, many of them, because I also attended a town hall meetings that was conducted by the commission. And this is an example of an important measure impacting rules and regulations for our taxicab industry. Colleagues, I bring this, and I ask for your support, I bring this measure forward and certainly welcome any necessary changes to be made. I wanted this time to also provide the fact that I will be also offering an amendment to this measure. And my basic intent and summation of the bill is, for one, on a regular interval schedule, at least every three years, the Taxi Cab Commission should, in fact, increase the tariff rates. and on a regular basis be in the business of, you know, of understanding the state of our economy in the context of what is taking place, whether gas prices and different economic concerns. Also, as I indicated, a feasibility study on the rideshare. I hear the interest in the Uber and the Lyft and the like.

1:36:18 At the same time, we have to consider that we understand the fact that we have to do our best to balance local economic development and that comes by way of support for our people and so i thank you and i hope and colleagues i ask for your support in moving this measure forward thank you mr chairman thank you senator whitaker have you circulated the amendments well just sort of uh sin thomas um sent to the graph the amendment will be circulated Yes, so to the chairman, I do expect the amendment should be provided shortly.

1:36:57 I did have initial meetings with the legal counsel. Since we are going to be discussing the bill and I'm going to allow the testifiers to put the testimony on the record, do you want to speak as to what the amendment is going to cover so we can have an understanding as to? Yes, thank you, chairman. So the amendment is into Section 1 of the bill, and that's Subsection A, and it's basically Subsection A to outline that every three years, the Taxi Cab Commission shall raise, shall consider raising the tariff rate. And we will have that information, working with legal, to get that out as soon as possible. Thank you so much. I would recommend that you don't use the word raise and use the word evaluate because it could stay the same, it could go up, you don't know what the conditions are going to be at that particular time, but it might be either way. So if you utilize the word evaluate instead of raise. We have a number of individuals here to provide testimony. I'm going to allow the director of the Taxi Cab Commission to put a name and title on record good afternoon everyone Vernice Gumbs acting executive director of the taxicab Commission thank you so much sir Stevens good afternoon honorable good value members of the 34th legislature name is Gerard Steven just taxi driver. Thank you, Kalipsonian. Good evening, ladies and gentlemen. My name is Marty Pat Samuel Ferdinand and I will be testifying here

today on behalf of the taxi drivers. Okay, so you have you don't have written testimony, correct? You have written testimony? I have written testimony, but we actually talk openly. We're going to share, we're going to share okay you you're going to read the testimony oh my second part okay that's right mr stallion st thomas my name is alphonse stallion and i uh i'm a taxi driver in st thomas

- 1:39:15 i saw the proposed bill number 249 and i had some so don't start yet we will give you a Give you a chance to speak, we just want your name and title. You bust out a gate room. I'm from this area, independent taxi driver. That's it, okay, so we're going to begin with Ms. Gumbs and then we are going to go to the taxicab drivers. Pleasant good day, honorable Kurt Bailey, Chairman of the Committee on Finance, Members and non-members of the Committee on Finance, invited testifiers and the viewing and listening public.
- 1:39:55 My name is Vernice M. Gums, Acting Executive Director of the Virgin Islands Taxi Commission. I have been invited to provide testimony on Bill number 34-0249. An act amending Title 20, Virgin Islands Code, Chapter 37, Section 404, relating to the tariff of automobiles for hire to require annual publication of maximum rates for taxi service. Authorize a \$1 surcharge for increases in gasoline or other fuels. And direct the Taxi Commission to conduct a feasibility and impact study on ride sharing business.
- 1:40:40 Specifically, I will focus on the following areas. Support or opposition of the proposed legislation, advantages and or disadvantages of passing the bill, economic impact, economic analysis of the proposed legislation, recommendations to the bill. While I have not been able to devote quality time in sharing the contents of the bill before us, with our board members, nor receiving their thoughts and concerns was mainly in part due to the short notice of this committee hearing and preparing for budget hearings.
- 1:41:21 What I will share with you is from the perspective of our Automobile for Hire operators whom we serve. 1A. As a result of the Tongue Hall meetings that were held on St. Croix, St. Thomas and St. John during the month of May, on June 29, 2022, the Board voted for an overall increase of the current tariff by 50%. The current tariff was last updated in 2005. In addition, They also voted to revisit the tariff every three years. Personally, I don't believe legislation should dictate the frequency in which the tariff should be revisited. That should be a decision of the board based on economic conditions. Yearly, it's too soon for an interval to make changes to the tariff.
- 1:42:20 By the time the tariff is revised, if at all, it will be time for it to be revisited again and those persons who utilize the service could become frustrated. The updated tariff was delivered to the print shop of the Department of Property and Procurement for layout on or about late July. Has been returned for proofing and resubmitted to the print shop with minor changes. We are awaiting the final draft for proofing, production and distribution. With a 50% increase to include all destinations and incidentals on the official tariff, there is no need for a surcharge of any kind. Taxicab service in the Virgin Islands of the United States is meterless. As it stands, we receive complaints too often about overcharging, let alone adding a surcharge charge for fuel that can possibly fluctuate several times during any given year causing total chaos to the ridership and a situation that would be quite difficult to monitor and regulate. C. I do not see any problem with the language in this section. It is updated verbiage to the existing language in in Title 20 of the Virgin Islands Code, Section 404. D, here again, I have no concerns pertaining to this updated verbiage. It provides clarity as to how disputes between the taxi operator and the passengers should be handled. In addition, what I would like to request is to replace the title taxi inspector the title, Taxi Enforcement Officers, wherever it appears in the Virgin Islands Code, including
- 1:44:14 but not limited to Title III of the VIC Section 274, Title V VIC Section 3561, and Title 20 VIC Section 401 at sequence. Our taxi enforcement officers or post-certified peace officers performing random inspections is simply part of their job. Section 2. As I attempt to digest the contents of this section, it brings me back to the town halls that were recently held. The recommendations and comments from our Automobile for Hire operators and a tariff increase which could have very well priced the industry out of reach, especially for our local residents. We should always be careful what we ask for. It could make or break you. Taxis have been a part of the transportation system since the early 17th century in the form of horse-drawn hackney carriage for hire in Paris and London, and from there it developed into a multi-billion industry worldwide. Ridesharing is a way for multiple riders to get to where they're going by sharing a single vehicle like a car or van that's going in their direction.
- 1:45:36 This vehicle makes multiple stops along a route to pick up and drop off passengers, reducing the need for multiple cars on the road. Now take a look at the current platform of taxi service offered in the Virgin Islands of the United States, which has existed for a number of years and which continues to exist. From passenger cars to vans and the addition of the vehicle commonly called a safari. Is a platform the true definition of taxi service or is it actually a pricey ride sharing service?

- 1:46:13 Ride sharing is literally the process in which a rider shares a vehicle with other riders. In the past, the Taxi Commission only approved passenger cars as taxis. Then you were required to submit an application to increase your capacity size to a minivan. Eventually, the capacity increased extended to full size vans. And as the years went by, came the Safari. There was a time when persons requesting to register a safari as a taxi were denied by the Taxi Commission. The roads in the Virgin Islands of the United States were never built for a vehicle the size of larger safari with larger safaris in mind. Nevertheless, the denied applicant would find his way to the legislature complaining about the denial, then sadly politics played its way. The rest is history. So I present to you today, is it a taxi service or ride sharing? What is our platform?
- 1:47:23 Uber was the first ride hailing app on the market launching in 2009 with an app for iOS and Android. Uber and Lyft have created a competition for taxi companies with their state-of-the-art capabilities and easier accessibility. Ever since the rise of ride-sharing companies, Uber and Lyft taxi services have been on the decline.
- 1:47:52 Is it worth owning a taxi medallion when within our territory, as I speak here today, there are limousines or what has been allowed to be registered as limousines operating taxi service in disguise. The definition of a limousine is a large, luxurious automobile, especially one driven by a chauffeur who is separated from the passengers by a partition. Does this vehicle comply with the definition of a limousine? The license plate reads, and I quote, Limo 4, dropping passengers off at the Cyril Eking Airport on St. Thomas. There is no consistency regarding automobiles for hire. Isn't a Lamborghini a luxurious automobile for hire? Aren't they supposed to pick up pre-arranged passengers at a cost?
- 1:48:50 On November 19, 2014, the legislature passed Bill Number 29-0377, which was signed into law on December 14, 2014, Act Number 7451. I would like to bring your attention to Section 2 and Section 3 of said bill. Section 2, Title 20 of VIC Section 401 is amended by designating the existing subsection H as I and inserting a new subsection H to read as follows. H. Limousines are not considered automobiles for hire and are exempt from the jurisdiction or application of any rules and regulations implemented by the Virgin Islands Taxicab Commission. Section 3. Lamborghini service providers are exempt from complying with the provisions of any franchise agreements granted to taxi service providers at the Virgin Islands marine terminal or airport and has the right to transport passengers to and from any airport or marine terminal in the Virgin So, if they are not an automobile for hire, then what are they? It is quite clear that section two of act number 7451 is inconsistent with the definition and section three is an abomination to those taxi organizations who operate the franchises at the marine and airport facilities of the Virgin Islands Port Authority for a fee.
- 1:50:34 This ongoing situation of some of this and some of that is destroying the value of taxi medallions in our territory, for which some owners have paid as high as \$60,000. Automobiles for hire by definition are inclusive of taxis, limousines, tour operators and ride-sharing services. All of which should be under the jurisdiction of the Virgin Islands Taxicab Commission.
- 1:51:07 I welcome the study of ride-sharing in the territory which will have its unique flavor on St. Croix, St. Thomas and St. John. However, what is the true motive behind this study? Has ride sharing already been discussed and promised to an entity behind closed doors? I will conclude by saying these words to our Automobile for Hire operators. In order to remain in line with the competition, it is important that you step up with the times. It's time to engage in providing the opportunity to pay electronically. Meet or beat the competition.
- 1:51:51 You will not succeed in this society with the old school mentality. We must preserve this last local business for the benefit of all. The platform offered here in our territory needs to be revamped. The Virgin Islands Taxicab Commission is here to support you. Always remember it takes two hands to clap, yours and ours. We can and we will do better together. Thank you for providing me the opportunity to present my testimony on the proposed legislation 34-0249.
- 1:52:31 I am available to answer any questions you may have. Thank you so much for your testimony, Mr. Stallion. my procedure to your testimony good morning senators and all present to listening to this discussion uh i would like to say first and foremost based on what i have written i would like to thank the director of the taxi commission for her explaining the situation in a concise and positive manner. Now I will say what I had intent to say to the legislature.
- 1:53:11 I would also like to thank Senator Guinevere R. Whitaker for her consideration for the plight of the taxi drivers. My reason for testifying today is I found what I deem as flaws in proposed Bill No. 34249. I propose the Taxi Commission should not publish the maximum rate to be collected for services of a motor vehicle operated for hire not later than January 10th of each year. Alternatively, a town hall meeting should be held with the taxi operators at the minimum of once a year to hear what the taxi operator's recommendations and concerns are. The taxi commission has not changed its tariff for the past 17 years. It would be favorable if the tariff were reviewed by all parties involved every three to five years.
- 1:54:11 Now, I heard Senator Whitaker state that she has an amendment which would bring it into a three-year span. Presently, there is a new tariff which the director stated that was reviewed and recommended for approval by the various taxi

association and independence driver. And as you just heard the director state, this tariff is at the printers now being printed for distribution. The senator proposed this charge based on the price of gasoline and other materials increase by 50% or more over the price of the previous January 1st.

1:54:57 Now, parts and labor are factors which were not included in her consideration. Therefore, a \$1 so charge is insufficient. Hence, the Tomahall meeting would be the appropriate venue for all involved to communicate. In Section 2, it says, not later than 180 days after the effective days of this Act, the Taxi Commission shall conduct a feasibility and impact study to determine what impact the implementation of ride-sharing business would have on the motor vehicle for hire. And I said, is this a study or a cursor to bring it over driving to the Virgin Islands?

1:55:41 I, for one, am not in favor of overdriving in the VI, as it would be a financial detriment to the taxi industry. There is limited part. This is something which I bring into Senator Watika to see if she can do something about this problem, since it was brought to the taxi driver's attention that the police could not do nothing to resolve their problem, which is a situation relative to limited parking in St. Thomas. In addition to the limited parking, there is the matter of designated taxi parking being used by the general public. Public safety states, they can only enforce the taxi stand parking when cruise ships are present. This matter needs to be addressed because if the taxis have no place to park, Main Street was eliminated. I have a proposal here, which stated that there was a traffic flow plan. Huh? Yeah, I'm sticking with testimony.

1:56:50 Now, the thing is, what is going to be done if this bill number 20, the bill is number 249. I would ask her to put an amendment in there to give the public safety, the authority to make sure that the licensed taxi stand is available to taxis when not only when cruise ships are in town, but during the day when they need to function. Because they are hotel guests they're local citizens that come to the taxi stand for for for taxi and they have taxis have no place to park the cars during the day and the one taxi stand that is functioning now is i think the one by on the waterfront by rolex and banco popular and the police have a tremendous job moving cars out of black in the street from from being clustered with people parking and the taxi the big safaris cannot get parking and they have to park in the street so this is something which she needs to look in as a senator and put in something feasible that the public safety can enforce okay i am i i think i am thankful for this time allocated to me and if the senators have any question to ask i will do my best to answer any questions they may have thank you Thank you, Mr. Salyan. Mrs. Stevens? Good morning, Senators. Good morning to the listening public. I do not have a problem with the dollar surcharge for the 50%, percent but however if it goes beyond that beyond 50 percent we will have to do an evaluation to go higher than the dollar surcharge okay so those are some of the reasons that we we want to justify the 50 percent risk that we are getting on what the director says that on the new tariff okay because like he stated, we haven't gotten a raise for the past 17 years, okay? And we are basically making the same money when gas was \$2.59, and when gas goes up to \$6, we're charging

1:59:26 the same fare for that, okay? And the other thing is that we feel when it comes to raises we're in captivity there should we there should be an easier method when it comes to to giving us raises go to with the board the taxi board also we want to be able among us the taxi drivers to give ourselves a raise when stuff when the gas goes up and other stuff goes up what the way we're going to do that we're going to meet with all the taxi heads like for instance guys the guys at the buccaneer the taxi drivers at the buccaneer the dv the airport we're going to meet with the heads and we're going to come to a feasible rate then we're going to have a meeting amongst our taxi drivers at the rate that we we come to and we're going to have a vote from the taxi drivers and if they agree that that that amount is fair, we're going to give that raise to the board or the taxi commission to make that determination. But however, if we bring up a rate increase, we do not want it to totally be rejected. We would rather be adjusted so we could negotiate what's good for us and the public. Okay. And like, um, Ms. Whittaker said that we're going to evaluate it every, every three years so that we, um, so that we could avoid another sharp increase of 50% one time, because that's, that's a big number. The 50% raise increase. That's big number so that when the public had 50% they don't look at the 17 years that we didn't get any raises they just look at the 50% raise so that's that's one of the reason okay and um we we have requested meetings with the taxicab commission and that's another problem

2:01:42 and the board to review the tariff but over the past 17 years and that wasn't feasible until Miss Smith came and she had the town hall meeting which I think was a was very good so we need to at least have town hall meetings or a meeting with the Commission with the taxi Commission at least every three that's four times a year okay and then the last thing I would like to say you know that to the public that you know if today we was to ask our businesses in the Virgin Islands to go back to their 2005 prices how many would be able to to survive with 2005 prices and that's what I have to say for now if you have any questions for me I'll be happy to answer thank you so much for your testimony you'll be available for question you want to put something on a record and briefly about something go ahead good evening my name is I'm Samuel Ferdinand, my depart. Greetings to everybody. What I have to say is simple. We're hearing some things about

transportation and OBAR and all these different things and coming in here. One of the reasons why that the senators before have passed a bill that nobody should have more than two medallions is to follow up and this impact what will come later with OBAR. If OBAR any one of those entities ever come to the virgin islands the only thing i gonna see have gonna be happening is our next

2:03:35 rental car transportation the guys with the money they're gonna buy 20 30 cars okay and then if we they're gonna put us to drive the cars become slaves again and if they if we refuse to drive those cars they're gonna bring in the people to drive those cars so they're the taxi driver them now going to be in the rear remember that this is the last business owned by black people in this territory is the taxi taxi and if we allow these people like for instance downtown look how they turn downtown into a white supremacist um downtown on the boardwalk right it's the same thing gonna happen to us because all our black people in um downtown now are not working down there anymore and we know the reason why right and if we allow uber and lift and all those guys to come in and you say well after a while they're making too much money we're not driving for them because we understand what going on is the same thing that happened that's the reason why the senate and the government passed a bill that nobody should own more than two medallions so now you can mess up about medallions and then give these people the right to rent 50 cars and then come around So that's all I have to say because, I mean, Mr. Seema already said most of what I have to say.

2:04:55 And number one, if we had already get a bill passed for the 50%, we wouldn't be here talking about a dollar. So the question is, when are we going to get that bill passed, that we could get the 50% raised, then we shouldn't be here talking about a dollar right now. That's another question, ain't got nobody here who could say when we're going to get that bill passed. Because remember, the lady who bring up the bill, she's not here anymore. you understand what i'm saying and i don't think that miss gums is powerful enough to follow up this bill you understand unless she's a director she's not swearing yet and everything like that you know i don't think she really in on behalf of us that's my personal feeling you know so that's all i have to say for now thank you all very much thank you The taxi industry in the Virgin Islands have been a local business for donkey years.

2:05:58 The taxi business supports a lot of families, especially on the island of St. Damas. I think we have a thousand taxi drivers on St. Damas. a significant number of individuals working in the industry and I'm saying right I think the numbers were 200 and something I'm not sure 200 and change so that is significant and there are individuals that have been driving taxicab for 30 40 years and a factor see some younger people know what it is a aging population but I am not going to support any measure that is going to conduct any feasibility study for Uber or Lyft. We don't need no feasibility study. We know what the local market really is. We need to conduct a feasibility study as to how the taxi drivers are going to better be able to solve the people of the Virgin Islands and how they're going to expand the routes and be more flexible in terms of what they're doing. But I know that if we're supposed to bring Uber or Lyft as convenient as it is for us when we go to to the mainland, it's really going to destroy the taxi industry in the Virgin Islands. And that's just a reality. We can only smile. Puerto Rico have Uber and Lyfer. They have 3.5 million people. We barely have 40,000 people in St. Croix.

2:07:17 So we kind of got to be careful as to how are we going to proceed with what is very popular across the world as to the applicability to the Virgin Islands and what might happen. Ms. Gumsey, if I got the wrong question, the tariff. What is your known procedure for adopting these tariff? To the best of my understanding, the then director, she held the town hall meetings. Whatever was suggested, it was then taken to the board. The board, from my understanding, did not receive the outcome as to the suggested amount. So they voted across the board on June 29th, I think it was, the latter part of June, to increase the tariff across the board by 50%. Okay, what was the work done by Ms. Smith? Was it across the board 50%? That's my understanding, but the board did not receive any information. my understanding because when I met with Ms. Smith, her thing was it would eventually add up to 50%, but not to do it in phases, not to implement it all at one time. So you do not have a copy of the completed work from Ms. Smith?

2:08:41 I do not have a completed copy of it. What I have is the numbers that were inputted by the staff, which reflects 50% across the board mr. Steven or mr. Ferdinand mr. Salyard were any of you a part of those discussions that you know what it actually was yes we went to the town hall meeting and me and mr. Stevens is the one who gave mr. Smith the amount of monies that we will charge so what was the recommendation you um it was supposed to be taken now to the Senate now what was the recommendation was 50% 50 percent across the board we can't actually either because the reporter a 50 percent increase increase for every era every area and that was because we didn't get a raise in 17 years and yet when you really look at it some to some of the um people it was like still below the board But we start off with that.

2:09:47 Okay, so stop there. So Ms. Gumbs, the board has agreed to increase the tariff by 50%? That's correct, across the board. So what is the next step since the board has agreed? What's the next step? I went to come back from the printers and they reviewed that everything is in place. And of course, before I sent out the final proof into the board, I also shared with Mighty as I communicate with him from time to time, and he's one of the few drivers over here whose contact numbers I

have. And email him and ask him to share it with the others. So do you have a copy of it here?

2:10:30 I think I should have my markups here with you, can I see that? Okay, so secondly I go back, so you said go to the printers, so what is it? So it's there, and I should have it if not today, by tomorrow. And then just to overlook to make sure that the few changes that we had were captured, sent it to the board so that they could see it. St. John had a few, a section for a new tour site that was not on the previous one that they implemented and for the board to say, yes, everything is fine and we'll go with it. So what is the implementation date?

2:11:12 I am hoping that everything could be done at least by the end of this month, if not the first week of next month. Legal Council, the Taxicab Commission has the authorization to increase tariff, or does the tariff need to come before the legislature? Is Legal Council there? I think I'm seeing them. So I'll give you a minute to research that legal counsel is the process in reference to increasing the tariff for taxis.

2:11:49 Mr. Saliad, you were saying something or Mr. Yes, I would like to say that the tariff that the director have for St. TAMOS was approved by several taxi organizations and myself. We went through everything, and we had a final board meeting, I think it was in the tennis court, done by the taxi association, where everything was met with approval and was transmitted to the previous director for processing. Now, the present director, she found some mistakes. What was in the printer copy that she got back, the initial one, and she moved to correct them with choice, sharing them with me, and I share them with the rest of the taxi drivers so that by the time these things come back from the printer, it will be correct and in anticipation of the taxi drivers now the thing that got me is that this tariff was supposed to be out from July 31st and the taxi director the new director told me give us some time she's working at which I sincerely believe I know she have been doing it but now I heard another month or two months and the taxi drivers are anticipating that this thing should be finished sometime within the next couple of days because every day when I go out on the taxi stand to do my work, they ask me, when is the tariff coming out? Isn't it completed yet? How long we have to wait? And this is from since June, July. So in the next couple of days, it will be September. And I tired

2:13:40 hearing them harassing my head, asking me about when the tariff is going to be coming out and when they should go and be able to get it. That's my take on the situation at Thank you so much, Mr. Seneb. We're going to take a two-minute recess. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. We'll be right back. We'll be right back.

2:23:50 The Committee of Finance is back on the record. We're going to go to a three-minute round, and we have a point of inquiry, but I just wanted to put on the record, I think it was the 33rd legislature, we were having discussion and there was developing a ride-sharing app that was going to be true that the Taxi Commission and individuals that are local would have been able to sign up, but at some point the The Taxicab Commission and all of the taxi industry need to develop some formula where individuals will be able to be picked up at their home by using an app and paying directly online. The world is evolving, and at some point we've got to move to that level.

2:25:01 We've got to move to the level where that convenience is going to be there, and I think it would increase the amount of monies that individuals are making. So instead of you sitting and waiting for two hours for somebody to come and pick up your taxi, you could actually be guiding and picking up individuals utilizing a ride-sharing app and having other individuals that will come on board and have to pay a fee and have to do background check and everything else so that we could really provide services to the island because at what, at 6, 7 o'clock, there's no taxi bus running on St. Croix. It's severely reduced, so if you want to go to the movies at 9 o'clock, you have no way to go home, because there's limited service on the road. And I know when I was growing up, there was service on the road until 10, 11 o'clock.

2:25:51 You could have gone to the village, you could have hang out and get a taxi and come back home. And also, we need to look at what we're doing with that. Senator Blinden, your point of inquiry, Senator Francis. Senator Francis. Thank you very much, Mr. Chair. So I wanted to ask the acting executive director, Gums, if she will put on record the name of the current commission members. I didn't understand your question. Can you put on the record all the names of the taxicab commission members at this time?

2:26:22 Sure. Loretta Lloyd, chairperson, Elizabeth Hansen-Watley, vice chair, Morina George, secretary, members Vincent Georges, Camille Paris, Franklin Bradworth and Sweeney Toussaint. Thank you. Thank you Senator Francis and the Commission is supposed to be looking at all of these different options and the Commission is supposed to be the driving force behind all of this. We can't be paying our stipends in the hundreds and thousands of dollars and you don't have any decision as to how you're going to make the industry better. You know that just doesn't make any sense you can't consistently be submitting for stipend and we're at a standstill Senate of light and three minutes thank you Mr. Chair good afternoon to my colleagues again good afternoon acting executive director comes and to all the testifier and thank you so

much for your testimony thank you for your advocacy on behalf of the taxi drivers arm this is personal for me because my dad been a taxi driver all his life he was a breadwinner and I would all with him many times in his fun at a time so I am rested when it comes to taxi drivers and I must say of my colleagues the chair stated arm I don't know who about lift no we can't have that heavy care we don't you know study because we know what the outcome is gonna be it's gonna be many small business owners taxi drivers you know having issues in terms of challenges losing the businesses etc so that's not no different I know start for me money comes to the testimony door acting director comes you spoke in respect to the platform in terms of taxi drivers but I want to focus on the Commission on the board because your responsibility is a huge responsibility

2:28:24 in terms of the industry and I stated before the driver that a first when our guests come and the last when they leave and the Commission have a great responsibility and I'm not seeing and I hope with your your leadership we see some changes because you need to work on behalf of the drivers I appreciate the meetings that have been had I was at a meeting in May we had some in-depth discussion I'm glad that they came to a conclusion at this time so I look forward to you working with the drivers and coming up with arm when they come up with recommendation you guys work together on behalf of the industry I I must say that in terms of the different taxi associations, especially in St. Thomas and St. Dan District, they are very engaged and involved. And honestly, I see them working more together as of late, and I appreciate that because for years I've been meeting with them in town hall, myself, with other individuals in terms of them working as one. because i know at the time when there were water taxi back then i spoke to them working together in terms of doing their own thing and controlling that industry an opportunity was missed but in this day and age when it comes to apps etc i do agree we need apps for our drivers so they can increase their revenues and be more effective and efficient when it comes to that industry because no matter what no matter what is going to happen but as far as over and lift and those i said no that's not i don't see that happening because that's why legislation abroad for to protect the drivers and i look forward acting director gums to working with you in respect to my bill that's going to deal with lemo and all other um costs for hire in that respect because that bill is coming through the process and i look forward for you guys support because it must be regulated properly and someone must be um must be um held accountable in terms of um any type of liability that we we face at the territory time so i want to thank you again for your testimony i look forward to working with you the commission and the taxi drivers as i usually have moving forward thank you so much mr chair for the time thank you senator blight and senator carillon

2:30:43 good afternoon uh to the team here testifying um 17 years is clearly a long time A very long time with the cost of inflation, the increase in fuel price, it's definitely been a long time that taxi drivers haven't received an increase in the tariff. Acting Director Gumbs, do you consider the legislature should codify when these evaluations should be done for tariff increase or you think it should be internally part of your internal policies and procedures?

2:31:25 I think it should be part of our internal policy and procedures. And just share a little bit with me, currently, what's the process for an increase? Do you have it within your policy and procedures currently? No. Okay. Is the board working then to create policy and procedures that would recognize the need for having periodic evaluations for increases or just feasibility studies to find out if it's needed? Yes.

2:31:58 um gentlemen what are your position mr stephen regards i heard you mention some of the things that you would like to see but i'm not sure if in your testimony you clearly define what's your position based with this proposed legislation um are you in favor of what's being proposed uh by the good senator or what's your position on on the bill and i would like to ask each each one of you taxi operators well after we get um we get that 50 percent increase and we get that new tariff yes i am in agreement with the dollar surcharge okay and section two of the bill that speaks about the feasibility study impact for implementation of ride-sharing businesses one minute um i don't quite understand your question for the ride sharing businesses what's your position on that i'm not too sure yet okay mr mighty path okay i uh the ride sharing is the uber lift and those type of i'm i'm i wouldn't i'm not agreeing with the ride sharing unless it's been done by taxi drivers okay and actually um the the increase if we got an increase personally we wouldn't have to be barring for a dollar you know i understood ms whittaker made a um big effort to help us until we got that increase but if we get an increase we wouldn't be buying about a dollar you understand it's not necessary mr stalliard i'm not sure if i pronounce your name mr or falso stallion my name is alphonse stallion and i stated in my dissertation i am not in favor of the bill it is flawed and we do not need uber driving we do not need it it will be detrimental to the financial stability of the taxi industry in the virgin islands time

2:34:07 oh thank you for that um and then just in closing other than preparing um and adopting new policies and procedures by the taxicab commission um apart from that what other recommendations you guys are making with regards to this proposal legislation acting director gums To have everywhere where inspectors appear throughout the VI code, to replace it with enforcement officers. Very well.

- 2:34:50 Thank you very much, Mr. Chair, and of course, I will be voting accordingly when the time arrives. Thank you, Senator Carillon. Senator Whitaker, point of information. Point of information. Thank you chairman the the one dollar surcharge would be Whatever the tariff rate is the one dollar surcharge anytime we have crisis in the world Where our gas prices will be astronomical? You will be able to charge a dollar surcharge over whatever the tariff rate is and so I'm working to ensure That as we have crises that the passage to cop operators are protected. Thank you Thank you senator Whitaker Point of information, Senator, sorry, before I go to Senator DeGraff, Acting Director Gumbs, I know you just came on board. When do you plan on meeting with different associations throughout the St. Thomas, St. John, and St. Croix district, and how often do you plan to meet with them moving forward?
- 2:35:52 On a quarterly basis, and as soon as I can get through all the preparations for budget and get the office and everything back on track, so it would be announced through a public service announcement as to when we would have our first, well, first town hall under my leadership. What does that timeframe look like? I know you have self-dumor, but what does that timeframe look like? Next month, September month, I want to begin office hours in St. John, and so I anticipate by october at least okay very well thank you for that senator the graph you recognize for your four minutes yes i thank thank you mr chair you know i think back on when i'm sorry sorry three minutes i'm sorry three minutes you can proceed three minutes okay good i i think back on when legislation was brought to where taxi drivers had to have uh alternate forms of collecting their monies and different things but um to the bill sponsor i i would say you you you you gave a good shot i i think i i can um understand what you are trying to do the intent of what the bill is uh but for me i i looked at a section one the second sentence where he started the commission in setting the rates shall take into consideration the existing economic conditions and must have at least one town hall meeting on each island so that interested person may provide evidence you know what that says to me is when you take the existing economic conditions and then we turn around and look at doing a assessment of bringing in competition because each taxi driver is an individual business that supports their family and you know so for for me to i i can't support it based on when we're going to look at like i say the existing economic conditions the tariff is coming out which will give them a 50 increase was long overdue fine i support that 100 but then the existing economic conditions
- 2:38:21 and then to try to do an assessment to bring in, or not to bring in, but to look at other entities, I can't support that in terms of the industry that we have here now, taxi-driven industry, individuals, an older population of taxi drivers. You know, we know modern things are coming, but let's not get rid of what we have and what is working presently to look at, start looking at something new. Let's enhance what we have and make this taxi industry great for the territory because it has prospered for many, many years.
- 2:39:02 And we know going forward, let's help it to continue to prosper. It's only a benefit to the territory. One minute. You know, as being ambassadors. So in terms of, I applaud the bill sponsor for her efforts and the work I'm sure she put into it. But again, in terms of supporting it, the St. Thomas industry in itself is much larger than on the St. Croix end. And rightfully so, everyone deserves to get an increase after 17 years.
- 2:39:33 So, you know, one entity being larger than the other, they all suffer the same way. So, you know, I thank you for the time as a chair. Vote accordingly at time. Thank you. Thank you, Senator DeGroff. Senator Francis, you recognize for your three minutes. Thank you very much, Mr. Chair. And, you know, I see this measure somewhat as a parachute in the absence of the commission taking their responsibility to act. Now we have to legislate these matters. It's unfortunate. There is nothing that precludes the commission from saying September 1. while they're working on the preparation of these documentation, the printing and publishing, that in fact there will be a new tariff. There's nothing that precludes them from doing that. In the absence of that, now we're trying to create a parachute to try to support our small businessmen, our taxi drivers. It's unfortunate. And, you know, the bill sponsor talked about a crisis and a global crisis.
- 2:40:39 that may impact us, that there will be a \$1 surcharge. The pandemic was unprecedented. We don't know what the next global crisis or world crisis is going to be. Are we limiting ourselves? Are we boxing ourselves in to determine only a dollar will be sufficient? Then we have to come back here and make a decision to increase that dollar or whatever. I think what I'd like to see is that we empower the commission, if they don't have the authority already, to make that determination what that amount should be. You know, I don't believe that we want to limit ourselves to \$1 because \$1 could be insufficient. I got landscapers that said to me because of the increase in gasoline, they had to increase their fees for cutting up grass.
- 2:41:23 And it wasn't a dollar. It was significant. You know, so we just got to be a little bit careful about that. I don't support any of the Ubers to come in. The Lyft, I believe that we could have it in-house, and I will continue to implore our cab drivers that they have to move with the time. They have to be able to protect their craft. They have to move with the time, and there's support for that, whether you want to go to the Small Business Administration or some entity commission or some entity to support us. support you being able to get a software that will be able to have a similar ability to be able to be

contacted and be able to be in reach of individuals that need a ride. You know, I think that there's a possibility there. What is the 50% tariff increase, for example? Can you give me what that cost will be from the airport to Christianset Town, for example? What is the current cost and what would that additional or increased cost will be?

2 : 42 : 41 Timekeeper, please hold my time while the good acting executive director looks for that number. the fee right now is \$16 so you add another \$8 to that so it'll be \$24 right very well I think that's a good example at least the the public will understand you know where you're going then it's been 17 years 17 long years the cost of fuel the cost of grocery the cost of everything have gone up significantly during that period of time is only fair that that at least i'm not to mention the maintenance and our road conditions and the impact to your your um taxis as well have been been subject to to that type of um my time i've been called i'm not a member of this committee but again i implore i beg the commission do your job take action so that we don't have to create parachute legislation and put the senators in this predicament. Thank you very much, Madam. I missed the chair for the time. My apologies. Dr. Thank you, Senator Francis, and you are correct in respect to the taxi business, in terms of the business, you know, the cost of doing business have increased. You know, the investment in the vehicle in terms of maintenance, tires, and other routine maintenance, so um it's it has increased dramatically dramatically so it's understandable in terms of the tariff um the sponsor of the bill senator retica you recognize for your three minutes thank you chairman and good afternoon to you good afternoon to my colleagues

2 : 44 : 39 and i just wanted to emphasize as as i gave my bill introduction one of the things that i've said is that i am open to suggestions and that's how we move a legislation so as we were speaking I've been in contact with council and my staff and team, and I've actually moved forward already with removing the feasibility study because I quickly act like that because it's a quick action, as well as clarifying what I'm trying to set the standard of is a regular interval increase with economic conditions to be considered is really important. And I just want to let everyone know, to testify and everyone to understand that that \$1 surcharge throughout this nation, several jurisdictions, city councils, legislators, and so on, most of them moved for a dollar surcharge as an emergency measure. So this wasn't in a vacuum. So to, first of all, to Acting Director Gumbs, I just, just for understanding in your role and have you in your capacity so far, you know, engaged with any other persons in your position throughout the country? Have you done some, even yourself, some studies around moving the commission forward, especially with the rules and regs that would, you know, that's throughout the country, throughout different territories? Have you done any assessments and research and preparing for today or just in general as it pertains to tariffs?

2 : 45 : 59 Just as it pertains to the tariff, of course, I look throughout and I look at the problems that are being encountered with UberLift. While it is in fact a convenience, it comes also with a lot of problems to include rapes, murders, beans, and the like. Thank you. Thank you. And to, I'm going to ask, I'm going to start over, Mr. Stallion, I want to, and thank you very much. I understand that you don't initially, you didn't support my bid, but do you support your right to be able to offer a surcharge any time gas goes, you know, astronomical pandemic?

2 : 46 : 46 One minute. Would you support that, your right to be able to charge the \$1 rate, which is in the bill? Your right to offer emergency surcharge? The emergency surcharge sounds good, but based on my interpretation of the situation, gas don't usually raise that much. It weighs about 25 cents probably every year or so. You know, but this was what you call the pandemic caused a real big surge in the price of gas, think we should take that into consideration where we decide to deal with a surcharge because the surcharge should not only encompass gasoline it should encompass labor and parts.

2 : 47 : 31 Thank you for that and just to highlight just to highlight Mr. Stollett it's actually the 50 percent of the current gas rates and that's that's what that's the analysis not that so so thank you for that on to um and i have to also um time oh can i wrap up to our i would like to thank you senator withykov for your for your legislation thank you thank you and coming back on to st croire and we know him has forced my mighty patents for that can you um put on the record um just if as we move forward what would you like the board um to do by way of what could we do what do you want the board to do going forward with respect to the tariffs and even fees in general right yeah i would like the board to take in a um to consideration that um the taxi drivers especially in st croix don't make a lot of money especially when there's no cool ships and these raising of fees that they do so regular they need to stop it you need to be stopped look for instance if I am late when paying my lease is a \$300 late charge that's the worst I ever see in my history there's no place in the world you charge me \$300 for late charge plus \$50 it's ridiculous and this is done not by comes but it's been done all the time miss come just come in so she's seen these things here she should regulate them and say look this is ridiculous. There's a lot of things that Ms. Gums will need to do to help inform taxi drivers with them with the wickedness, what they're doing to us. And sometimes three times a year they raise our fees. You understand? And actually be not making any money in St. Croix. I mean, the St. Thomas drivers, they make a little more money than us, but at the same time all

2 : 49 : 23 taxi drivers are one. You know, so when you're going to be raising our fees and raising the fees in St. Thomas and St. John's, you must look at the actions and the situations that taxi driver are in before you jump up on the price and raise the

fees on us we have family to feed not just not the taxi commission alone and that's all i'm saying i mean we need and then there's a lot there's a lot of time when i think that the senate should be taking charge a lot of stuff that they're the taxi are doing because they're moving fast enough like support senator Whitaker didn't decide look let's help these taxi drivers we're going to get help for next 10 years starting with Ms. Smith. And when the Senator came to the meeting and saw what was going on and put her input along with this, with our Senator here too, he sent people to watch what's going on and decide to help us. The board would have done nothing whatsoever to help us. And that is the truth. It happened for a long, long time. That's the reason why for 17 years we didn't get a raise. The board is just interested in their self. You understand?

2:50:28 So that has to stop. Thank you. Thank you. And of course, my time was on call, but I want to really thank you. Thank you and the Taxi Albers for your advocacy and to my colleagues. I'm again asking for your support for this measure. As we know the processes, when we hear testimony, we vet it out ahead of the hearings, during the hearings. And I'm simply humbly asking for my colleagues to move the measure forward. The amendments have already been submitted as well as in consideration and moving forward to move the measure forward. Thank you very much, Chairman.

2:50:59 Thank you so much. Senator Whitaker, Acting Director Gumbs, you want to put something on the record? Yes. I know Senator Vele was trying to get the attention of counsel to clarify whether or not the Senate needs to approve the tariff. I'm not sure if counsel came on, but council is there um council you heard the question can you may respond on the record it's on we can hear you good afternoon okay the title 20 section 404 um states that the maximum rates to be collected for the service of motor vehicles operated for hire shall be fixed by the taxicab commission after investigation and receipt of evidence from any interested parties provided that rates fixed by law prior to and together with the enactment of this subsection shall apply until and unless changed by the taxicab commission so the taxicab commission can in fact set the maximum rate um for the motor vehicles for hire thank you also in section 405 it has um certain rates that have been listed um there but the the the legislature gave the taxicab commission the authority to set their maximum rates thank you so much attorney seco so legal counsel so acting director gums um it is clear and you're clear in terms of your marching now that's what you can and cannot do and um i believe that you have heard the cry of the taxi driver that I look forward, like I stated before, to working with you and all parties concerned. I am going to give you 30 seconds to make a closing statement before we take a break.

2:53:03 Thank you, Senator. I wanted that put on record for the clarification of Mr. Ferdinand so he could understand that The tariff don't need to come before the Senate for its final approval. It's already finalized by the board and it's just waiting to come back from the printer so it could be placed into circulation. So I want to thank Chairman Veillet and all the senators here today and Senator Whitaker to you for putting your bill so that you could hear testimonies from concerned taxi drivers and the Commission as to how they feel about the proposed bill.

2:53:42 And thank you for your consideration and going back and removing that evaluation from your bill. To our operators, thank you. Thank you, Stalliard. I'm sorry I was saying John representative could not be here to put their voice, their opinions. know that they sent in some form of testimony which was not read on record but together we all will work to overcome challenges that we are having and to improve the taxi industry so thank you all again to our board to all of our supporters thank you thank you thank you thank you thank you again and the committee on finance then we search for two minutes We'll be right back. 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. We'll be right back. Thank you. Thank you. We'll be right back. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. Let's go. We'll be right back. Thank you. We'll be right back. We'll be right back. Thank you. We'll be right back.

3:12:25 the committee of finance is back on the record uh do i hear a motion in reference to bill number 32.0249 motion senator blyton thank you thank you mr chair i move that bill number 34.0249 an act amending title 20 virgin alice code chapter 37 section 404 relating to the tariff of automobiles for hire to require annual publication of maximum rates for taxi service authorize a one dollar surcharge for increases in gasoline or other fuels and direct the taxicab commission to conduct a feasibility and impact study on ride sharing businesses be be held in this committee for further amendments and consideration, I so move. Motion made by Senator Blyden, seconded by Senator Kerry Ong, and also I think seconded by Senator DeGraff. We will move to the roll call.

3:14:02 Senator Marvin A. Blyton. Senator Blyton, yay. Senator Samuel Carrion. Senator Carrion, yay. Senator Dwayne M. DeGraff? Yes. Senator DeGraff? Yay. Senator Donna A. Fred Gregory? Senator Fred Gregory? Absent. Senator Javon E. James Sr? Senator James Sr? Absent. Senator Janelle K. Saro? Senator Saro, yay. Senator Kurt, AVLA? Yes. Senator VLA, yay. Mr. Chair, we have five yay, two absent. Thank you, Madam Clerk. Bill number 34, just 0249, and I commend in Title 20, Virgin Islands Code, Chapter 37, Section 404, relating to the tariff of automobiles for hire, to

require annual publication of maximum rates of taxi service, authorize a \$1 surcharge for increases in gasoline and out of fuels, and direct the Taxicab Commission to conduct a feasibility and impact study on ride-sharing businesses, has been held in the Committee of Finance at the call of the Chair.

3:15:36 Let me just explain that the good senator that offered the bill offered it as a result of no increases in tariff and a way to offset the cost of taxi drivers and the high cost of fuel. However, since the bill was drafted, we have learned that there will be an increase in tariff of some 50 percent that the Taxicab Commission should be implementing by the end of August. And this body did not necessarily want to increase the next fee on top of the increase in tariff, but this will be the first increase that taxi drivers are going to receive in the last 17 years. So we will wait for the process to take place. My colleagues will move on to the last item on the agenda. And I will allow those testifiers who testify on behalf of the Commission and Ms. Gumbs, You're dismissed, and we thank you for your testimony. So the last item on the agenda we'll move to Madam Clerk. Please read the last item on the agenda.

3:16:52 Bill number 34-0251, an act amending Title II, Chapter 3 of the Virgin Islands Code pertaining to certain benefits of the employees of the legislature. Proposed by Senator Genevieve R. Whittaker. Invited testifiers, Karel A. Sheridan, Executive Director, Legislature of the Virgin Islands. Michael Benjamin, Acting Director, Business and Financial Management, Legislature of the Virgin Islands. Thank you, Madam Clerk, who speaks to this bill.

3:17:32 I do, Mr. Chairman. I do recognize Senator Whitacom. Good afternoon to you, Chairman. Good afternoon, colleagues. Good afternoon to the staff. And good afternoon to our testifiers. And I just wanted to express that special thank you to two of our testifiers, and of today to the public um just to emphasize the support for the institution um right now as it stands um the staff does not receive monetary overtime and this is an effort to address even the fact that a number of staff within the legislature throughout the pandemic throughout the storms um receive compensatory time and not pay time and i want to emphasize as an effort that amending legislation that hasn't been touched since 1967. I know of course previous efforts to address this section of the law. The phrase overtime work exemplifies the excess of eight hours per day or 40 hours per week than is calculated to give an employee greater compensation. In some instances working overtime can come across as the majority is more work and added time. However, overtime can lead to work having to be completed over holidays and in support of better production and productivity in the workplace. In a legislative field, employees work beyond normal hours and the possible causes of also downsizing and also cross-cutting measures of employees who have to report routinely to work an extra extra hours and without being receiving monetary rather compensatory time. Bill number 34-0251 will provide an opportunity for employees who are sacrificing their free time to earn more income. And if pass, this pass, employees and supervisors should maintain accurate records of hours, for sick time, leave, um, used, and, and other times so that we can move in the right direction. Again, I thank the executive director, Correll Sheridan, as well as Mr. Michael Benjamin, acting director of the business and financial management of the legislature, for, you know, meeting with me ahead of this measure, and I'm thankful for the testimony for this bill. Colleagues, I ask for your support in bringing this measure forward, and to the public, the reason why this comes at this time is that we are in the middle of the budget process so it is really important that we as we deal with our own internal budget as well that we do our best to assist our employees i am aware of on a routine basis as i engage with staff and see the work the heart that they do that it's only fair because just to for everyone's awareness in all our branches of government there's an offering of overtime payment for those you know employees especially those you know who are the front line and and the like and certainly those who are doing the work we also have our own

3:20:43 offices where work is done into the night and the weekends and so on and so I asked my colleagues to humbly as I bring this measure forward and again also I welcome any necessary changes to be made so we can do our best to move forward I also want to highlight I have long championed the right of workers and employees I'm very big about from my former position as well I made it a point to ensure that the staff was that they got their proper increases when it came to even retroactivity i championed that as well because i believe that morale is so important to have an institution and i know that's the one way you have morale is in fact when you you know support your staff the best way that you can i also highlight that we have the federal labor standards for over the federal government and our the current law doesn't comply with that so we ourselves as we have legislation and we are the legislators with the first branch of government we certainly should do the best to protect our employees so thank you for the time mr chairman and again i humbly ask my colleagues for the consideration of this measure thank you thank you so much senator whittaker we have the executive director of the legislature along with mr benjamin from the finance from the business office we're going to allow them to put the name and title on the record and then we'll move to testimony mr sheridan corral sheridan executive director legislature of the virgin islands michael benjamin acting business director at the states of the virgin Islands. Thank you so much. Ms. Sheridan, you may proceed. Good afternoon, the Honorable Kurt Avila, Chairman of the Committee on Finance, Committee and Non-Committee Members Presence, and the Central Staff of the Virgin Islands Legislature, as well as the listening and viewing audience. I am Karel Sheridan, Executive Director of the 34th Legislature, appearing

today

- 3 : 22 : 48 to provide testimony on Bill 34-051. I appear today with the Acting Director of Business and Financial Management, Mr. Michael Benjamin. This bill seeks to amend Title II relative to annual leave, annual leave lump sum payments, service credit, overtime, compensatory time, and lump sum payment of compensatory time. My testimony today will provide an overview of the covered employees and processes referenced within the bill as currently applicable to the legislature. Annual leave, annual leave lump sum payments, and service credit. Currently, the legislature's central and senatorial staff members are treated as covered employees for the purposes of annual leave accrual, lump sum payment, and service credit. Certain central staff employees are also eligible for compensatory time in accord with the Fair Labor Standards Act . Annual leave for senatorial staff is paid from the senatorial allotment, and annual leave for central staff is paid from the operating budget. All annual leave rolls back to a maximum of 480 hours each December 31st.
- 3 : 23 : 58 Central and senatorial staff annual leave lump sum payments are currently projected forward, and compensation is equal to the same compensation as if the employee had remained in their legislative position until the expiration of the period of annual leave. The handling of this leave is also not a deviation from the current process in that it is not regarded except for taxation purposes as salary or compensation and is not subject to retirement deductions. The service credit option through the Government Employees Retirement System, GERS, allows employees to apply for a service credit through unused annual leave of more than 480 hours each December 31st. which is also currently utilized. An employee would need to pay the employee and employer contributions plus cover a fee equal to the investment loss as determined by the GERS.
- 3 : 24 : 52 According to the GERS and legislature records, this option is seldom used. Overtime, compensatory time, and night differential. The language within the amendment incorporating the FLSA memorializes the legislature's compliance with the federal requirements and allowance relating to overtime payment and compensatory time. The FLSA specifically authorizes public entities the right to substitute compensatory time in lieu of pay for overtime occurrences and sets a maximum accrual of 240 hours. It must also be mentioned that the FLSA specifically exempts staff of an elected official and does not include provisions for non-employees. Regarding the night differential, the legislature is a 24-hour operation with 24-hour security services. The security division is regularly staffed during the hours of 6 p.m. and 6 a.m. At this time, there is no additional compensation for overnight work. In closing, if the members of the legislature so determine the rules of the legislature or a policy can address the areas of annual leave, annual leave lump sum payments, service credit, overtime, compensatory time, and lump sum payment of compensatory time. This concludes my testimony.
- 3 : 26 : 12 Mr. Benjamin and I will readily answer any questions that you may have regarding the effect of this legislation on the legislature. Thank you, Mr. Chair. Thank you, Ms. Sheridan, for your testimony. We'll move to a four-minute round of questioning. Mr. Benjamin, Mr. Benjamin, you have testimony also? Mr. Benjamin, you may proceed. I'm sorry. No, I don't have no testimony, Mr. Chair.
- 3 : 26 : 45 Okay. So, the letter that you have, you don't want to put it on the record? No, sir. Okay, thank you. Point of inquiry, Senator Seyro. Thank you, Mr. Chair. Through the Chair to Legal Counsel. Legal Counsel? Oh, I tell you see cool. Through the Chair to Legal Counsel on the legislation, it says all employees, officers, and elected officials of the Virgin Islands. one elected officials do you presume for that to be the senators of the institution through the chair to senator sorrow yes okay now the second portion i'm asking you through the chair to legal counsel it indicates accrued annual leave to which the employee officer or elected official is entitled based on act 6905 is it your presumption we have already established that elected official would be the senator do senators receive annual leave um through the chair to senator sarah no they do not thank you for the time mr chair thank you senator sarah Thank you, Mr. Chair, for the time. I honestly do applaud the sponsor for bringing this bill forward, but as you can see from the on-start, there needs to be some amendment because we do not receive annual leave and
- 3 : 28 : 41 should they should we should not be part of this legislation first of all secondly um I do understand because as we go through the budget process there are many every department that comes in here you know we advocate for raises for the employees some other case of premium pay and on and on and we even say employee first some of us but yet still charity begin at home and it's hard to see that our employee our employees do not receive certain benefits that I think they're entitled to and with that being said I know based on a post other tourism respond you know it's saying that it's an unfunded mandate but I know We have had several underfunded mandates that we've tried our best to find our money for, i.e. GRS and other pending issues. And I believe our employees are the most important individuals that work in this institution because they're the ones that assist us in carrying out our duties. So, I will listen to the debate, and I'll vote accordingly. Thank you so much, Mr. Chair, for the time. Thank you, Senator Blyden. Senator DeGraff? Thank you, Mr. Chair. Good afternoon, colleagues. Good afternoon, testifiers.

- 3:30:20 I ain't going to fumble with words. I ain't going to flinch. I vote yes. But I have an amendment to put in to remove the senators, remove the elected officials. I don't believe when we get elected by the people, we need to accumulate annually. Remove that. The situation in regards to the legislative employees, this first branch of government could do it. It's just now we just got to find the funding for it.
- 3:30:48 So let's not fumble with the words. You know, so I support it. And if I could get an amendment out to remove the elected officials, I go that route. So again, I ain't gonna fumble, I ain't gonna, but it's so good to see the executive director and Mr. Benjamin here before us, especially doing budget hearing. Boy, we should have had a budget for the legislature one time to address. We'd have fixed this one time in a budget hearing and not have to bring it before this committee. They would have come before us. We put out all of these things on the table, we get the assessment from Paul Salata, and we add it in accordingly. So it's fitting to have it during the body cycle, but it ain't a flint for me. I support it for the employees in terms of how it's done, and we fix it as we go. But exempt employees, elected officials, again, I don't support the elected officials getting it.
- 3:31:47 We are put here by the people. And when the people decide to get rid of us, boom, that's it. We get rid of us. They're paying us a salary. When we gone, we gone. Thank you for the time, Mr. Chair. Thank you, Senator DeGroff. Senator Caron, you're recognized. thank you mr. chair and good afternoon again to everyone clearly every worker is entitled to their pay and I think is important just as we do advocate for other departments and agencies like some of my colleagues mentioned to ensure that they get their pay increases to ensure that they receive their premium pay and other benefits that are allotted to them and they're entitled to. I think it's important also that those that are employed by this body at this institution, the first branch of government, also it's fitting to receive what is due to them. I do have some some questions and concerns. There are some amendments that clearly are necessary as the good Senator from St. Thomas, Millennial, was able to point out through legal opinion presented by the attorney that we have on the floor in regards to the senators and how we don't receive annual leave. But let me ask you, Director, have you projected what the costs would be? Can you clarify, you projected for annually for elected official? No, no. General, for your staff, over time, what would that projection would look like?
- 3:33:52 Differential pay for those at work in the night and so forth. So I would like to hear some of those numbers. If this is enacted, what those projections would be? Okay, so we project the night differential to cost on an annual basis approximately \$38,000. We looked at the average salary of our security guards and enforcement officers based on the 10% threshold and the 6 p.m. to 6 a.m.
- 3:34:32 I'll let Mr. Benjamin speak to overtime projections. Good afternoon, Senator. Good afternoon. Right now, currently, our projected, on average, we average about \$16,000 in overtime pay. Overtime pay will only consist of those security guards who work on holidays, which we'll consider holiday pay. So that's the only overtime we're paying currently in the legislature over the last, I would say, 10 years. Yeah, but the intent of this proposed association then speaks to employees, I guess, who instead of receiving comp, time to receive over time. So are there any general projections of what that cost would be to legislature? We have the presentation from a post-audit, which is where the funds will come from, but I would like to hear what those numbers would be. To answer your question, Senator, currently at this date right now, it would be about \$45,000 on an annual basis for if you had to derate the camp time with overtime.
- 3:35:53 very well two divisions that we are currently tracking with that accumulate the most camp time is the transportation division and the security division that was the security division is at 20 000 on st croix it's at 15 000 transportation on st croix is at 6 000 on st thomas is at 5 000 very well um director can you for your record state what are your concerns or your reservation with regard to this proposed isolation time um regarding the um regarding the annual leave i believe that what has already been discussed is elected officials and annual leave. So we didn't go over those numbers. So that would be an additional almost \$300,000 cost for the legislature for elected officials to earn annual leave and potentially have a annual leave lump sum payment. The other reservation that I had was in relation to the 160-hour threshold that was in the original bill as amended. It has been revised to reflect the 240 hours that is currently available in the Fair Labor Standards Act.
- 3:37:24 If that was not expanded to the 240, it would give the legislature less opportunity to be able to allow employees to utilize the compensatory time before it was required to be paid out in a monetary payment well thank you for providing the information and thank you mr. chair for leniency and I will be voting accordingly at the appropriate time thank you very much thank you senator carry on I just want to be clear on the record elected officials don't get any compensatory time and does not want any compensatory time at all it is our job to serve the people of the virgin islands the committee is going to take a two-minute recess We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. Thank you. We'll be right back. We'll be right back. Thank you. Thank you. We'll be right back. We'll be right

back. Thank you. We'll be right back.

3:48:35 the committee of finance is back on the record before I go to to the next senator miss Sheridan in reference to night differential and overtime can those be internal policies of the legislature? Absolutely.

3:49:10 So if the executive director of the legislature wants to implement a night differential, now we do have the power and authority to implement a night differential. Yes, you can implement a policy that would be approved by the president, and a policy can be issued in that regard. Is there any movement in such a policy being developed, four-night differential, that don't need to be legislated? That's certainly something that can happen.

3:49:46 The 34th has already introduced several initiatives to be able to recruit and retain, especially in the security division. division we have um increased base pay for um entry-level enforcement officers as well as we also have recruit pay for our um security guards who are in the police class so we have made steps in that direction and i am certain that night differential or other methods to recruit and retain would also be supported and that would be the same in terms of um overtime That's correct. We do have to comply with the Fair Labor Standards Act. That is a requirement by the federal government that is currently in place now. We have some work to do in that regard. And I must say that we have reduced the overtime and compensatory time balances, especially in the transportation division. and Transportation Division has done an excellent job with flexing their hours when there are no meetings, during Christmas season, during the NCSL week when there are no meetings. We make sure that the staff is able to then be able to utilize their compensatory time. We've done that in public affairs as well when we have meetings that start later in the day and not required our public affairs staff to be here in the morning but just one hour prior to the meeting. So we have done significant work in reducing that you'll see that the um compensatory time balances in the 34th um are much lower than in previous legislation and we have a policy for compensatory time

3:51:39 um there is a draft policy for compensatory time um that we can finalize that encompasses all of the requirements from the federal government with the flsa okay thank you so much um point of inquiry senator blighton thank you mr chair um ed um good afternoon to you um let me ask um can you further clarify because i know we're speaking mostly to um transportation and security um public affairs um is there anything that works in respect to overtime for our public affairs division because without them we really cannot exist is there anything um in motion for them they currently accumulate compensatory time so if there is a policy that requires us to pay it out after a certain period of time they would be included in that policy because they're they are one of the divisions that accrues compensatory time currently which is over time correct hello because you say there's no division that one moment he's picking the compass every time i'm speaking to um to include overtime is there anything in the works in that respect if that is the decision of the body that there will be an overtime payment ahead of the 240 hour flsa required overtime payment then they would be included in that okay very well thank you so much thank you so much senator sorry you recognize thank you mr.

3:53:21 chair good afternoon mr. Benjamin what is it the current budget of the Senate right now afternoon Michael Benjamin acting business director the current budget right now as it stands for the operations of the legislature is \$21 million. Now if we had to move this legislation today to include all of what is in Bill 34-0251, what would the increase to the budget be?

3:53:59 We're looking at about another \$2 million, Senator. So we'll need a budget of \$23 million. For operations, correct. Okay. And this includes the overtime payment for our media team, our legal counsel, the reporters. That's not center as we discussed, the bill really does not speak to those other divisions. It only speaks to the two divisions, which was transportation security. The FSLA has certain stipulations to who's entitled to overtime pay.

3:54:48 So this bill in its entirety needs a little bit more looking inflation out if it's encompassing all employees of the legislature. Okay. So right now when we have lengthy sessions and meetings, we pay, we do camp and not overtime? Correct, Senator. Okay. And what is the, do we have a policy, like you know in the private sector, after a certain amount of accrued camp time the private sector makes you take vacation do we have such a policy no the FLSA only allows for government agencies to be able to utilize comp time in lieu of overtime and only requires that compensatory time to have a monetary value when it exceeds 240 hours okay so director Sheridan if implemented I mean if you walk you should be paid let me put on the record you work you should be paid so can we afford what it will cost us in overtime if we had to pay over We would need to adjust the operating budget of the legislature in order to ensure that we have the financial ability to meet the overtime payment if we were to exceed the 240 hours. so if we wanted to do where we had a direct overtime payment and did not implement any level of compensatory time then we would definitely need sufficient liquidity to be able to do which we currently do not have and could not absorb in our current budget so at this time it's an unfunded mandate given our current budget yes okay lastly did you have did was there any collaboration between your office the business office and the bill sponsor in crafting this legislation I'm in crafting no we met one time this week so no input prior to there was no input prior to time thank you for the time

- 3:57:30 Mr. Chair thank you Senator Saro point of information Senator Whitaker thank you point of information I did have a series of meetings with mr. Michael Benjamin as we were putting as I was asking seeking information of the amount of compositor time for this the staff and and so I just want to put that on the record and then we held a meeting to go over to ensure the because one of the things that the biggest concern here is that our current law as it stands is violating the federal law and we want to make sure that our employees of the legislature that employees those individuals central staff and those frontline individuals receive their overtime so I just want to make sure that I put on a record that we did have a meetings and I think the ED and mr. Benjamin because several weeks ago as we as I was crafting a measure they did provide the compensatory time balances to the office so it wasn't just so it was a meeting the head of today's hearing which is on my bill views view session where we went over the measure to clarify it for language but leading up to today there were meetings with mr. Benjamin for which Ms. Sheridan was included in those emails as we got the information for the amount of compensatory time and I've asked several times about the costs and today I'm learning about the costs. Thank you. Thank you, Senator J. Van J. M.J. recognize. Thank you, Mr. Chair, for the time. I think we made history in the border, especially when, as me as a senator, I never had a question in legislature before. My question to whoever can answer this, as far as the law enforcement officers, in every line of duty when it comes to law enforcement officers if i'm not mistaken someone can correct me there's nothing such as camp time and in in this in this life all we have is time and you have to respect people for their time especially individuals who are tasked with the responsibility of having to stay up all night and
- 3:59:39 securing the premises so as far as the law enforcement officers i know we're speaking about bill number 34.0251 in which i really don't have much comments i will vote accordingly but as far as our law enforcement officers do you have any consideration before revisiting how we compensate our law enforcement officers when it comes to overtime if if that is a determination made by the body then certainly but i must mention that overtime provisions and overtime payments within the government did not come about based on the central government's desire came about from union contracts that stipulated that overtime payments must be made. Okay thank you for placing that on the record and if I ask this question and you it was answered before I apologize because I was in another meeting. As is do you stand in support of 34.0251?
- 4:00:47 Senator, I take no official position on that. What I will say is that we do have financial projections that we can provide to the body. I can't explain how this would affect the legislature and we, the 34th legislature, of course, stands by employees and stands by being able to recruit and retain and that can be done in multiple ways this is one way thank you for placing that on the record director michael benjamin as far as our pro can analysis have you done a pro can analysis on bill that's 34 that's zero two four zero two five one that you can give to this committee at this time senator i have shared my information with the executive director and her statement is both conclusive of both our positions um it's up to the body how they choose to act on this bill if it is the wish of the body whatever policies is drafted the legislature will have to enact i just want to make sure that we understand that our budget of 21 million needs a little bit more beefing up there are some statues that is different for the legislature versus other branches of government that have our hands tied to somewhat so a conversation deeper into the financial ability of this institution to sustain overtime or to change account time policy has to be had and based on your projections or a little bit of math that you're able to do because i know you're very good at math that's why we hired you if you place that on the record before i apologize like i said i was not here how much additional would have to go in the budget because this bill doesn't speak to it doesn't speak to funding what is mandating, but if it passed and signed into law, how much the legislature would have to put aside?
- 4:02:41 The bill as it is, it will look like another \$2 million added to the operational budget of the legislature. And hopefully the sponsor of this measure can explain to us the conversations, we're going more in details in the conversations that she had with you, because obviously we were not in those discussions i'm all for helping individuals hard work the hard-working staff of the legislature of the virgin islands but at the same time we just have to make sure that we can sustain it and if you're going to move in that direction it's by the consensus of this committee and this legislative body to do so and i want to thank the hard-working staff of the legislature of the Virgin Islands, many times they are here way past 5 o'clock, and, hey, you have to respect a man's and a woman's time, so it's up to the committee to decide that. But I still would like to see a pro-can analysis so I can make a better informed decision, but as is, hey, let's see what the response of the measure has to say as far as her last words. Thank you, Mr. Chair, for the time.
- 4:03:50 Thank you, Senator Dean. Before I go to this bill sponsor Whitaker, Director Benjamin, how did you come up with a \$2 million figure based on the number you gave us? How did you come up with a \$2 million figure? Based on the bill that is before us, Senator, the bill is inclusive of all employees. It not really specify the divisions like i said right now for the divisions that are specified that we now do a track with camp time it's at 45 000 and we have three more pay cycles to go we might project at least about 50 000 in just camp time paid out which would have been over time you start to include the rest of the staff and central staff who do as you said public affairs we do have attorneys that work nights we do have post-study staff that works during the post-study budget season you have to include those numbers and it's a rough

estimate because again the bill is also including annual leave for senators so as we stated earlier that's a 325 000 hit but those numbers have to come in and again you have to take into consideration the bill also has fringe associated which was a spiker so those costs have to be paid thank you so much for that clarification and that's what i wanted to hear and for and for the record senators the bill the bill need to be amended. That's why I stated senators do not want to be included and we should not be included because that's not why we're here. So I'm glad you put it on the record. Bill Sponsor, you're recognized for your time.

4:05:30 Thank you. Thank you, Chairman. To Mr. Benjamin, just for clarification, my office did coordinate with you on obtaining we had a meeting and obtaining the compensatory time for the staff of the legislature is that correct? He did analysis center. Yes. Okay. And that was and this is and yesterday and when I had the meeting with you and the director, director Sheridan, that wasn't the first time you learned of this measure. No, but the question was actually prior to crafting up or it was just a general conversation. Now we're talking about an actual bill as B for the Senate.

4:06:11 And to Secretary Sheridan, the current code, Title II, Chapter III, Section 41, does it comply with the Federal Labor Standards Law? Does it comply currently, or as the current code, the current VA code? It's referencing a specific section and I'll have to take a look at that. Does the section 41 comply with the federal labor standards.

4:06:51 Hold my time while she's looking please. You are referring to the annual leave payout? No. Section 40. In regard to the annual leave payout? Chapter 3, Section 41 in its entirety. Well, the coverage for employees would need to be more expensive, that is correct. All administrative and clerical employees would need to be expanded because that would not be inclusive of everyone who would be covered under the FLSA so yes yes or no it's a yes or no is it is it complying with the federal law right now just a yes or no it's either it isn't or is it not it's not contrary in that it includes administrative and clerical however yes the language needs to be expanded because additional employees would be entitled according to the after LSA. Yeah. Okay. And back to Mr. Benjamin, the annual leave, this annual leave discussion was as pertaining to the, to the allotments. Am I correct? Annual leave.

4:08:13 I expanded on your question, Senator. The annual leave, this annual leave discussion was pertaining to the senatorial allotments, correct? Correct. Currently, we have instituted a policy where any staff of a senator, once they are dismissed, their leave has to come out of their allotment. And we are all of the understanding, including myself, that the senators, and this has nothing to do with senators. You have that understanding? This has nothing to do with senators? Correct. Thank you. Because I do want to put out that this has nothing to do with senators this has to do with the central staff of the legislature and that specifically up until the amendment it the statement was every employee which would include any every employee which does not apply to senators because senators do not receive compensatory overtime nor should we we work 24 7 that's our responsibility To Executive Director Sheridan, did you have an opportunity to review the amendment as we had, as we, when, do you have, do you have an opportunity to review the amendment?

4:09:30 Yes. Okay. Would you be able to speak to it on, speak to the amendment as provided as we discussed, would you, the elements of the amendment? Well, I was able to review it, including just the security division for the night differential and excluding the chief and assistant chief of security and expanding the threshold to 240 hours and promulgating rules relating to overtime payments. I have reviewed it you that was provided by your staff last evening. Okay. Time. And just in conclusion chairman.

4:10:28 So I so just for in conclusion the the effort that I am making we're going to with the call colleagues support move forward with providing all of the employees of the legislature which include all the divisions that receive receive time and a half as as it's current currently written as well as inclusion and consideration certainly for our staff who works into the mornings into the nights and providing differential as i indicated in my bill introduction i am open to any amendments as we continue this process. I want to thank both the testifiers for their support because again leading up to this was obtaining information going back and forth getting compensatory time and today getting more information about the actual numbers of the cost this will be and again the timing of this has to do with we're in the middle of the budget season budget cycle and we too as an institution moving forward with our employees as we are the first branch of government also doing the people's business and just to clarify and just to make very clear to the public this is again for the employees of the legislature um and we're doing our best also that we as an institution follow the law but also bring our statues up to the federal guidelines and protect our employees thank you Senator DeGraff, point of information? Well, no, it's a point of inquiry, sir. Yeah, thank you. Thank you for the time, Mr. Chair. One, I'm inquiring about the amendment. I don't have a copy of it. I mentioned that I put in for an amendment to remove elected officials.

4:12:13 I don't know, is that in the response of the bill's amendment? So I'd like to first get clarity on that. Does the response of the bill's amendment have been to remove elected officials? Because I put in for that. I just want to know. I'm still waiting for that. Through the chair to legal counsel. Here to Senator De Graff, the amendment that the executive director was referring to does not bear the initials of the chief legal counsel. So I'm not sure if that was finalized by the legal counsel's

office. I do not have a copy of it. And in regards to the amendment that you submitted, I will have to check with the office to see the status of that amendment.

4:13:05 Okay, thank you. So just, Mr. Chair, like I said, I'm just buying for some time for my amendment that I put in for to remove the elected officials from that bill. Okay, so I will check with the office now. Thank you, Senator DeGraff. Senator Saro Point. Thank you. Thank you, Mr. Chair. Director Sheridan, right now you have the authority to put together a policy to address overtime, comp time, all the times for all legislative staff, correct?

4:13:50 That's correct. And that would have to be approved by the president, correct? Correct. so right now do you have anything in draft do you have anything written that can address this legislation what it seeks to do because not everything has to be legislated you're the executive director for a reason so is can you create do you have a policy right now that you've do you have in draft in a file somewhere that we could look at absolutely okay and because for all of the topics that have been mentioned with the exception of night differential however again if it is the desire of the body for a night differential policy to be implemented one will be drafted okay so that's that's my point mr. chair that the executive director is paid well there and and she's more than capable coming from personnel to craft a policy that would address all central staff, not just security and transportation, but all, because many of these are media in that little room by theirselves into the wee hours of the morning, along with those in legal counsel and post audit and everybody else. So I look forward to, I think that we need to mandate that within a certain amount of time that we receive policy from the AD's office the body in addressing the um all the concerns here today um regarding all point to inquiry thank you senator cyril point of increase under the graph uh thank you mr chair um through the chair to executive director of sheridan if the

4:15:45 legislature changes presidents with that policy can that policy be um removed yes policies can be changed um at the call of the president okay so so definitely uh mr chair i think we need to legislate what we're doing here um put it in the law and then if it needs to be changed then let the the body as a whole at the time change it but since each president can change that policy let's make it law thank you for the time mr chair thank you senator graph um the committee of finance will take a five minute recess Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Oh, oh, oh, oh, oh, oh. Thank you. Oh oh oh. Oh oh oh oh. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

4:29:12 Thank you. record, we are going to have a motion and the sponsor of the bill has agreed to amend the bill to make sure that it does not address any elected official or any elected official senatorial staff. This bill is going to be for the employees and we're going to allow the Office of the Senate President, the Executive Director, to develop a policy in reference to overtime and night differential and compensatory time. We will ask that you submit those policies that have been drafted to this body so that we can make sure that we move forward in a fair and equitable manner.

4:30:35 We're also having discussions about come time being, we want to make sure that whatever we do is in accordance with practices across this government, and that we don't go above and beyond what is presently allowed and be set in precedent. We do know that night differential is something that is paid, and it's paid for employees who are scheduled to work in the night, and presently we only have one division that has a regular schedule that includes working in the night, and that is a security division. The other areas would be addressed through an overtime formula that is already law, and it's in the federal law, and compensatory time is a discussion that needs to be had, and compensatory time is given.

4:31:29 But the discussion of converting compensatory time to monetizing compensatory time, I spoke to the executive director and she did have a very good plan in reference to how to utilize compensatory time. So I think this body needs to give the executive director office an opportunity to address the areas that were involved in this bill, with the exception of anything in reference to senators or senatorial staff, because that is going to be totally out. So make sure I say that again, totally out, so we don't want anybody to believe that senators are trying to put in any clause that is going to, I guess, benefit them in any way. So that's going to be out.

4:32:15 We're going to have a new bill that would be amendment in the nature of a substitute that would direct, I will address the concerns that will be developed by the executive director in terms of how we move forward with those different areas. So we're trying to strike a good balance. So do I hear a motion? Motion Senator Blyden. Thank you, I move that bill number 34.0251 and act amending Title II Chapter 3 of the Virgin Islands Code pertaining to certain benefits of the employees of the legislature be held in this committee for further amendments i so move motion made by senator blyton seconded by senator sarah roll call senator marvin a blyton senator blyton yay senator samuel carillon senator carillon yay senator duane m de graf yes senator de graf yay senator donna a fred gregory senator fred gregory absent senator javon e james senior senator james senior yay senator janelle k serot senator serot yay Senator Kurt, A. Violet.

4:33:46 Yes. Senator Violet, yay. Mr. Chair, you have six yays, one absent. Thank you. Thank you, Madam Clerk. Bill number 284, that's 0251, and I commend the Title II, Chapter 3 of the Virgin Islands Code pertaining to certain benefits of the

employees of the legislature will be held in the Committee of Finance at the call of the Chair. I want to thank everyone for participating today on three bills. It's been a day of very good discussion and a day in which we think, despite the bills not moving forward, that we can have some change in all of those areas that came before us today to include the bill on gun licenses, where we had a real good discussion as to adding in some mandatory provisions for license renewal. The Taxicab Commission where we were able to get a commitment from the Taxicab Commission for no tariff starting at the end of August. And lastly this bill where we have a commitment to address night differential and those other areas. The Committee of Finance is hereby adjourned.

4:35:07 We'll be right back. We'll be right back. We'll be right back. Thank you.

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.

16x	Senator Dwayne DeGraff heard in this transcript as: De Graff, DeGraff, DeGroff, Dwayne M. DeGraff
10x	Commissioner Ray Martinez heard in this transcript as: Martinez
9x	Senator Marvin Blyden heard in this transcript as: Blyden, Blyton, Marvin A. Blyden, Marvin A. Blyton
8x	Senator Genevieve R. Whitaker heard in this transcript as: Genevieve R. Whittaker, Whitaker
8x	Senator Janelle K. Saro heard in this transcript as: Janelle K. Saru, Saro, Saru
7x	Senator Kurt Violet heard in this transcript as: Kurt A. Violet, Kurt Viallee, Violet
7x	Senator Novelle Francis heard in this transcript as: Francis, Nobel Francis
6x	Senator Marise C. James the surname alone also matches: Javan James; Giovanni James Sr heard in this transcript as: James, James Sr
5x	Senator Samuel Carrion heard in this transcript as: Carrion
4x	Senator Javan James heard in this transcript as: Javon E. James Sr, Jay Van James
3x	Senator Fred Gregory the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory
2x	Senator Donna A. Frett-Gregory heard in this transcript as: Donna A. Fred Gregory
2x	Senator Kurt A. Vele heard in this transcript as: Vele
2x	Senator Kurt VLA heard in this transcript as: VLA
2x	Senator Marvin A. Blighton heard in this transcript as: Blighton
2x	Senator Samuel Carillon heard in this transcript as: Carillon
1x	Senator Donna Frett-Gregory heard in this transcript as: Donna A. Frett-Gregory

Bills and acts referred to

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

- Bill 34-0051** Act 8505 · November 18, 2021 · An Act amending title 19 Virgin Islands Code, chapter 75, section 4201 relating to fluoridation of water to lower the required minimum amount of fluoride in fresh water distributed for public consumption or for consumption in any schools in the Virgin Islands; amending title 17, chapter 10, section 11 relating to the school health program to include a dental program; including dental preventive services and a school-based fluoride rinse program; amending title 27, chapter 1, subchapter II, section 67 relating to exemption from licensure by the Board of Dental Examiners to exempt dentists licensed in other states and students or residents in schools or colleges of dentistry engaged in dental
- Act 8434** Act 8434 · September 29, 2020 · An Act appropriating all revenue derived from fees for initial and renewal firearms and ammunition licenses, upon enactment of this act to October 1, 2030 to the St. Croix Career and Technical Education Centers; amending 23 V.I.C. § 483 relating to the disposition of fees collected in the regulation of firearms, to change the fund into which the fees are deposited from the General Fund to the Virgin Islands Education Initiative Fund; and providing for other related purposes
- Act 7451** Act 7451 · An Act granting an Exclusive Franchise to the East End Taxi Association, Inc. to operate all Public Taxicab Service from the Urman V. Fredericks Marine Terminal on the Island of St. Thomas ---0
- Act 6905** Act 6905 · An Act authorizing the issuance of Pension Obligations Bonds; amending the Retirement System Reform Act, 3 V.I.C., chapter 27 by establishing a new retirement program for members of the Legislature and establishing a Supplemental Contribution Program; amending 3 V.I.C., sections 1 and 31 to increase the governor-s salary to \$150,000 and the Lt. Governor-s salary to \$125,000; amending 2 V.I.C., section 71 to increase the salaries of the members of the Legislature; authorizing the issuance of a guaranty to Golden Gaming LLLP, ratifying illegal contracts, making appropriations and for other purposes ---0
- Act 8505** Act 8505 · November 18, 2021 · An Act amending title 19 Virgin Islands Code, chapter 75, section 4201 relating to fluoridation of water to lower the required minimum amount of fluoride in fresh water distributed for public consumption or for consumption in any schools in the Virgin Islands; amending title 17, chapter 10, section 11 relating to the school health program to include a dental program; including dental preventive services and a school-based fluoride rinse program; amending title 27, chapter 1, subchapter II, section 67 relating to exemption from licensure by the Board of Dental Examiners to exempt dentists licensed in other states and students or residents in schools or colleges of dentistry engaged in dental

Referred to but not found in our acts corpus: Bill 34-0252, Bill 34-0249, Bill 34-0251, Bill 32-0249, Bill 29-0377