TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 2000
ROLL CALL

Bill No. 23 - 0282

Date: 12/2/00

Short Title: To amend title 29, chapter 12, Virgin Islands Code relating to Economic Development Commission benefits and for other purposes (Closed Rule)

LEGISLATIVE HISTORY

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

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

Certified true and correct

Ceuse Mahoney
CLERK

COMMITTEE ON FINANCE

12/13/00 – AMENDED AND REPORTED OUT TO THE FLOOR
12/11/00 – AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES
12/01/00 – HELD IN THE COMMITTEE ON FINANCE

BILL NO. 23-0282

Twenty-Third Legislature of the Virgin Islands of the United States

OCTOBER 5, 2000

To amend title 29, chapter 12, Virgin Islands Code relating to Economic Development Commission benefits and for other related purposes

---

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

---

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. Title 29, chapter 12, section 708, Virgin Islands Code, is amended in the following instances;

(1) Subsection (a) is amended in the following instances;

Delete the first sentence and insert in lieu thereof the following:

"Invest at least $100,000, exclusive of inventory, in an approved industry or business that the Commission has determined to advance the economic well-being of the

Virgin Islands and its people. The approved industries or businesses and their established categories shall be: Category I – Rum Production, Milk/Dairy Production, Watch and Jewelry Manufacturing and Assembly; Category II – Product Assembly, Manufacturing (other than Jewelry and Watch Manufacturing and Assembly), Agriculture/Food Processing, Mari culture/Food Processing, Marine Industry, Raw Materials Processing, Hotels/Guesthouses, Transportation and Telecommunications; Category IIA – Service Businesses, not limited to but including, Investment Managers and Advisors, Research and Development, Business and Management Consultants, Software Developers, E-Commerce Businesses, Call Centers, High Tech Businesses, International Public Relations Firms, International Trading and Distribution, and any other businesses serving clients located outside the Virgin Islands. Category III – Regulated Utilities, Banking, Health Care Facilities, Recreation Facilities, and such other industries or businesses as may be deemed appropriate by the Commission. However, any application that qualifies in two categories, under the provisions of this subsection, shall be considered in the highest payment fee and term category for the purposes of this chapter and an applicant may apply in more than one approved industry or business."

SECTION 2. Title 29, chapter 12, section 713a, subsection (b), Virgin Islands Code, is deleted in its entirety and new subsections (b) and (d) is inserted in lieu thereof to read;

"(b) Each approved applicant eligible for benefits provided under this section shall be granted benefits as follows and in accordance with Schedule A in this subsection:

(1) **Category I** approved applicants shall be granted 100% benefits for a period of 20 years and after the initial benefit period shall receive a renewal of 100% benefits for a

period of 10 years if they remain in compliance with all the requirements of this chapter. Category I approved applicants may receive a second renewal of benefits of 100% for 10 years provided that they remain in compliance with all the requirements of this chapter during their initial benefit and first automatic renewal periods.

(2) **Category II and IIA** approved applicants shall be granted 100% benefits for a period of 20 years and after the initial benefit period shall receive a renewal of 75% benefits for a period of 10 years if they remain in compliance with all the requirements of this chapter. Category II and IIA approved applicants may receive a second renewal of benefits of 50% for 10 years provided that they remain in compliance with all the requirements of this chapter during their initial benefit and first automatic renewal periods.

(3) **Category III** approved applicants shall be granted 100% benefits for a period of 20 years and after the initial benefit period shall receive a renewal of 75% benefits for a period of 10 years if they remain in compliance with all the requirements of this chapter. Category III approved applicants may receive a second renewal of benefits of 50% for 10 years provided that they remain in compliance with all the requirements of this chapter during their initial benefit and first automatic renewal periods.

SCHEDULE A

	CATEGORY I	CATEGORY II	CATEGORY IIA	CATEGORY III
Initial Benefits	100%-20 YRS	100%-20 YRS	100%-20 YRS	100%-20 YRS
1st Renewal	100%-10 YRS	75%-10 YRS	75%-10 YRS	75%-10 YRS
2nd Renewal	100%-10 YRS	50%-10 YRS	50%-10 YRS	50%-10 YRS

(c) An applicant for benefits under this chapter may elect the tax benefits for which to apply under the provisions of 713a, 713b, 713c and 713d of this chapter.

(d) Any existing beneficiary presently participating in the Economic Development Commission on the effective date of this section may apply for an extension of benefits under the new Category structure of the Economic Development Commission established in this section, after public hearing and with the Governor's approval, to receive the total number of years that a business in its category would receive under the new legislation. The Commission shall establish procedures for the establishment of this process and advise existing beneficiaries accordingly."

SECTION 3. Title 29, chapter 12, section 715, Virgin Islands Code, is amended as follows:

(a) At the end of subsection (a) strike the last word, "herein" and insert in lieu thereof, "in Section 713a".

(b) In subsection (c), between the words "benefits" and "under", insert the phrase, "to applicants in Categories II, IIA";

(c) Delete subsection (d)

SECTION 4. Title 29, chapter 12, section 708, Virgin Islands Code is amended in the following instances:

(a) Subsection (b) amended by deleting in its entirety and inserting in lieu thereof the following:

"(b) In the case of a natural person, be a bona fide resident of the Virgin Islands and a citizen or legal resident of the United States; in the case of a partnership, limited liability company, trust or similar entity, within the meaning of that term under the laws of the Virgin Islands; in the case of a corporation, be either incorporated under the laws of the Virgin Islands or under the laws of the United States, a state, territory, or commonwealth thereof, or a foreign country, and be duly registered to conduct business in the Virgin Islands.

(b) Subsection (c)(1) is amended by deleting in its entirety and inserting in lieu thereof the following:

"(c)(1) In the case of a Virgin Islands corporation, receive income that is covered by section 934 of the Internal Revenue Code of 1986, as amended, as applicable in the Virgin Islands, and meet the requirements of any other applicable federal or local law, any implementation agreement, as amended from time to time, required under federal law, the provisions of this chapter, and any rules or regulations promulgated under such laws of this chapter.

(c) Subsection (c)(2) is amended by deleting in its entirety and inserting in lieu thereof the following:

(d) Subsection (h) is amended by deleting the language in its entirety and inserting in lieu thereof the following:

"(h) Agree in writing to employ or contract, and to require all contractors retained by him to employ or subcontract, for services and to purchase goods, materials and supplies with and from those persons, firms and corporations who are residents of the Virgin Islands, or incorporated under the laws of the Virgin Islands, and who are duly licensed to do business in the Virgin Islands and have been so duly licensed for one year or more prior to the initial date of any such employment, contract, subcontract, or purchase. A beneficiary may employ persons who are not Virgin Islands residents at the time of hire provided they relocate to the Virgin Islands at the commencement of employment, and become bona fide residents pursuant to Section 932 (c) of the Internal

Revenue Code of 1986. Each applicant shall agree in writing to invite competitive bidding, and require all contractors retained by it to invite competitive bidding for all such services, goods and materials pursuant to the publication requirements of title 31, section 236, of this Code, and to notify each bidder in writing of the name of the successful bidder and amount of its bid. Each applicant shall advise the Economic Development Commission, in writing with a copy to the Commissioner of Licensing and Consumer Affairs when goods and materials are not available under the above-defined Virgin Islands sources and demonstrate in writing of efforts to obtain such services, goods and materials, and to require contractors or subcontractors retained by the applicant to likewise comply with this requirement."

SECTION 5. (a) Title 29, chapter 12, section 705, subsection (b), Virgin Islands Code is amended by inserting the following language after the first sentence:

"The expenses of any investigation or any proceeding by the Commission to determine compliance by any beneficiary shall be borne by the beneficiary, provided that the Commission shall employ the services of outside consultants necessitated by the investigation."

(b) Title 29, chapter 12, section 705, Virgin Islands Code is amended by redesignating subsection (h) as (i) and inserting a new subsection (h) as follows:

"(h) In addition to the Application Fee and Annual Compliance Fees, the Commission may also assess against an applicant or Beneficiary any extraordinary costs and expenses incurred to process the application or monitor the Beneficiary's performance of the terms and conditions of its Certificate. The cost and expenses shall not include the salaries of any employees of the Commission, but may include but are not limited to the services of outside consultants necessitated by the Application or the Compliance Investigation."

SECTION 6. Title 29, chapter 12, Virgin Islands Code is amended by adding a new Section 723 to read:

"§ 723. Penalty for Violations

(a) The Commission shall promulgate a schedule of fines for violation of any provision of this chapter and the Beneficiary's Certificate within 90 days of the effective date of this section and submit the schedule of fines to the Governor for approval.

(b) If any Beneficiary shall after notice and the opportunity of a hearing violate any provision of this chapter, any rule or regulation promulgated hereunder, or provision of its Industrial Development Certificate, or shall fail or refuse to perform any duty, requirement or lawful order made by the Commission, such beneficiary shall be fined in accordance with the schedule of fines under subsection (a) of this section. These fines shall be deposited into the Industrial Promotion Fund. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or person acting for or employed by any Beneficiary, acting within the scope of employment, shall, in every case be deemed to be an act, omission, or failure of such Beneficiary.

(c) The Attorney General of the Virgin Islands, at the request of the Commission, shall forthwith bring appropriate action to compel adherence to, or enjoin violations of any lawful orders of the Commission issued pursuant to this chapter, and to recover in the name of the Government of the Virgin Islands the penalties provided herein."

SECTION 7. Title 29, chapter 12, section 704, subsection (c), Virgin Islands Code is amended by deleting it in its entirety and inserting a new subsection (c) to read:

"(c) The Commission members shall meet, as soon as practicable, and organize, electing a Chairman, Vice Chairman and such other officers as may be deemed appropriate from among its members at the beginning of each calendar year. Commission members shall serve until their replacements are confirmed by the Legislature."

SECTION 8. Title 3, chapter 1, section 27d, subsection (a), Virgin Islands Code, is amended by deleting the words, "Department of Economic Development and Agriculture" and inserting in lieu thereof the words, "Economic Development Commission".

SECTION 9. Title 29, chapter 12, section 726, Virgin Islands Code, is amended by inserting in the second sentence after the words "purposes, and" the following phrase: "all monies deposited therein, pursuant to Section 705 of this chapter".

SECTION 10. Title 29, chapter 12, section 704, subsection (a), Virgin Islands Code, is amended in the second sentence by deleting the words "Government Development Bank" and inserting in lieu thereof the words "Industrial Park Development Corporation for administrative purposes only".

SECTION 11. Title 29, chapter 12, section 708, subsection (c), Virgin Islands Code, is amended by adding an appropriately lettered paragraph to read:

" ( ). Agree in writing to submit plans for a management training program for approval by the Commission. The plan shall establish a program through which the Beneficiary shall have as managers and officers, residents of the Virgin Islands, as defined in section 703(e) of this chapter. The Commission shall use the Beneficiary's organizational chart and job descriptions as the sole guide as to whether a Beneficiary's employee is management or non-management. The Commission shall establish, by regulation, the requirements for management training programs as guidance for all Beneficiaries and the reasonable number of Virgin Islands residents to be employed by each Beneficiary in accordance with the specific normal requirements of the business cycle involved. The Commission shall report annually to the Governor the titles and compensation of all trainees who are placed in management positions by Beneficiaries."

SECTION 12. Title 29, chapter 12, section 704, subsection (e)(2), Virgin Islands Code, is amended by deleting it its entirety and inserting a new subsection (e)(2) to read:

"(2) a person who has attended a school in the Virgin Islands for at least six (6) years or is a high school or University of the Virgin Islands graduate and who is registered to vote in the Virgin Islands."

SECTION 13. Title 29, chapter 12, section 713b, subsection (e), Virgin Islands Code, is amended by deleting it its entirety and inserting a new subsection (e) to read:

"(e) The provisions of this subsection shall apply only to shareholders, members, partners, grantors, beneficiaries, or other owners who are bona fide residents of the Virgin Islands pursuant to section 932(c) of the Internal Revenue Code of 1986, as amended. Such shareholders, members, partners, grantors, beneficiaries, or other owners shall be entitled to a ninety percent (90%) reduction on income taxes payable with respect to income derived from the dividends or distributions paid to them by the beneficiary and which dividends or distributions are attributable to income derived from the business or industry for which the certificate is granted and income from investments described in section 713d(c)(2)."

SECTION 14. Title 29, chapter 12, section 708, Virgin Islands Code is amended by adding Section 708a to read;

The following fees shall be assessed against each applicant or beneficiary for applications submitted beginning February 1, 2001.

	Application Fee	Annual Compliance Fee
Category I	$1,000.00	$ 500.00
Category II	$1,500.00	$1,500.00
Category IIA	$1,500.00	$1,500.00
Category III	$2,000.00	$2,500.00

All Application fees and Annual Compliance Fees collected pursuant to the provisions of this Act shall be deposited into the Industrial Promotion Fund, established pursuant to section 726 of this chapter. Any fee adjustments may be made by the Commission on an annual basis, with the approval of the Governor, and such fee adjustments shall not exceed the Consumer Price Index for that year.

SECTION 15. Title 29, chapter 12, Virgin Islands Code is amended by deleting the words "Industrial Development Commission" wherever it appears and inserting in lieu thereof "Economic Development Commission". The effective date of this Act is March 1, 2001.

SECTION 16. Title 29, chapter 12, section 714d Virgin Islands Code, is deleted in its entirety and a new section 714d is inserted in lieu thereof to read;

"714d. If the beneficiary owns and operates more than one enterprise in the Virgin Islands, benefits granted under this chapter shall apply only to those specified in the certificate, provided, however, that the Commission can grant benefits to an affiliated group of entities as if it were one entity if the beneficial owners of all entities are identical and if the use of multiple entities is for financing, risk management, liability limitation, or other business purposes."

SECTION 17. (a) Title 29, Virgin Islands Code, is amended by adding a new chapter 17 to read as follows:

"Chapter 17. Economic Development Authority

Section 1000. Statement of Purpose

The purpose of this chapter is to create an umbrella authority to assume, integrate and unify the functions of the Government Development Bank, the Industrial Development Commission, the Industrial Park Development Corporation, the Bureau of Economic Research and the Small Business Development Agency (hereinafter referred to as GDB, IDC, IPDC, and SBDA respectively) under one executive board in order to achieve maximum efficiency of operations, avoid duplication of services, positions and responsibilities, reduce expenses for personnel, physical plant and operations and develop comprehensive programs for the economic development of the Territory by exercising the powers and duties of all four former entities, in conjunction with one another, and in the context of the overall goal of promoting and enhancing the economic development of the Territory. It is the intent of this chapter to allow the subsidiary corporations and entities to maintain distinct identities and to function independently of one another, only to the extent necessary to perform their distinct functions and objectives, but in all other cases to function in an integrated fashion. This legislation shall be liberally construed to achieve those purposes and goals.

Section 1001. Creation

(a) To aid the Government in the performance of its duties to develop the economy of the United States Virgin Islands, there is hereby created a body corporate and politic constituting a public corporation and semi-autonomous governmental instrumentality of the Government of the United States Virgin Islands, by the name of the "Virgin Islands Economic Development Authority", (hereinafter "the Authority"), which shall be governed by a board consisting of seven (7) persons appointed by the Governor, with the advice and consent of the Legislature pursuant to section 1002 of this chapter.

(b) The Authority hereby created is and shall be a semi- autonomous governmental instrumentality subject, as provided in Section 11 of the Revised Organic Act, to the general supervision and direction of the Governor, and as provided for herein, to the control of its Governing Board. It is a public corporation having legal existence and personality separate and apart from the Government of the Virgin Islands and the officers controlling it. Further, subject to section 1010 of this title, the debts, obligations contracts, bonds, notes, debentures, receipts, expenditures, accounts, funds, facilities, and property of the Authority shall be deemed to be those of said Authority and not to be those of the Government of the United States Virgin Islands, or any office, bureau, department, agency, commission, municipality, branch, agent, officer, or employee thereof.

Section 1002. Governing board and other personnel of the Authority

(a) The powers of the Authority shall be exercised by a governing board consisting of the members of the Authority acting as a board. Of the seven members appointed to the Board, three shall not be employees of the Government of the United

States Virgin Islands or the Government of the United States and shall be appointed by the Governor with the advice and consent of the Legislature. Three shall be appointed by the Governor from among the heads of cabinet-level executive departments or agencies or his executive staff, and one shall be appointed from the Board or executive staff of the Government Employee Retirement System, Virgin Islands Port Authority, or the University of the Virgin Islands. Of the non-governmental members, one must be a resident of St. Thomas, one must be a resident of St. John, and one must be a resident of the District of St. Croix. Non-governmental members shall be appointed for terms of three years, provided, however, that the first appointments made pursuant to this subsection shall be of individuals currently appointed to and approved by the Legislature as a member of one of the governing bodies being subsumed by the Authority. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, provided, however, that each member shall serve until the appointment and confirmation of his successor. Non-government members may be reappointed with the advice and consent of the Legislature and such members may be removed for cause by the Governor. Government members shall serve during the term of their government position at the pleasure of the Governor. No government member shall be paid compensation in addition to his regular government salary by reason of his service on the Governing Board. Non-government members shall be compensated at the rate of $50.00 a day for each day or fraction thereof spent in the work of the Authority. All members shall be entitled to reimbursement for, or per diem in lieu of, necessary travel expenses.

(b) All members of the Board shall be learned in and shall have education, experience or expertise in one or more of the following areas; finance, law, economics, accounting, business, banking, or marketing; provided that at least five separate disciplines must be represented on the Board and that no person who is currently employed by a bank doing business in the Territory may be appointed as a member of the Board.

(c) Five members of the Board shall constitute a quorum for the purpose of organizing the Authority and conducting the business thereof and for all other purposes, and all actions shall be taken by a vote of the majority.

(d) The Board shall meet and organize as soon as practicable and shall elect a Chairman and Vice-Chairman from among its members, and appoint, subject to the approval of the Governor, a Chief Executive Office (CEO) of the Authority who shall be authorized to attend all meetings of the Board but who shall not be entitled to vote.

(e) The Board may appoint such officers, agents, or employees, permanent or temporary, and by contract or otherwise may employ such consulting engineers, superintendents, managers, fiscal, legal and other technical experts, as it may deem necessary, and shall determine their qualifications, duties, tenure and compensation without regard to chapter 25 of title 3. The bylaws of the Authority may provide for the delegation to its Chief Executive Officer or its other officers, agents or employees of such of the powers and duties of the Authority as the Board may deem proper.

(f) The CEO shall be appointed by the Board exclusively upon the basis of merit as determined by technical training, skill, experience, and other qualifications best suited to carrying out the purposes of the Authority. The CEO shall be removable by the

Governor, or by the Board but only for cause and after notice and an opportunity to be heard, and subject to the approval of the Governor.

(g) All property, personnel, records, contracts, leases, rights, franchises and unexpended balances of appropriations and funds of the Government Development Bank, the IDC, IPDC and the SBDA, including personnel and funds for personnel on the payroll of the Department of Tourism permanently assigned to one of the enumerated entities, are hereby transferred to the Authority; provided that, any personnel so transferred who are found to be in excess of the personnel required for the efficient administration of the functions of the Authority, may be terminated by the Authority.

(h) Any employee of the Government of the United States Virgin Islands transferred to and retained by the Authority pursuant to subsection (g) of this section shall be credited by the Authority with the amount of accumulated and current accrued annual leave to which he is entitled under local or federal law, as the case may be, and for which leave such employee has not received lump-sum payment.

(i) The Board shall credit employees transferred pursuant to the provisions of subsection (g) of this section with all accumulated sick leave, and shall provide such other benefits equivalent to employees of the Government of the United States Virgin Islands.

Section 1003. Charter of the Authority

The Charter of the Authority shall be as follows:

FIRST: The existence of the Authority shall be perpetual.

SECOND: The principal office of the Authority shall be at St. Croix, United States Virgin Islands, but the Authority may establish other offices at other locations necessary or convenient for the transaction of business within or without the United States Virgin Islands.

THIRD: The purpose for which the Authority is formed, the business or objectives to be carried out and promoted by it and the powers of the Authority are as follows:

(A) To concurrently, independently or jointly exercise the functions of the GDB, IDC, IDPC and SBDA in a unified, comprehensive, efficient and economical manner in order to maximize the effectiveness of each operation in a manner designed to promote, stimulate, foster and ensure the economic development of the Territory.

(B) To exercise all such incidental powers as may be necessary or convenient for the purpose of carrying on the herein enumerated business, purposes and objectives.

FOURTH: The Authority shall also have and exercise the following powers on behalf of itself or its subsidiary corporations and entities:

(A) To adopt, have and use a common seal which shall be judicially noticed and to alter the same from time to time.

(B) To acquire real or personal property by grant, gift, purchase, devise or bequest, and to hold, lease, mortgage and otherwise exercise the rights of ownership of such property, and to dispose of such property, including by sale, lease or other disposition of such property to any person, including the Government of the United States Virgin Islands or any agency, instrumentality, commission, authority, or political subdivision of the United States Virgin Islands.

(C) To acquire any property in the settlement or reduction of debts previously contracted or in exchange for investments previously made in the course of its business, where such acquisition is necessary to minimize or avoid loss in connection therewith, and to hold such property for such periods as the Board may deem advisable and to exercise the rights of ownership of and to dispose of the same.

(D) To charge such fees for its services as the Authority deems appropriate.

(E) To sue and be sued.

(F) To appoint, employ and contract for the services of officers, agents, employees and professional assistants and to pay such compensation for their services as the Authority may determine.

(G) To make, and from time to time modify and repeal, bylaws, rules and regulations, pertaining to itself or any of its subsidiary corporations or entities not inconsistent with law, providing for the internal organization and management of the Authority and its subsidiaries, for the administration of its affairs and operations, and for putting into effect the powers and purposes of the Authority.

(H) To accept grants or loans from, and enter into contracts, leases, agreements, or other transactions with the United States, any agency, instrumentality, commission, authority or other political subdivision thereof, the Government of the United States Virgin Islands or any agency, instrumentality, commission, authority, or political subdivision thereof, and to apply the proceeds of any such grants or loans for any of its corporate purposes; to participate in the programs of the United States or any agency, instrumentality, commission, authority or other political subdivision thereof, and, consistent with this chapter, to do any and all things necessary to secure participation in such programs and the cooperation of such entities in achieving the policies and purposes of this chapter; and to enter into agreements with the Government of the United States Virgin Islands, the United States or any agency, instrumentality, commission, authority or political subdivision thereof.

(I) Members of the Board, while acting within the scope of their authority as directors or officers, shall not be subject to any personal or civil liability resulting from the exercise of any of the Authority's purposes, duties or responsibilities, unless the conduct of the member is determined by a court of competent jurisdiction to constitute willful wrongdoing or gross negligence.

(J) To have complete control over and exclusively exercise all of the powers, duties and obligations previously granted to, or exercised by the governing boards of the GDB, IDC, IDPC, and SBDA Authority.

(K) To exercise such other corporate powers, not inconsistent herewith, as are conferred upon corporations by the laws of the United States Virgin Islands and to exercise all its powers within and without the United States Virgin Islands to the same extent as natural persons might or could do.

Section 1004. Exemption of Authority from taxes

The purpose for which the Authority is created and shall exercise its powers being a public purpose, unless otherwise expressly provided by law, the Authority shall not be required to pay any taxes or assessments on any of the property acquired or to be acquired by it, or on its operations or activities, or on the income derived from any of its operations or activities.

Section 1005. Annual report; publication

The Authority shall submit to the Governor and Legislature annually, after the close of its fiscal year, a report of the business of the Authority for the preceding fiscal year.

Section 1006. Written transcripts of proceedings

The Authority shall keep recordings or written transcripts of all of its proceedings and such recordings or transcripts shall be considered public documents. Transcripts shall be transcribed no later than 30 days after the date of the proceeding during which they were taken, and copies of such transcription or recordings shall be made available within a reasonable time of any request made by a resident of the territory subject to the right of the Authority to charge a reasonable fee for copying or transcription costs.

Section 1007. Competitive bidding

(a) All purchases and contracts for supplies for services, except for personal services, made by the Authority, including contracts for the construction of facilities of the Authority, shall be made after advertisement for bids, sufficiently in advance of opening bids, for the Authority to secure appropriate notice and opportunity for competition. Except that, where the expense estimated to be necessary in connection with the purchase or the expense estimated to be necessary in connection with the purchase or work does not exceed ten thousand (10,000) dollars the same may be carried out without advertisement for bids. Further, advertisement for bids shall not be required when --

(1) an emergency requires immediate delivery of the materials, supplies, equipment, or performance of the services; or

(2) repair parts, accessories, or supplemental equipment or services are required for supplies or service previously furnished or contracted for; or

(3) professional, financial, (including financial printing) design/build or other expert services or work are required and the Authority shall deem it in the

best interest of good administration that contracts therefore be made without such advertisement; or

(4) prices are noncompetitive because there is only one source of supply or because regulated under law. In such case the purchase of such materials, supplies, or equipment, or procurement of such services, may be made in the open market in the manner usual in commercial practice. In the comparison of bids and the making of awards, due consideration shall be given to such factors (in addition to whether the bidder has complied with the specifications) as the bidders ability to perform work of the kind involved in the contract under consideration; the relative quality and adaptability of materials, supplies, equipment, or services; and the time of delivery or performance offered. The Authority may prescribe rules and regulations for the submission of bids.

(b) Any contract, purchase agreement or other instrument of sale accepted by the Authority shall contain an enforceable performance guarantee by the seller.

Section 1008. Other assistance of Government of the United States Virgin Islands

(a) For the purpose of further aiding the Authority in accomplishing its purpose and goals, any department or agency of the United States Virgin Islands or any political subdivision thereof may, at the request of the Authority and upon such terms, with or without consideration, as the Governor or political subdivision shall determine –

(1) dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses or any rights or privileges therein to the Authority;

(2) cause services of the character which it is otherwise empowered to render to be furnished to the Authority.

(b) Any sale, conveyance, lease or agreement provided for in this section may be made without appraisal, public notices, advertisement or public biding, notwithstanding any other laws to the contrary.

Section 1009. Moneys and accounts of Authority

(a) All moneys of the Authority shall be deposited in qualified depositories for funds of the Government of the United States Virgin Islands, but they shall be kept in separate accounts in the name of the Authority. The disbursements shall be made by it pursuant to regulations and budgets approved by the Board.

(b) The Authority shall account to the Government of the United States Virgin Islands in accordance with applicable law for all funds, which the Government may furnish to the Authority, by loan or grant. The Authority shall also account to any Federal agency, if and in the manner required, for any funds that it may have received from any such agency.

(c) The Authority shall establish an accounting system for the proper statistical control and record of all expenses and income belonging to or managed or controlled by the Authority. Subject to agreements with bondholders, said system shall segregate the accounts for water and power functions, make a reasonable allocation of costs that may be common to both functions, and insofar as advisable, otherwise segregate the accounts for different classes of operations, facilities, and activities of the Authority; provided, that from time to time the Authority shall have its accounts and books, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters which relate to its financial condition examined by an independent accountant who shall report thereon to the Board of the Authority and to the Governor and Legislature.

Section 1010. Financial assistance; guarantees and purchases of binds of Authority; loans and grants

(a) For the purpose of assisting the Authority with its financing, the Government of the United States Virgin Islands, to the extent permitted by the Revised Organic Act of 1954, as amended, or any other applicable Federal law, may —

(1) guarantee payment of the bonds of the Authority, both as to principal and interest;

(2) employ its funds in the purchase of the bonds of the Authority, notwithstanding any provision of any law to the contrary.

(b) For the purpose of raising funds to be granted or loaned to the Authority to construct, improve, extend, better, repair, reconstruct, acquire and equip any capital project or other authorized function of the Authority, the Government of the United States Virgin Islands may —

(1) borrow money, make and issue bonds or other evidence of indebtedness, and secure such bonds or other obligations by pledge of the Government's credit and taxing power, as provided for in section 8 of the Revised Organic Act of 1954 as amended;

(2) make or issue bonds for the purpose of funding, refunding, purchasing, paying, or discharging any of the outstanding bonds or obligations issued, granted or assumed by it in pursuance of this section.

Section 1011. Injunctions

An injunction shall not be granted to prevent the application of this chapter or any part thereof.

Section 1012. Lack of jurisdiction of other agencies

No officer, board, commission, department or other agency or political subdivision of the United States Virgin Islands shall have jurisdiction over the Authority in the management and control of its properties and facilities, or any power over the regulation of rates, fees, rentals and other charges to be fixed, revised and collected by the Authority, or any power to require any certificate of convenience or necessity, license, consent, or other authorization in order that the Authority may acquire, lease, own, operate, construct, maintain, improve, extend or enlarge any facility

Section 1013. Applicability of other laws

Nothing in this chapter shall be construed as exempting the Authority from any law made specifically applicable thereto or generally applicable to independent instrumentalities of the Government of the United States Virgin Islands, whether such law was enacted before, on or after the creation of the Authority or any of its subsidiaries.

Section 1014. Separability of provisions

If any provisions of this chapter or the application of such provisions to any person or circumstance shall be held invalid, the remainder of the chapter and the application of such provisions to persons or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

Section 1015. Establishment of committees and subcommittees

(a) The Board of Directors of the Authority shall conduct the business of its subsidiary entities by establishing a committee for IDC and IDPC functions and a committee for GDB and SBDA functions. Each committee shall consist of five members of the Board of Directors and shall meet on a regular basis to investigate, hear, review, discuss and examine matters within its respective areas of responsibility and make recommendations to the Board concerning such areas. Each committee may also act with such authority as is delegated to it by the Board to determine matters concerning personnel, hiring, discipline and discharge and such other administrative matters as may be expressly set forth by the Board; provided that any matter regarding the policy or the granting, denial, suspension, revocation or alteration of benefits, loans, financing or other substantive functions of the several subsidiary entities must be decided or notified by the Board at a duly convened and recorded meeting.

(b) The Board may establish such other committees and subcommittees as it determines necessary or convenient for the performance of its duties and functions.

(c) All contracts entered into by the GDB, SBDA, IDC, or IPDC are hereby transferred to the Economic Development Authority and shall be enforceable by or against the Authority to the same extent it could have been enforced by or against the predecessor in intent.

(d) The Governing Boards of GDB, IDC, IPDC and SBDA and the positions of Chief Executive Officer, Chief Financial Officer or Executive Director are abolished effective March 1, 2001.

B. Redesignation of Entities

SECTION 18. Section 12 of Act 6090 transferring the Industrial Development Commission (IDC) to the Government Development Bank (GDB) is hereby amended by deleting the words, "Government Development Bank" and insert in lieu thereof the words, "The Virgin Islands Economic Development Authority". Further, title 11, section 1253 in subsections (a), (b), (c), (d), (d)(1), and (d)(2) as follows:

(a) In order to carry out the policies of this chapter there is created a subsidiary entity under the name of "Virgin Islands Small Business Development Agency" (herein referred to as the Agency) within, and wholly administered and operated by the Economic Development Authority.

(b) The management of the Agency shall be vested in the Chief Executive Officer of the Authority.

(c) The Small Business Development and Loan Fund as provided for in chapter 111 of title 33 of this code shall be available for the Agency's use in financing the functions performed under section 1255 of this chapter. All repayments of loans, payments of interest, and other receipts arising out of transactions financed from the Fund shall be paid into the Fund. Not to exceed an aggregate of $15,000,000 shall be outstanding at any one time for the purposes enumerated in section 1255 of this chapter.

(d) There is created the Loan Policy Board of the Virgin Islands Small Business Development Agency, which shall consist of seven members.

(1) The Commissioners of Tourism and Finance, and the Chief Executive Officer of the Agency, who shall be executive secretary of the Board, shall serve as members of the Board. The remaining four members of the Board shall be appointed by the Governor from the members of the

Authority's Board of Directors. The Governor shall select such members who are known to be familiar with and sympathetic to small businesses' needs and problems and who meet the conditions of paragraph (3) of subsection (a) of section 1252 of this chapter.

(2) The appointed members of the Board shall be appointed for a term concurrent to their appointment to the Board of Directors of the Authority.

SECTION 19. Title 29, section 541, Virgin Islands Code is amended in subsection (a) by deleting the words, "Director of the Small Business Development Agency" and insert in lieu thereof the words, "Chairman of the Economic Development Authority".

SECTION 20. Title 29, section 704, subsections (a) and (b), Virgin Islands Code, are hereby deleted in their entirety and new subsections (a) and (b) shall be inserted in lieu thereof to read:

"(a) There is created a Virgin Islands Industrial Development Commission. Such Commission shall be within, and shall constitute a subsidiary entity wholly administered and operated by the Economic Development Authority established in Chapter 19 of Title 29 V.I.C.

(b) The Commission shall be composed of the members of the Economic Development Authority established in Chapter 19 of Title 29 Virgin Islands Code."

SECTION 21. Title 29, section 706, subsections (a) and (b), Virgin Islands Code, are hereby repealed and new subsections (a) and (b) shall be inserted in lieu thereof to read:

"(a) The Governor may appoint an Assistant Chief Executive Officer of the V.I. Economic Development Authority for Industrial Development, which Assistant Chief Executive Officer shall assist the Chief Executive Officer in overseeing the operations of the Industrial Development Program established by this chapter. Said Assistant Chief Executive Officer shall perform such services as directed by the Chief Executive Officer and shall receive such salary as may be recommended by the Commission and approved by the Governor.

(b) The Assistant Chief Executive Officer shall perform such duties with respect to the Industrial Development Program or Industrial Park Development as assigned by the Chief Executive Officer."

SECTION 22. Title 29, section 707, Virgin Islands Code, is amended by deleting the word "Director" and inserting the words "Chief Executive Officer or at his direction, the Assistant Chief Executive Officer" in lieu thereof after the first "The" in the first sentence, and by adding new subsections as follows:

"(i) to hire and remove employees of the Commission and Corporation subject to the approval of the Board of Directors of the Economic Development Authority;

(j) to be responsible for the general administration of the Commission and Corporation;

(k) To collect and assemble, or cause to be collected and assembled, information pertinent to carrying out the purposes of the Corporation in providing industrial plants, equipment and facilities for the encouragement of new trade, industry and commerce and the expansion of existing trade, industry and commerce within the Territory."

SECTION 23. Title 29, section 803, Virgin Islands Code is hereby amended by deleting subsection (b) and by inserting new subsection (b) in lieu thereof to read as follows:

"(b) "Chief Executive Officer" means the Chief Executive Officer of the Virgin Islands Economic Development Authority."

SECTION 24. Title 29, section 810, Virgin Islands Code is amended by deleting the existing text in its entirety and inserting new language to read as follows:

"(a) There is hereby created the Virgin Islands Industrial Park Development Corporation, (hereinafter referred to as "the Corporation"), as a discrete and intrical part of the Economic Development Authority established in chapter 19 of title 29, Virgin Islands Code.

(b) The Corporation is hereby created as a body corporate and politic, constituting a public corporation and instrumentality as a subsidiary entity of, subordinate in administration and operation to the Virgin Islands Economic Development Authority. Its debts, obligations, contracts, bonds, receipts, expenditures, funds, accounts, projects and property shall be dues of the Corporation and not those of the Government of the United States Virgin Islands or any office, bureau, department, commission, officer, agent or employee thereof."

SECTION 25. Title 29, section 812, Virgin Islands Code is amended by deleting subsections (a) through (f) and by inserting a new subsection (a) in lieu thereof to read as follows:

"(a) The powers of the Corporation shall be exercised by the Governing Board of the Virgin Islands Economic Development Authority which shall also constitute the Governing Board of the Corporation."

SECTION 26. Title 29, section 814, Virgin Islands Code, is amended by deleting its text in its entirety and inserting the following in lieu thereof:

"The Chief Executive Officer, appointed pursuant to section 1002 of title 29, Virgin Islands Code, shall act as the Executive Director for the corporation and shall have such powers and duties as set forth in section 707 of this title as may be applicable to the Corporation subject to the direction and control of the Board. The Chief Executive Officer may delegate such duties as he sees fit to the Assistant Chief Executive Officer."

SECTION 27. (a) Title 29, section 827, Virgin Islands Code, is amended as follows:

1. Designate the existing language as subsection "(b)" and insert a new subsection "(a)" to read:

"(a) The employees of the Corporation shall also be employees of the Commission and shall perform such tasks as may be assigned by the Chief Executive Officer or Assistant Executive Officer. All employees of the

Corporation shall be in the "exempt service" and shall serve at the pleasure of the Commission."

2. In the newly relettered subsection "(b)":

(A) delete the words "officials and" after the word "all" in the first sentence and at the beginning of the line; and insert the phrase "to the same extent as other exempt employees of the government" after the word "insurance" and before the period (.) in the fourth line.

SECTION 28. Title 29, section 901, Virgin Islands Code is hereby deleted, in its place a new Section 901 shall be inserted to read as follows:

"901. Creation

(a) To aid the Insular Government in the performance of is duties to develop the economy of the United States Virgin Islands, there is hereby created, as a discrete and intrical part of the Economic Development Authority established in chapter 19 of title 29 Virgin Islands Code, "The Government Development Bank for the United States Virgin Islands" (hereinafter referred to as "the Bank").

(b) The Bank is hereby created as a public corporation and governmental instrumentality as a subsidiary entity of, subordinate in administration and operation to the V.I. Economic Development Authority."

SECTION 29. Title 29, section 902, Virgin Islands Code is hereby amended by deleting the "Fifth" part in its entirety and by inserting in lieu thereof a new fifth part to read as follows:

"FIFTH: The affairs of the Bank shall be managed and its corporate powers exercised by the Governing Board of the Economic Development

Authority."

SECTION 30. Title 33, section 3031, Virgin Islands Code is amended as follows:

(a) In subsection (b) delete the words "Government Development Bank" and insert in lieu thereof the words, "Economic Development Authority".

(b) In subsection (c), delete the words "Government Development Bank" and insert in lieu thereof the words "Economic Development Authority, through its duly authorized and designated representative,".

SECTION 31. Title 33, section 3089, Virgin Islands Code is amended by deleting the words "Government Development Bank" where they appear and by inserting the words "Economic Development Authority".

SECTION 32. Notwithstanding any other law to the contrary, any entity currently receiving Industrial Development Commission (IDC) incentives or benefits, which include reductions or credits in tax obligations, may have these benefits extended by three years upon their agreement to pay all income, excise, and gross receipt taxes and other duties and fees for tax years 2000 and 2001, that they would ordinarily pay but for the IDC benefits. Said extension shall be subject to the entity electing to do so in writing to the Industrial Development Commission within 30 days following the approval of this bill and to proof of payment satisfactory to the IDC being presented within 30 days of the close of each applicable tax period as identified and defined by the IDC.

The IDC shall, within 60 days of approval of this bill, issue written guidance to the entities that chose to take advantage of the foregoing.

SECTION 33. (a) There is appropriated from any funds available in the General Fund of the Government of the Virgin Islands the sum of $30,000 to the Landmark Society on St. Croix as a contribution to the Heritage Trail for the fiscal year ending September 30, 2001.

(b) There is appropriated from any funds available in the General Fund of the Government of the Virgin Islands the sum of $10,000 to the Department of Housing Parks and Recreation for the Virgin Islands Basketball Association for the purpose of attending the National Basketball Tournament for the fiscal year ending September 30, 2001.

BR00-1414a / August 18, 2000 / vs

Sen. Cole - motion to consider override of Act No. 6390 Section 7 and 1001a of Bill No. 23-0282 Seconded

TWENTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 200___
ROLL CALL

Bill No. 23-0282 Date: 4/9/01
Short Title:

LEGISLATIVE HISTORY

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

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BERRY, Lorraine L.	1			
BRYAN, Adelbert M.	2			
CANTON Jr., Douglas E.	3			
COLE, Donald "Ducks"	4			
DAVID, Roosevelt St. C.	5			
DONASTORG, Adlah "Foncie"	6			
DOWE, Carlton	7			
HANSEN, Alicia "Chucky"	8			
HANSEN II, Emmett	9			
JN. BAPTISTE, Norman	10			
JONES, David S.	11			
LIBURD, Almando "Rocky"	12			
PICKARD-SAMUEL, Norma	13			
RICHARDS, Vargrave A.	14			
WHITE Sr., Celestino A.	15			
	15			

Certified true and correct
Corrine C. Hodge
CLERK

Question - Shall Section 7 and 1001 a of Act No. 6390 become Law notwithstanding veto of the Governor

TWENTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 200___
ROLL CALL

Bill No. 23-0282

Date: 4/9/01

Short Title: ______________________________

LEGISLATIVE HISTORY

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

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BERRY, Lorraine L.	1			
BRYAN, Adelbert M.	2			
CANTON Jr., Douglas E.	3			
COLE, Donald "Ducks"	4			
DAVID, Roosevelt St. C.	5			
DONASTORG, Adlah "Foncie"	6			
DOWE, Carlton	7			
HANSEN, Alicia "Chucky"	8			
HANSEN II, Emmett	9			
JN. BAPTISTE, Norman	10			
JONES, David S.	11			
LIBURD, Almando "Rocky"	12			
PICKARD-SAMUEL, Norma	13			
RICHARDS, Vargrave A.	14			
WHITE Sr., Celestino A.	15			
	15			

Certified true and correct

Corrine C. R. Hodge

CLERK

ACT · 6390 Hedie

§1001. Creation.

(a) To aid the Government in the performance of its duties to develop the economy of the United States Virgin Islands, there is hereby created a body corporate and politic constituting a public corporation and semi-autonomous instrumentality of the Government of the United States Virgin Islands, by the name of the "Virgin Islands Economic Development Authority", (hereinafter "the Authority"), which shall be governed by a board consisting of seven (7) persons appointed by the Governor, ~~with the advice and consent of the Legislature~~ pursuant to section 1002 of this chapter.

(b) The Authority hereby created is and shall be a semi-autonomous governmental instrumentality subject, as provided in Section 11 of the Revised Organic Act, to the general supervision and direction of the Governor, and as provided for herein, to the control of its Governing Board. It is a public corporation having legal existence and personality separate and apart from the Government of the Virgin Islands and the officers controlling it. Further, subject to section 1010 of this title, the debts, obligations contracts, bonds, notes, debentures, receipts, expenditures, accounts, funds, facilities, and property of the Authority shall be deemed to be those of the Authority and not to be those of the Government of the United States Virgin Islands, or any office, bureau, department, agency, commission, municipality, branch, agent, officer, or employee thereof.

§1002. Governing board and other personnel of the Authority

(a) The powers of the Authority shall be exercised by a governing board consisting of the members of the Authority acting as a board. Of the seven members appointed to the Board, three shall not be employees of the Government of the United States Virgin Islands or the Government of the United States and shall be appointed by the Governor with the advice and consent of the Legislature. Three shall be appointed by the Governor from among the heads of cabinet-level executive departments or agencies or his executive staff, and one shall be appointed from the Board or executive staff of the Government Employee Retirement System, Virgin Islands Port Authority, or the University of the Virgin Islands. Of the non-governmental members, one must be a resident of St. Thomas, one must be a resident of St. John, and one must be a resident of the District of St. Croix. Non-governmental members shall be appointed for terms of three years, provided, however, that the first appointments made pursuant to this subsection shall be of individuals currently appointed to and approved by the Legislature as a member of one of the governing bodies being subsumed by the Authority. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, provided, however, that each member shall serve until the appointment and confirmation of his successor. Non-government members may be reappointed with the advice and consent of the Legislature and such members may be removed for cause by the Governor. Government members shall serve during the term of their government position at the pleasure of the Governor. No government member, by reason of his service on the Governing Board, shall be paid compensation in addition to his regular government salary. Non-government members shall be compensated at the rate of $50.00 a day for

ACT 6390 Media

(a) The Commission shall promulgate a schedule of fines for violation of any provision of this chapter and the Beneficiary's Certificate within 90 days of the effective date of this section and submit the schedule of fines to the Governor for approval.

(b) If any Beneficiary shall violate any provision of this chapter, any rule or regulation promulgated hereunder, or provision of its Industrial Development Certificate, or shall fail or refuse to perform any duty, requirement or lawful order made by the Commission, such beneficiary, after notice and the opportunity of a hearing, shall be fined in accordance with the schedule of fines under subsection (a) of this section. These fines shall be deposited into the Industrial Promotion Fund. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or person acting for or employed by any Beneficiary, acting within the scope of employment, shall, in every case be deemed to be an act, omission, or failure of such Beneficiary.

(c) The Attorney General of the Virgin Islands, at the request of the Commission, shall forthwith bring appropriate action to compel adherence to, or enjoin violations of any lawful orders of the Commission issued pursuant to this chapter, and to recover in the name of the Government of the Virgin Islands the penalties provided herein."

SECTION 7. Title 29, chapter 12, section 704, subsection (c), Virgin Islands Code, is amended by deleting it in its entirety and inserting a new subsection (c) to read:

"(c) The Commission members shall meet, as soon as practicable, and organize, electing a Chairman, Vice Chairman and such other officers as may be deemed appropriate from among its members at the beginning of each calendar year. ~~Commission members shall serve until their replacements are confirmed by the Legislature~~."

SECTION 8. Title 3, chapter 1, section 27d, subsection (a), Virgin Islands Code, is amended by deleting the words, "Department of Economic Development and Agriculture" and inserting in lieu thereof the words, "Economic Development Commission".

SECTION 9. Title 29, chapter 12, section 726, Virgin Islands Code, is amended by inserting in the second sentence after the words "purposes, and" the following phrase: "all monies deposited therein, pursuant to section 705 of this chapter".

~~SECTION 10. Title 29, chapter 12, section 704, subsection (a), Virgin Islands Code, is amended in the second sentence by deleting the words "Government Development Bank" and inserting in lieu thereof the words "Industrial Park Development Corporation for administrative purposes only~~".

SECTION 11. Title 29, chapter 12, section 708, ~~subsection (c)~~, Virgin Islands Code, is amended by adding an appropriately lettered paragraph to read:

Sen. Jones motion to ~~[illegible]~~ override the Governor's Veto 6391 Section 3E. Seconded by Sen. David

TWENTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 200___
ROLL CALL

Bill No. 23-0282 **Date:** 4/9/01
Short Title: ______________________

LEGISLATIVE HISTORY

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

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BERRY, Lorraine L.	1			
BRYAN, Adelbert M.		2	~~1~~ CKH	
CANTON Jr., Douglas E.	2			
COLE, Donald "Ducks"	3			
DAVID, Roosevelt St. C.	4			
DONASTORG, Adlah "Foncie"	5			
DOWE, Carlton	6			
HANSEN, Alicia "Chucky"	7			
HANSEN II, Emmett	8			
JN. BAPTISTE, Norman	8		CKH 1	
JONES, David S.	9			
LIBURD, Almando "Rocky"	10			
PICKARD-SAMUEL, Norma	11			
RICHARDS, Vargrave A.		1		
WHITE Sr., Celestino A.	12			
	12	2	1	

Certified true and correct
Carline C. Hodge
CLERK

Question - Shall Section 3 E of Act 6391. becomes law. Notwithstanding veto of Governor.

TWENTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 200___
ROLL CALL

Bill No. 23-0282 Date: 4/9/01
Short Title: ____

LEGISLATIVE HISTORY

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

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BERRY, Lorraine L.	1			
BRYAN, Adelbert M.		1		
CANTON Jr., Douglas E.	2			
COLE, Donald "Ducks"	3			
DAVID, Roosevelt St. C.	4			
DONASTORG, Adlah "Foncie"	5			
DOWE, Carlton	6			
HANSEN, Alicia "Chucky"	7			
HANSEN II, Emmett	8			
JN. BAPTISTE, Norman			1	
JONES, David S.	9			
LIBURD, Almando "Rocky"	10			
PICKARD-SAMUEL, Norma	11			
RICHARDS, Vargrave A.		2		
WHITE Sr., Celestino A.	12			
	12	2	1	

Certified true and correct
Corinne G. Hodge
CLERK

Act 6341 Section 3(2)

Jones

~~be reviewable as provided in Section 9-402(2) (Time Limitations on Actions, Debarments and Suspensions for cause)~~.

~~**(e) (Parimutual Gaming and Simulcasting Amendments)** Title 32~~, ~~Chapter 11, Virgin Islands Code, is amended in the following instances~~:

~~(A) Section 203 is amended by adding new paragraphs (7) and (8) to read as follows:~~

~~"(7) 'Outs' means winning or refundable tickets or the prize money for winning or refundable tickets which remain unclaimed or uncashed by a purchaser six (6) months after purchase.~~"

~~"(8) 'Host track fees' means those fees paid by the simulaster or simulcast operator to the race track or its agent(s) for the race which is transmitted.~~"

~~(B) Section 205 (a) is amended by adding the following sentence after the period at the end of thereof~~:

~~"Breaks and outs shall be retained by the parimutuel operator as part of the parimutuel take~~."

~~(C) Section 208 is amended as follows:~~

~~(i) In the caption to the Section, add the phrase "and disposition of pools~~" ~~after the word "Simulcasting~~".

~~(ii) Designate the existing language as subsection (a), delete all language after the word "provided," and substitute in lieu thereof the following:~~

~~"that the parimutuel take of the simulcast operator shall be the same as that of the~~ sending ~~jurisdiction and the portion thereof paid to the Government of the Virgin Islands in lieu of gross receipt taxes shall be four percent (4%) of that take minus host track fees,~~

Act 6341 Section 3(e)

~~except that when the sending jurisdiction or the host track is in the Commonwealth of Puerto Rico, the parimutuel take the portion paid to the Government of the Virgin Islands shall be the same as in the sending jurisdiction minus host track fees, if such fees exist.~~ ~~Fifty percent (50%) of the portion to be paid to the Government of the Virgin Islands shall be directly paid to the district commissions of the Virgin Islands Horse Racing Commission for deposit into the Horse Racing Improvement Fund established pursuant to Title 33 V.I.C. Section 3044. The provisions of this section shall be retroactive to~~ January ~~2, 2000.~~"

~~(iii) Add a new subsection (b) to read:~~

"~~(b) 'Breaks" shall be retained by the simulcaster or simulcast operator as part of its parimutuel take or income. Sixty percent (60%) of any and all 'outs' shall be retained as income by the simulcaster or simulcast operator and forty percent (40%) shall be paid directly to the respective district Commissions of the Virgin Islands Horse Racing Commission by January 10th and July 10th of each year for deposit in the Horse Racing Improvement Fund.~~"

~~(iv) Notwithstanding any other provisions of law or rule and regulation of the Virgin Islands Racing Commission, any money representing "out" in the possession of a simulcaster or simulcast operator for the calendar years of 199 and 2000 shall be disposed of in the same manner as designated and authorized n 32 V. I.C. Section 208, as amended by this Act, by January 30, 2001. All other money retained as "outs" for years prior to 1999 shall be retained and kept by the simulcaster or simulcast operator as income.~~

~~(14) Title 22, Virgin Islands Code, is amended in the following instances:~~

~~(A) Section 53, subsection (c) is amended by redesignating paragraph (4) as paragraph (5) and adding a new paragraph (4) to read:~~

THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001

February 1, 2001

Honorable Almando "Rocky" Liburd
President
24th Legislature of the Virgin Islands
Charlotte Amalie
St. Thomas, U.S. Virgin Islands 00802

Dear President Liburd:

I have signed into law Bill No. 23-0306 "The Fiscal Year 2001 Omnibus Authorization Act" with the exception of the following items, part or parts, portion or portions thereof, which are hereby objected and attached to Bill No. 23-0306 as "The Governor's Objections" (and deleted and disapproved in full) pursuant to Section 9(d) of the Revised Organic Act of 1954, as amended.

Bill No. 23-0306 is part of a 34 bill package passed by the 23rd Legislature in its final session. This bill is a part of the Herculean effort undertaken in order to put an executive budget into place and to enact numerous far-reaching and substantive pieces of legislation comprised of both economic initiatives as well as technical amendments to many antiquated commercial and business oriented provisions in the law.

Bill No. 23-0306, consisting of 177 pages, passed during the final session of the 23rd Legislature on December 21, 2000, along with 32 other bills. It contains many unrelated and some far-reaching provisions. Some sections are designed to provide an immediate infusion of economic activity while other provisions are of a long-term nature.

Section 3 (c) the Tax Study Commission, item (8) thereof and subsection (C) are item vetoed as duplicative. Subsection (G), item (2) is vetoed because the Commissioner of Finance already has the authority to set fees. The first phrase in subsection 3(f) is vetoed because the time period is too restrictive. The provisions of Section 3, subsections (g) through (n) pertaining to setting of time schedules for tax assessments and other related matters are vetoed in their entirety because they are confusing, contain detrimental errors, such as missing tax years and stale dates, and will be burdensome to property owners. Subsection (o) and (s) are partially vetoed because the time constraints are too restrictive. Subsections (p), (q) and (r) are partially vetoed because it is a violation of the separation of powers to direct Executive Branch Departments to do certain functions.

Section 3(d) to create a new Chapter 23 to establish a Uniform Procurement Law is vetoed. This far-reaching section contains numerous substantive errors and would bring immediate confusion and injury to our current procurement system. My Administration is in the process of developing a new comprehensive procurement code in order to upgrade and bring our procurement system up to date. I feel there is a need for further research and a more careful study before we institute such a radical revision to our procurement code.

Section 3 (e) to amend the parimutuel gaming and simulcasting statute is vetoed. While it appears that the Government's share of the revenues from parimutuel gaming and simulcasting will increase as a result of changes to the current law, in reality it would decrease. For example, the simulcaster of horse races will receive 60% of the revenues while the Horse Racing Commission receives 40%, but the Government doesn't get its 4%. This is in conflict with current law Title 32, VIC, Section 205(b), which provides that 4% of the parimutuel take shall be paid to the Government. In addition, the section contains a provision for retroactivity which means the Government will lose even more revenues. There are also substantial errors in the calendar years cited and other ambiguities. In summary, the Section is not in the Government's best interest and will not accomplish its intended purpose.

Subsection (g) pertaining to the Tobacco Settlement Amendments, item (3) subpart (B)(1), items (i) and (ii) are vetoed and the phrase "after the date of enactment of this subsection" in items (iii), (iv), and (v) is vetoed at the request of the Attorney General to conform the language of the Act for uniform application. Subsection 3(b) is partially vetoed to ensure that the Attorney General retains responsibility for the transfer of individuals remanded to the custody of the Bureau of Corrections. It should be noted that numerous typographical and clerical errors were noted throughout this Bill, pursuant to Title 1, Virgin Islands Code, Section 202, corrections are noted on the attached Errata Sheet were made in consultation with the Office of the Attorney General.

While I have item vetoed major portions of Bill No. 23-0306, the other provisions have been signed into law because they will benefit our community. It is hoped that these provisions will lead to increased economic opportunity for the people of the Territory.

Cordially,

Charles W. Turnbull

Charles W. Turnbull
Governor

Sen. Hansen motion to open the Close 23-0306 Rule. Seconded by Sen. Cole on 23-0306.

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20__
ROLL CALL

Bill No.________________ Date: 12/21/00

Short Title:________________

LEGISLATIVE HISTORY

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

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

Certified true and correct

Corrine K. Hodge
CLERK

Senator ~~[illegible]~~ Petrus Motion to Interchange Block 7 with Block 8 on today's agenda. Seconded by Berry

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/SPECIAL SESSION 20__
ROLL CALL

Bill No.______________________ Date: 12/21/00

Short Title:______________________

LEGISLATIVE HISTORY

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

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

Certified true and correct

9 6

Cleuie Mahoney
CLERK

Sen. Jones motion to reorder the agenda for Lease American Furniture + Ledor Construction Company, Inc.

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS
Territory of the Virgin Islands
REGULAR/~~SPECIAL~~ SESSION 2000
ROLL CALL

Bill No.________________ Date: 12/21/00

Short Title:________________

LEGISLATIVE HISTORY

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

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	1			
BERRY, Lorraine L.	2			
BRYAN, Adelbert M.		1		
COLE, Donald "Ducks"	3			
DAVID, Roosevelt St. C.	4			
DONASTORG, Adlah "Foncie"	5			
GOLDEN, Violet Anne	6			
GOMEZ, Judy M.	7			
GOODWIN, George E.	8			
HANSEN, Alicia "Chucky"	9			
JN. BAPTISTE, Norman	10			
JONES, David S.	11			
LIBURD, Almando "Rocky"	12			
PETRUS, Allie-Allison	13			
RICHARDS Vargrave A.	14			
	14	1		

Certified true and correct

Corrine K. Hodge
CLERK