

ACT NO. 6917

BILL NO. 27-0039

TWENTY-SEVENTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2007

An Act amending 1 V.I.C., section 14 relating to notice of corrections of the laws to the Code Revisor; title 1, chapter 17 relating to the Uniform Law Commission; title 2, chapter 10a, relating to the Office of the Code Revisor; title 3, section 408 relating to the Virgin Islands Heritage Commission; title 3, section 706(c), relating to the reemployment of retirees, title 3, chapter 27 relating to conditions of retirement, amending Act 6905 relating to conditions of retirement, and making several appropriations and for other purposes

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 1 Virgin Islands Code, section 14, subsection (b) is amended by striking the word "and" after the first occurrence of "Virgin Islands", by inserting after the second occurrence of "Virgin Islands" "and the Code Revisor" and after "member" by striking "or" and inserting a comma (,) and after "Governor" by inserting "or the Code Revisor".

SECTION 2. ~~Title 1 Virgin Islands Code, chapter 17 is amended in the following instances:~~

~~(a) Section 301, subsection (a) is amended by striking the introductory sentence and inserting in its place a new sentence to read as follows: "There is established in the Legislature of the Virgin Islands for budgetary reasons only, the Virgin Islands Commission on Uniform State Laws. The Commission consists of five members appointed or designated as follows:";~~

~~(b) by redesignating the second sentence in subsection (a), paragraph (3) as the first sentence in paragraph (b), and by adding paragraphs (4) and (5) to read as follows:~~

~~“(4) The Chief Justice of the Supreme Court or the Chief Justice’s designee;~~

~~(5) The Code Revisor or the Code Revisor’s designee”~~

~~“(e) Section 303, subsection (b) is amended by adding a sentence at the end of that subsection to read: “The Commission shall also submit an annual budget as provided in title 2 Virgin Islands Code, chapter 2.”~~

~~“(d) Section 303 is amended by adding subsection (e) to read as follows:—~~

~~“(c) There is appropriated each fiscal year sufficient funds to pay the Territory’s membership dues to the National Conference of Commissioners of Uniform State Laws and to pay the costs for each Commission member to attend the annual meeting of the National Conference as required by subsection (a).”~~

SECTION 3. Title 2 Virgin Islands Code, chapter 10a, section 302 (h) is amended in the following instances:

“(a) by striking the language in paragraph (5) and adding new language to read as follows:

“Determine within the limits of appropriations, the quantities of slip laws and volumes to be printed and published”; and

~~“(b) by adding paragraphs (6) and (7) to read as follows:~~

~~“(6) Fix the prices at which the pamphlets and volumes provided for in this section may be sold, but the pamphlets and volumes must be distributed free of charge to the three branches of the Government.”~~

~~“(7) Deposit the proceeds from the sales under paragraph (6) into an operating account to be used for publication costs associated with the preparation and publication of the pamphlets and volumes.”~~

SECTION 4. Title 3 Virgin Islands Code, chapter 22, section 408, subsection (c) is amended by striking “Office of the Governor” and inserting “Department of Planning and Natural Resources”; by striking “six of whom shall be”; by striking “Of the six appointed members”; by striking the third and fourth sentences and by adding two new sentences to read as follows.

“Four members shall reside on St. Croix. Four members shall reside on St. Thomas, and one member on St. John.”

SECTION 5. Title 3 Virgin Islands Code, chapter 27, as amended by Act No. 6905 (Bill No. 26-0351) section 5, is amended in the following instances:

(a) Section 705, subsections (d) and (e) are amended to read as follows:

“(d) Any member who has completed thirty years of credited service may retire on a full service retirement annuity notwithstanding his age, without reduction of annuity. Additionally, any member who is age fifty (50) years with ten (10) but less than thirty (30) years of service may retire on a service annuity which shall be reduced by .325 of one percent for each month, or fraction thereof, that the member's age is less than sixty (60) years. A policeofficer, eligible employee with the Virgin Islands Water and Power Authority, eligible employee working with chlorine, sewage or carcinogens, firefighter, including a firefighter employed by the Virgin Islands Port Authority, marshal of the Superior Court and Supreme Court, probation officer of the Superior Court, internal affairs agents, to include but not limited to the Director and Assistant Director and agents of the Internal Affairs Bureau of the Virgin Islands Police Department, peace officer as defined in Title 5, section 3561, Virgin Islands Code, emergency medical technician, a radiology or x-ray technician employed by the Department of Health or the Virgin Islands Hospitals or corrections officer who has completed twenty (20) years or more of credited service as a policeofficer, eligible employee with the Virgin Islands Water and Power Authority, eligible employee working with chlorine, sewage or carcinogens, firefighter, including a firefighter employed by the Virgin Islands Port Authority, marshal and probation officer of the Superior Court, peace officer as defined in Title 5, section 3561, Virgin Islands Code, emergency medical technician, a radiology or x-ray technician employed by the Department of Health or the Virgin Islands Hospitals, or corrections officer, or combination thereof, may retire notwithstanding his age without reduction of annuity.”

(e) Any member whose withdrawal from service occurs:

(1) prior to age sixty (60) years and after at least ten (10) years of credited service; or

(2) in the case of a policeofficer, eligible employee with the Virgin Islands Water and Power Authority, eligible employee working with chlorine, sewage or carcinogens, fireman, including a firefighter employed by the Virgin Islands Port Authority, marshal of the Supreme Court or the Superior Court, internal affairs agents, to include but not limited to the Director and Assistant Director and agents of the Internal Affairs Bureau of the Virgin Islands Police Department, peace officer as defined in Title 5, section 3561, Virgin Islands Code, emergency medical technician, a radiology or x-ray technician employed by the Department of Health or the Virgin Islands Hospitals, or corrections officer, prior to age fifty-five (55) years and after at least ten (10) years of credited service but not as much as twenty (20) years of credited service, and who has not received a refund of accumulated contributions, shall be entitled to receive a deferred service retirement annuity payable upon attainment of age sixty (60) or fifty-five (55) years, as the case may be; and

(b) Section 754 (e) (Conditions for service retirement), as amended by Act 6905, Section 5 and designated as §806, is amended to read:

“Notwithstanding his age, a policeofficer, firefighter, including a firefighter employed by the Virgin Islands Port Authority, marshal of the Supreme Court or the Superior Court, or corrections officer who has completed twenty years or more of credited service may retire on a full retirement annuity.”

SECTION 6. Act No. 6905, Section 5, item 13 is amended by striking the following amendatory language: “striking the word ‘Twenty’ and inserting the word ‘Twenty-five’ wherever it appears”.

SECTION 7. Title 3 Virgin Islands Code, section 706, subsection (c) is amended in the first sentence after “75 days” by inserting “each year”.

SECTION 8. Title 19 Virgin Islands Code, chapter 53, section 1433 is amended by striking the second sentence and inserting a new sentence in its place to read as follows:

“The Department of Health may not require a person who holds a valid, annual health permit for a mobile food service to obtain additional health permits for operating a mobile food service at multiple locations during Carnival, festivals and other public events, if within at least five business days before the event, the person notifies the Department in writing, of the dates and the location of the sites at which he intends to operate”.

SECTION 9. Title 24 Virgin Islands Code, chapter 17, section 451 (b), is re-designated as title 5 Virgin Islands Code, chapter 67, section 815.

SECTION 10. Title 33 Virgin Islands Code, section 3028, subsection (c) is amended by striking “Chairman of the Law Revision Commission” and inserting “Certifying Officer of the Legislature” and by striking “Commission pursuant to Title 1 V.I.C., chapter 17,” and inserting “Office of the Code Revisor established in 2 V.I.C. §302”.

SECTION 11. Act No. 6864 (Bill No. 26-0313), is amended at the end of SECTION 26, by inserting the following sentence: “The sum remains available until expended.”

SECTION 12. Act No. 6864 (Bill No. 26-0313) SECTION 13 is amended at the end of subsection (e) by inserting the following sentence: “The sum remains available until expended.”

SECTION 13. Act No. 6839 is amended at the end of SECTION 57 by adding a sentence to read as follows: “The sums appropriated remain available until expended.”

SECTION 14. Act No. 6820 (Bill No. 26-0196) is amended at the end of SECTION 8 by adding a sentence to read as follows: “The sums remain available until expended.”

SECTION 15. Act No. 6771 is amended by adding SECTION 2 to read as follows:

“SECTION 2. The sum appropriated in SECTION 1 remains available until expended.”

SECTION 16. Act No. 6427, SECTION 22 is amended by striking “\$1,305,000”.



SECTION 17. The sum of \$1,305,000 is appropriated in the fiscal year ending September 30, 2007, from the savings realized in SECTION 16 to the Department of Public Works for engineering designs, construction, repairs or the resurfacing of roads. The sum remains available until expended.

SECTION 18. The sum of \$280,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Human Services for The Village Partners in Recovery, \$200,000 of which must be used for prior years' obligations. The sum remains available until expended.

SECTION 19. The sum of \$50,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Housing, Parks and Recreation for Pre- Carnival and Carnival 2007 horse races. The sum remains available until expended.

SECTION 20. The sum of \$300,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund divided equally between the St. Croix Christmas Festival Committee and the V.I. Carnival Committee to conduct their respective events. The sum appropriated remains available until expended.

SECTION 21. The sum of \$100,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Education to defray the cost of repairing the Bertha Boschulte Junior High School for accreditation. The sum remains available until expended.

SECTION 22. The sum of \$40,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Education for a sound system at Ivanna Eudora Kean High School to meet the criteria for accreditation. The sum remains available until expended.

SECTION 23. The sum of \$250,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Housing, Parks and Recreation to demolish, abate for asbestos and reconstruct the building at No. 13-1 Nordsidevej. The sum remains available until expended.

SECTION 24. The sum of \$200,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Board of Elections to cover the cost of the 2006 run-off election. The sum remains available until expended.

SECTION 25. The sum of \$150,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Virgin Islands State Nurses Association to host the 50TH Anniversary Conference of the Caribbean Nurses Organization. The sum remains available until expended.

SECTION 26. (a) The sum of \$1,990,000 is appropriated in the fiscal year ending September 30, 2007, from the St. Croix Capital Improvement Fund to the Department of Public Works to pave and make road repairs for the following roads on St. Croix:

(1) Little La Grange	\$325,000
(2) Mount Pleasant	\$200,000
(3) Route 80-North Shore Baron Bluff-La Valle	\$310,000
(4) Route 58-Creque Dam Road to Annaly	\$330,000
(5) Two Williams (2) Roads	\$350,000
(6) Route 76-Jolly Hill-Grove Place	\$275,000
(7) Estate Mountain Road	\$200,000

(b) The sum appropriated in subsection (a) remains available until expended.

SECTION 27. The sum of \$250,000 is appropriated from the General Fund in the fiscal year ending September 30, 2007, to the Department of Public Works to pave the Ponderosa Road located in Estate Wintberg. The sum remains available until expended.

SECTION 28. The sum of \$8,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Tourism to provide a grant to Miss Cleantha Samuel to represent the Virgin Islands in the Miss Black America Pageant. The sum remains available until expended.

SECTION 29. The sum of \$50,000 is appropriated in the fiscal year ending September 30, 2007, to the Department of Health to purchase dress uniforms for Emergency Medical Services (EMS) personnel for such events as Emergency Medical Services Month and other appropriate events and occasions.

SECTION 30. The sum of \$75,000 is appropriated in the fiscal year ending September 30, 2007, for the British Virgin Islands/ Virgin Islands Friendship Week. The sum remains available until expended.

SECTION 31. The sum of \$175,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Housing, Parks and Recreation to install energy-efficient lighting at the Alvin Mc Bean Ballpark.

SECTION 32. (a) There is appropriated from the General Fund in the fiscal year ending September 30, 2007, the sum of \$176,000 to the Department of Education for the Lew Muckle Elementary School to fund the following projects:

- (1) \$150,000 to provide and install air conditioners in the cafeteria and library;
 - (2) \$25,000 to repair the basketball court; and
 - (3) \$1,000 to purchase sports equipment.
- (b) The sum appropriated in subsection (a) remains available until expended.”

SECTION 33. The sum of \$400,000 is appropriated in the fiscal year ending September 30, 2007, from the General Fund to the Department of Public Works to pave the St. Croix Drag Racing Strip in Estate Anguilla, St. Croix. The sum remains available until expended.

SECTION 34. The sum of \$75,000 is appropriated for the fiscal year ending September 30, 2007, from the General Fund of the Virgin Islands to the Positive Vibes Soccer Club Corporation, for the annual tournament and competitions between February and November 2007 and must be disbursed as follows:

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| (1) | Governor’s Soccer Cup | \$10,000; |
| (2) | Summer Soccer Tournament | \$10,000; |
| (3) | Thanksgiving Soccer Tournament | \$10,000; |
| (4) | Black Heart Soccer Tournament | \$15,000; and |
| (5) | CONCACAF Caribbean Soccer Tournament \$30,000. | |
- (b) The sum appropriated in subsection (a) remains available until expended.

SECTION 35. Act No. 6864, section 23, which provided that the “sum of \$110,000 is appropriated in the fiscal year ending September 30, 2006, from the General Fund to the Virgin Islands Housing Authority divided equally between the districts of St. Croix and St. Thomas/St. John to be utilized by the Youth Build Program to conduct youth academic and educational activities,” is amended by adding a sentence to read: “The sum remains available until expended.”

SECTION 36. SECTION 5 of this Act takes effect retroactively on October 1, 2005.

Thus passed by the Legislature of the Virgin Islands on March 21, 2007.

Witnessed our Hands and Seal of the Legislature of the Virgin Islands this 30th Day of March, A.D., 2007.



A handwritten signature in cursive script, appearing to read "Usie R. Richards".

Usie R. Richards
President

A handwritten signature in cursive script, appearing to read "James A. Weber, III".

James A. Weber, III
Legislative Secretary



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802
340-774-0001

THE GOVERNOR'S OBJECTIONS

Bill No. 27-0039 is hereby approved with the exception of the following items, part or parts, portion or portions thereof, which are hereby objected to (and deleted and disapproved in full) pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954, as amended:

SECTION 2. Title 1 Virgin Islands Code, chapter 17 is amended in the following instances:

(a) Section 301, subsection (a) is amended by striking the introductory sentence and inserting in its place a new sentence to read as follows: "There is established in the Legislature of the Virgin Islands for budgetary reasons only, the Virgin Islands Commission on Uniform State Laws. The Commission consists of five members appointed or designated as follows:";

(b) by redesignating the second sentence in subsection (a), paragraph (3) as the first sentence in paragraph (b); and by adding paragraphs (4) and (5) to read as follows:

"(4) The Chief Justice of the Supreme Court or the Chief Justice's designee;

(5) The Code Revisor or the Code Revisor's designee"

(c) Section 303, subsection (b) is amended by adding a sentence at the end of that subsection to read: "The Commission shall also submit an annual budget as provided in title 2 Virgin Islands Code, chapter 2.

(d) Section 303 is amended by adding subsection (c) to read as follows:

"(c) There is appropriated each fiscal year sufficient funds to pay the Territory's membership dues to the National Conference of Commissioners of Uniform State Laws and to pay the costs for each Commission member to attend the annual meeting of the National Conference as required by subsection (a)."

SECTION 3.


(b) by adding paragraphs (6) and (7) to read as follows:

"(6) Fix the prices at which the pamphlets and volumes provided for in this section may be sold, but the pamphlets and volumes must be distributed free of charge to the three branches of the Government.

(7) Deposit the proceeds from the sales under paragraph (6) into an operating account to be used for publication costs associated with the preparation and publication of the pamphlets and volumes."

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, Virgin Islands, this 16th day of April, A.D., 2007.





John P. de Jongh, Jr.
Governor