

ACT NO. 8690
BILL NO. 34-0298

THIRTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2022

An Act appropriating \$500,000 from the Emergency Services Fund to the Department of Health for the purposes authorized in 33 V.I.C. § 3099(d); amending Virgin Islands Code, title 3, chapter 255, section 559 to provide for a hazardous duty pay differential for all Emergency Medical Services employees of the Virgin Islands Department of Health transferred to the Virgin Islands Fire and Emergency Medical Services; amending various sections of title 18 of the Virgin Islands Code related to the appointment of the Supervisor of Elections, compensation of election workers and for other related purposes; amending title 3, Virgin Islands Code, chapter 27, section 706 to allow retirees of the Government of the Virgin Islands to re-enter the service of the government in the legislative and judicial branches by appointment or contract; and for other purposes

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WHEREAS, Mobile Integrated Healthcare is a community-based, cost-effective healthcare solution designed to provide effective and efficient care to patients outside of the hospital; and

WHEREAS, paramedics and nurses with advanced training can function outside traditional emergency response and transport roles provided by the hospital and instead assist in maintaining individuals' health at their homes while also providing convenient unscheduled care access; and

WHEREAS, this program has been successfully implemented in areas across the country and has improved the healthcare access for underserved populations and reduced costs; and

WHEREAS, the Emergency Services Fund was created pursuant to Act No. 6333, section 29 and codified in title 33, chapter 111, section 3099 of the Virgin Islands Code; and

WHEREAS, the Fund consists of:

(1) All emergency services surcharges added to any telephone, electrical, sewage or other utility bill, or telecommunication services listed in section 57(b) of this title or tax schedule; and

(2) Any grants, donations, or gifts made specifically or generally for the use of, or purposes set forth in this Fund;

(3) All sums appropriated thereto from time to time by the Legislature; and

(4) All fees collected for the use of emergency services as supported by this Fund;
Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Act No. 8617 (Bill No. 34-0302), is amended in the following instances:

(a) section 1, subsection X is amended by:

(1) inserting a new line item after “BEHAVIORAL HEALTH MOBILE STAFF/SUPPLIES” that reads: “MOBILE INTEGRATIVE HEALTHCARE PROGRAM \$500,000”, and

(2) “TORAL ORG 700 DEPARTMENT OF HEALTH” is amended by striking “\$25,781,917” and inserting “\$26,281,917”.

(b) Section 1, subsection AB, is amended in “SUB-TOTAL GENERAL FUND” by striking “\$641,005,157” and inserting “\$641,505,157”.

(c) Section 1, subsection AD is amended in “GRAND TOTAL GENERAL FUND” by striking “\$714,503,508” and inserting “\$855,003,508”.

SECTION 2. The sum of \$500,000 is appropriated in the fiscal year ending September 30, 2023, from the Emergency Services Fund, established in 33 V.I.C. § 3099(a), to the Department of Health for the purposes authorized in 33 V.I.C. § 3099(d).

SECTION 3. Title 3 Virgin Islands Code, chapter 25, subchapter V, section 559 is amended as follows:

(a) Subsection (f), as amended by Act No. 8545 § 3 (Bill No. 34-0101), is amended by striking “who works in the Suppression Unit” and “which serves as the first responder to control and suppress fire outbreaks and contain Hazmat incidents on public and private property,”; and

(b) Subsection (g) is added and reads as follows:

“(g) All Emergency Medical Services employees of the Virgin Islands Department of Health transferred to Virgin Islands Fire and Emergency Medical Services shall receive a hazardous duty pay differential of 20% of basic compensation in addition to the basic compensation.”

SECTION 4. Title 33 Virgin Islands Code, chapter 111, section 3084, subsection (d) is amended as follows:

(a) In paragraph (4), strike “to the Department”;

(b) In paragraph (11), strike “by the Department”; and

(c) In the last sentence, insert “and the Commissioner of the Department of Property and Procurement” after “Commissioner of the Department of Licensing and Consumer Affairs”.

SECTION 5. Title 3 Virgin Islands Code, chapter 13, section 218 is amended by adding subsection (c) to read as follows:

“(c) The Department has authority for the management and control of the Vendors Plaza located in downtown historic Charlotte Amalie; but the Department of Licensing and Consumer Affairs shall maintain regulatory authority to ensure compliance with titles 12A and 27 of this Code.

SECTION 6. Act No. 5824 is amended by striking section 28 in its entirety.

SECTION 7. Title 17 Virgin Islands Code, chapter 15, section 190x is amended in the following instances:

(a) In subsection (a):

(1) Insert “or person who graduated from high school or an equivalency program, and” after “graduate”;

(2) Designate all the language after “who is” as paragraph (1); and

(3) After “aviation field”, add “; or (2) planning to pursue technical training and certification in the aviation field”.

(b) In subsection (c), strike “\$2,000” and insert “\$5,000”.

SECTION 8. There is appropriated in the fiscal year ending September 30, 2023, the sum of \$24,000 from the General Fund to the Virgin Islands Board of Education for the Caroline Felicia Adams Aviation Scholarship.

SECTION 9. The funds appropriated in section 8 remain available until expended.

SECTION 10. Act No. 8442 (Bill No. 34-0010) is amended at the end of section 2 after “former gasoline station” by inserting “; or if a gasoline station was issued permits, or was in the permitting process, before the effective date of this act and is not within two miles of another gasoline station”.

SECTION 11. Title 18 Virgin Islands Code, chapter 1, section 4 is amended in the following instances:

(a) In subsection (a), by striking the term “Joint Boards” wherever it appears and inserting “Board” in its place and in the second unnumbered paragraph by striking the words “Joint Boards of Elections through the” in the second paragraph;

(b) In subsection (b):

- (1) In paragraph (4) by striking “primaries and”;
- (2) In paragraph (5) by striking “the cards and binders” and striking “and for the conduct and determination of the results of primaries and elections; and, after consultation with the boards and with the approval of the boards, on the electronic voting machine, sample ballots and instructions for voters to be used at primaries and elections”;
- (3) In paragraph (8) by striking “the joint boards”;
- (4) In paragraph (9) by striking “June” and inserting “March”;
- (5) Paragraph (10), strike “15” and insert “30”;
- (6) In paragraph (11) by striking the word “cards” where it appears, both capitalized and lower case;
- (7) By striking “boards” wherever it appears in the section and inserting “board” in its place; and
- (8) By striking “and” at the end of paragraph (9); relacing the period (.) at the end of paragraphs (10) and (11) with a semicolon (;) and adding paragraphs (12) through (18) to read as follows:
 - “(12) perform all functions with respect to the registration and party enrollment of electors within its election district as vested in it by this title;
 - (13) preserve, store and maintain registers and election equipment of all kinds, including ballot boxes and any other equipment used in voting;
 - (14) issue certificates of appointments to election officers and clerks;
 - (15) prepare, post, and publish, in the manner provided by law, all notices and advertisements in connection with the registration of electors and the conduct of elections which may be required by law;
 - (16) receive from election officers the returns of all elections, canvass, and compute the returns, and certify no later than 15 days following the election;
 - (17) prepare and submit an annual report to the board in the form prescribed by the board, which shall contain a statement of the number of electors registered and those enrolled according to party affiliation as of June 30; and
 - (18) the Supervisor of Elections, during, or in the event of a State of Emergency, natural or manmade disaster, or extreme inclement weather, shall consult and collaborate with the Board of Elections in order to jointly adopt rules and regulations setting forth the particulars for the exercise of the emergency powers granted herein’.

SECTION 12. Title 18, Virgin Islands Code, chapter 2, section 21 is amended in subsection (b) by striking “by the Joint Board of Elections,” and after “separate” striking the “ballot” and inserting “contest”.

SECTION 13. Title 18 Virgin Islands Code, chapter 3, section 45 is amended in subsection (a), in the first sentence, by striking the word “each” and inserting “the”.

SECTION 14. Title 29 Virgin Islands Code, chapter 9, section 506 is amended by reenacting subsection (b) to read as follows:

“(b) Subsection (a) does not apply to temporary advertising devices of candidates seeking election to public or party office.”

SECTION 15. The following sums are appropriated in the fiscal year ending September 30, 2023, to the Virgin Islands Historical Commemorative Fund, established 33 V.I.C. § 3100u, to provide funding for costs associated with preparing and producing personalized license plates to commemorate the 175th Emancipation Anniversary of the Virgin Islands:

(1) \$50,000 from the Personalized License Plate Fund, established in 33 V.I.C. § 3065; and

(2) \$15.00 from the proceeds of the sale for each pair of the 175th Emancipation Anniversary license plates by the Bureau of Motor Vehicles is appropriated.

SECTION 16. The sum of \$23,000 is appropriated for the fiscal year ending September 30, 2023, from the General Fund to the Department of Public Works for temporary repairs to the four miles of the public roadway running south through Parcel No. 9 Estate Crown and Hawk on the island of St. Thomas.

SECTION 17. The sum appropriated in section 16 remains available until expended.

SECTION 18. Act No. 8543 (Bill No. 34-0146), section 3 is amended as follows:

(a) Subsection (a) is stricken in its entirety;

(b) Subsection (b) is amended in the first sentence by striking “Advisory Committee” and inserting “175th Emancipation Commemoration Committee established in Executive Order No. 522-2022”, and in the second sentence by striking “Advisory Committee” and inserting “175th Emancipation Commemoration Committee”;

(c) Subsection (d) is amended by striking “Advisory Committee” and inserting “175th Emancipation Commemoration Committee”; and

(d)

(e) The affected subsections are re-designated accordingly.

SECTION 19. Title 3 Virgin Islands Code, chapter 27, section 706 is amended in the following instances:

(a) Subsection (d) is amended in the introductory clause by inserting “in the executive branch” after “government”.

(b) Subsection (e) is redesignated as subsection (f) and a new subsection (e) is inserted to read as follows:

“(e) Notwithstanding subsection (c), any retired member of the System, may reenter the service of the government in the legislative and judicial branches of the Government by appointment or by contract for a period not to exceed 36 months without any effect on the member’s status as retired and without suspension or diminution of the member’s retirement annuity under the following conditions:

(1) Before approving a request to employ a retired member, the appropriate officer must find that:

(A) The retired member is qualified and competent for performance of the duties of the position in which member is to be employed.

(B) There is an urgent need for the retired member’s services; and

(C) The hiring is non-permanent; and

(2) The hiring must satisfy the requirements of subsection (d), paragraphs (2), (3), (4), (5) and (6).”

SECTION 20. Title 3 Virgin Islands Code, chapter 28A, section 755 is amended in the following instances:

(a) Subsection (d) is amended in the introductory clause by inserting “in the executive branch” after “government”.

(b) Subsection (e) is added and reads as follows:

“(e) Notwithstanding subsection (c), any retired member of the System, may reenter the service of the government in the legislative and judicial branches of the Government by appointment or by contract for a period not to exceed three years without any effect on the member’s status as retired and without suspension or diminution of the member’s retirement annuity under the following conditions:

(1) Before approving a request to employ a retired member, the appropriate officer must find that:

(A) The retired member is qualified and competent for performance of the duties of the position in which member is to be employed.

(B) There is an urgent need for the retired member’s services; and

(C) The hiring is non-permanent; and

(2) The hiring must satisfy the requirements of subsection (d), paragraphs (2), (3), (4), (5) and (6).

SECTION 21. (a) The Department of Sports, Parks and Recreation shall use the \$500,000 appropriated in Act No. 8494 as a grant to The Eddie Ortiz Annual Three Kings Tradition Inc., subject to the financial disclosure requirements in 2 V.I.C. § 29, for the construction and development of a steel roof for the basketball court in Estate Profit, St. Croix, Virgin Islands.

(b) The sum of \$500,000 is appropriated to the Department of Sports, Parks and Recreation in Act No. 8494 remains available until expended.

SECTION 22. Title 32 Virgin Islands Code, chapter 19, section 362 is amended by striking 'Sports, Parks and Recreation', and inserting 'Planning and Natural Resources'.

SECTION 23. Act No. 8617(Bill No. 34-0302) is amended in the following instances:

(a) Agency/MISC Item section is amended after the line item, "DOA AGRICULTURE REVOLVING FUND \$500,000" by adding four-line items that read as follows:

"DOA ST. CROIX ANIMAL WELFARE CENTER SPAY/NEUTER PROGRAM	\$50,000
DOA ST. THOMAS HUMANE SOCIETY SPAY/NEUTER PROGRAM	\$50,000
DOA ST. JOHN ANIMAL CARE CENTER SPAY/NEUTER PROGRAM	\$20,000
R.E.A.L. CATS SPAY/NEUTER PROGRAM	\$20,000

(b) TOTAL MISCELLANEOUS SECTION is amended by striking "\$71,943,785" and inserting \$72, 083,785".

SECTION 24. Title 32, chapter 2, section 21 of the Virgin Islands Code is amended as follows:

(1) In subsection (a) by inserting "in conjunction with the Board of Trustees" after "Department of Planning & Natural Resources".

(2) In subsection (e) by inserting the following at the end: "and to develop the long-range comprehensive conservation plan and program under subsection (a) of this section".

(3) By striking subsection (g) and inserting a new subsection (g) to read as follows:

"(g) The comprehensive plan must be adopted within 180 days following the first meeting of a fully constituted board. The plan must be made available to the public for 30 days for review and comment before it is adopted."

SECTION 25. Act No. 8651 (Bill NO. 34-0340), section 1 is amended as follows:

(a) Strike subsection (c) and renumber the remaining sections accordingly;

(b) In subsection (d), strike the date, “December 30, 2022” and insert “February 15, 2023”.

SECTION 26. The sum of \$50,000 is appropriated in the fiscal year ending September 30, 2023, from the General Fund to the Department of Sports, Parks, and Recreation to repair and maintain the bathroom facilities at the scenic overlook on Valdemar Hill Drive on St. Thomas.

SECTION 27. Act No. 8617 (Bill No. 34-0302), section 1 is amended as follows:

(a) In subsection D, after the line item “OTHER SERVICES AND CHARGES \$1,645,629”, insert a new line item, “GVI Fellows Program \$1,562,000” and in TOTAL ORG 210 OFFICE OF MANAGEMENT AND BUDGET strike “\$6,273,596” and insert “\$7,835,596”;

(b) In subsection E, strike the line item “FELLOWS PROGRAM \$1,562,000” and in “TOTAL ORG 220 DIVISION OF PERSONNEL” strike “\$52,410,167” and insert “\$50,848,167”.

SECTION 28. Up to \$150,000 is appropriated in the fiscal year ending September 30, 2023, from the General Fund of the Treasury of the Government of the Virgin Islands to the Office of the Governor, to fund the funeral for former Governor Roy Lester Schneider, M.D.

SECTION 29. Title 18 Virgin Islands Code, chapter 3, section 41, subsection (d) is amended as follows:

(a) Designate all the language after “unless he” as paragraph (1); and

(b) After “apply”, add “; and (2) is not a government official as defined in 3 V.I.C. § 541(c)”.

SECTION 30. Any government official serving a term on the Board of Elections on the effective date of this act may serve until the expiration of that term.

SECTION 31. Title 18 Virgin Islands, chapter 3, section 46, is amended by striking the phrase “the Supervisor of Elections and each board of elections with”.

SECTION 32. Title 18 Virgin Islands Code, chapter 3, section 41 is amended in subsection (g) by striking “\$75” and inserting “\$100” and by striking “\$125” and inserting “\$150”.

SECTION 33. Title 18 Virgin Islands Code, chapter 5, section 94 is amended by adding subsections (d), (e), and (f) that read as follows:

“(d) Notwithstanding subsection (a), the Director of the Bureau of Motor Vehicles, in conjunction with the Supervisor of Elections, shall designate an employee in each district as a registrar. The Supervisor of Elections or the Supervisor’s designee shall train the designated employees regarding the duties and responsibilities of a registrar. The employees designated as registrars must meet the requirements set forth in subsection (b). To the extent possible, the employees must be fluent in both Spanish and English.

(e) Notwithstanding subsection (a), persons may register to vote at the Bureau of Motor Vehicle only during the hours the Bureau of Motor Vehicles is open to the public; except during the period of 30 days immediately preceding and five days immediately following each election.

(f) The Bureau of Motor Vehicle shall post a placard at its main entrances, in a position easily visible to the public indicating that persons may register to vote at the Bureau. The placard must also list the documents that the person must present when registering to vote.

SECTION 34. Title 18 Virgin Islands Code, chapter 3, section 55 is amended as follows:

(1) Subsection (a) is amended by striking “, or primary” and “of the district” where they appear in the first instance; and

(2) Subsection (b) is amended by striking “a” where it appears after “proceeding before” and inserting “the” and by striking “a primary or” and inserting “an”.

SECTION 35. Title 18 Virgin Islands Code, chapter 3, section 56 is amended by striking “Member of boards of elections may act at any time as inspectors of registration, and when so acting” and inserting “Any member of the Board of Elections may inspect the records of voter registration, but any removal of the information, including making copies, must be approved by a majority of the members of the Board at a meeting that has a quorum present. When inspecting the records of voter registration, a member”.

SECTION 36. Title 18 Virgin Islands Code, chapter 3 is amended as follows:

(a) Section 57 is amended by striking “and” where it first appears and inserting a comma (,); and by inserting “and the Supervisor of Elections” after “registration”; and

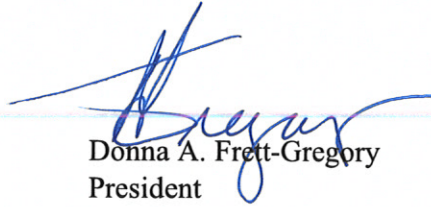
(b) Section 58 is amended by striking “a board of elections” and inserting “the Virgin Islands Elections System”.

SECTION 37. Title 18 Virgin Islands Code, chapter 25, section 665, subsection (d) is amended by striking all the language before “believes” and inserting “An absentee who”.

Thus passed by the Legislature of the Virgin Islands on December 30, 2022.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 3rd Day of January, A.D., 2023.




Donna A. Frett-Gregory
President


for Genevieve R. Whitaker
Secretary



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

GOVERNOR'S OBJECTIONS

Bill No. 34-0298 is hereby approved with the exception of the following item(s), part or parts, portion or portions thereof, which are hereby objected to and disapproved and deleted as marked on the Bill, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954 as amended:

In **SECTION 1** by striking the section in its entirety "**SECTION 1.** Act No. 8617 (Bill No. 34-0302), is amended in the following instances:

(a) section 1, subsection X is amended by:

(1) inserting a new line item after "BEHAVIORAL HEALTH MOBILE STAFF/SUPPLIES" that reads: "MOBILE INTEGRATIVE HEALTHCARE PROGRAM \$500,000", and

(2) "TORAL ORG 700 DEPARTMENT OF HEALTH" is amended by striking "\$25,781,917" and inserting "\$26,281,917".

(b) Section 1, subsection AB, is amended in "SUB-TOTAL GENERAL FUND" by striking "\$641,005,157" and inserting "\$641,505,157".

(c) Section 1, subsection AD is amended in "GRAND TOTAL GENERAL FUND" by striking "\$714,503,508" and inserting "\$855,003,508".

In **SECTION 2** by striking the section in its entirety "**SECTION 2.** The sum of \$500,000 is appropriated in the fiscal year ending September 30, 2023, from the Emergency Services Fund, established in 33 V.I.C. § 3099(a), to the Department of Health for the purposes authorized in 33 V.I.C. § 3099(d). "

In **SECTION 3** by striking the section in its entirety "**SECTION 3.** Title 3 Virgin Islands Code, chapter 25, subchapter V, section 559 is amended as follows:

(a) Subsection (f), as amended by Act No. 8545 § 3 (Bill No. 34-0101), is amended by striking "who works in the Suppression Unit" and "which serves as the first responder to control and suppress fire outbreaks and contain Hazmat incidents on public and private property,"; and

(b) Subsection (g) is added and reads as follows:

“(g) All Emergency Medical Services employees of the Virgin Islands Department of Health transferred to Virgin Islands Fire and Emergency Medical Services shall receive a hazardous duty pay differential of 20% of basic compensation in addition to the basic compensation.” ”

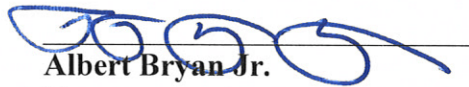
In **SECTION 14** by striking the section in its entirety “**SECTION 14.** Title 29 Virgin Islands Code, chapter 9, section 506 is amended by reenacting subsection (b) to reads as follows:

“(b) Subsection (a) does not apply to temporary advertising devices of candidates seeking election to public or party office.” ”

In **SECTION 21** by striking subsection (a) in its entirety “(a) The Department of Sports, Parks and Recreation shall use the \$500,000 appropriated in Act No. 8494 as a grant to The Eddie Ortiz Annual Three Kings Tradition Inc., subject to the financial disclosure requirements in 2 V.I.C. § 29, for the construction and development of a steel roof for the basketball court in Estate Profit, St. Croix, Virgin Islands.”

Witness my hand and the Seal of the Government of the United States Virgin Islands at Christiansted, St. Croix, U.S. Virgin Islands, this 14th day of January 2023 A.D.




Albert Bryan Jr.
Governor