

07/18/2024-HELD IN COMMITTEE

BILL NO. 35-0227

Thirty-Fifth Legislature of the Virgin Islands

February 2, 2024

An Act amending title 3 Virgin Islands Code, chapter 37 to enact the Virgin Islands Commission on Ethics and Conflicts of Interest

PROPOSED BY: Senators Kenneth L. Gittens, Franklin D. Johnson,
Marvin A. Blyden and Diane T. Capehart

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 37, is amended by repealing section 1108 and reenacting it with amendments as follows:

“§1108. Membership

(a) The Virgin Islands Commission on Ethics and Conflicts of Interest is composed of five members. The Governor of the Virgin Islands, the President of the Legislature of the Virgin Islands, and the Chief Justice of the Supreme Court shall each appoint one member, and two members must be private citizens jointly nominated by the Governor and the Chief Justice of the Supreme Court of the Virgin Islands with the advice and consent of the Legislature of the Virgin Islands. Before taking office, each appointee to the Commission on Ethics and Conflicts of Interest shall take the oath of office and execute the loyalty statement required of all officers and employees of the Government of the Virgin Islands.

1 (b) Members of the commission shall serve for terms of five years until their successors
2 are appointed and qualified, but not longer than 60 days beyond the expiration of their term.
3 The initial appointees of the President of the Legislature, the Governor, and the Chief Justice
4 of the Supreme Court of the Virgin Islands shall each serve an initial term of three years. The
5 other two members who are jointly appointed by the Governor and Chief Justice shall serve a
6 full term of five years.

7 (c) No member may be appointed to more than two full five-year terms.

8 (d) An individual, while a member or employee of the Commission, may not:

9 (1) hold elected public office or campaign for any public office;

10 (2) hold appointed office in, be an employee in any capacity of, or be a candidate
11 for political office in the federal government or the Government of the Virgin Islands,
12 whether or not for compensation;

13 (3) hold office in any political party or political committee for one year prior to
14 appointment;

15 (4) actively participate in or contribute to any political campaign; or

16 (5) directly or indirectly attempt to influence any decision by a governmental
17 body, other than a court of law or as a representative of the Commission on a matter
18 within the jurisdiction of the Commission.

19 (e) A majority of the Commission, by resolution, shall declare vacant the position on
20 the Commission of any member who participates in activities prohibited by subsection (d). An
21 individual appointed to fill a vacancy occurring other than by the expiration of a term of office
22 shall serve for the unexpired term of the member the individual succeeds and is eligible for
23 appointment to two full five-year terms thereafter. Any vacancy on the Commission must be
24 filled not later than 60 days from the date of the vacancy in the way that position was initially
25 filled.

1 (f) The Commission shall elect a chairperson and a vice-chairperson. The vice-
2 chairperson shall act as chairperson in the absence of the chairperson or if there is a vacancy in
3 that position. The term of the chairperson is two years. The chairperson may be reelected.

4 (g) A majority of the members of the Commission constitute a quorum, and except as
5 provided in section 1110(g), the vote of a majority of the members present is required for any
6 action or recommendation of the Commission. The chairperson or a majority of the members
7 of the Commission may call a meeting but advance written notice of the meeting must be mailed
8 to each member and to any person who requests notice of the meetings.

9 (h) Members of the Commission must be compensated at a rate of \$200 a day and are
10 entitled to receive reimbursement for their actual and necessary expenses while performing the
11 business of the Commission.

12 (i) The Commission shall employ an executive director, a chief legal counsel and other
13 professional staff as are necessary to carry out its duties pursuant to this chapter. These
14 personnel serve at the pleasure of the Commission. The executive director is responsible for
15 the administrative operations of the Commission and shall perform other duties as may be
16 delegated or assigned by the Commission, but the Commission may not delegate the making of
17 regulations to the executive director. The chief legal counsel is the chief legal officer of the
18 Commission. The chief legal counsel and all other staff counsel of the Commission must be
19 individuals regularly admitted to practice law in the Virgin Islands.

20 (j) The Commission shall also cause at least two investigators, one legal secretary, and
21 two office support staff to be hired by the executive director. The Commission may obtain the
22 services of experts and consultants as necessary to carry out its duties under this chapter. The
23 Attorney General shall make available to the Commission such personnel, facilities, and other
24 assistance as the Commission may request to assist in the performance of its duties.

1 (k) The Commission shall promulgate a code of conduct to govern the activities and
2 ethical standards of its members, which subjects the members to no less than is required for
3 public officials or public employees.”

4 **BILL SUMMARY**

5 This bill establishes the Virgin Islands Commission of Ethics and Conflicts of Interest
6 and provides for the appointment, eligibility, term of office and compensation for members of
7 the commission. This bill also addresses the hiring of professional and support staff.

8 **BR23-0594A/January 18, 2024/NS**

9 **DRAFTER’S NOTE**

10 Pursuant to Section 16(c) of the Revised Organic Act 1954, this section of the bill
11 establishing the commission has to be separate legislation.