



# COMMITTEE REPORT

Meeting  
 Friday, January 22, 2016  
 9:15 a.m. - 7:00 p.m.  
 Earle B. Ottley Legislative Hall  
 St. Thomas, VI

**PURPOSE:** To receive testimony and consider the following bills:

**Bill No. 31-0071** - An Act amending title 33 Virgin Islands Code, chapter 89, section 2549 relating to penalties for improperly conducting tax and public sewer system user fee auctions  
*Proposed by Senator Marvin A. Blyden*

**Bill No. 31-0161** - An Act amending title 20 Virgin Islands Code, Part II, chapter 43 relating to traffic fines  
*Proposed by Senator Sammuel Sanes*

**Bill No. 31-0176** - An Act amending title 3 Virgin Islands Code, chapter 25 adding subchapter IVa enacting the Virgin Islands Public Officials Compensation Act  
*Proposed by Senator Terrence Nelson*

**Bill No. 31-0179** - An Act amending title 3 Virgin Islands Code, chapter 25, subchapter IV, section 531 relating to the time for filing appeals to the Public Employees Relations Board for discrimination  
*Proposed by Senator Almando Liburd*

**Bill No. 31-0298** - An Act amending title 30 Virgin Islands Code, chapter 1, section 7 pertaining to Public Utilities  
*Proposed by Senator Jean A. Forde*

**ROLL CALL FOR ATTENDANCE:**

Committee Member	Present	Absent
Senator Myron Jackson, Vice Chair	1	
Senator Neville James, President	2	
Senator Terrence Nelson	3	
Senator Tregenza Roach	4	
Senator Sammuel Sanes	5	
Senator Janette Millin Young	6	
Senator Justin Harrigan, Sr., Chair	7	
<b>TOTAL</b>	<b>7</b>	<b>-</b>
Non-Committee Member		
Senator Marvin Blyden	1	
Senator Almando Liburd	2	
Senator Jean Forde	3	

Chairman Justin Harrigan, Sr. called the meeting to order and stated its purpose. **Bill No. 31-0071** was introduced by sponsor Senator Marvin A. Blyden. Then the meeting proceeded with testimony by Attorney General Claude E. Walker, Department of Justice, who supported the bill and encouraged government employees to carry out their duties honorably and efficiently. Deputy Attorney General Renee Gumbs Carty accompanied Walker and was available for questioning. In addition, testimony was heard by Mr. Ira Mills, Tax Assessor, Office of the Lt. Governor. Mills also, supported the bill for stiffening penalties for knowingly and wilfully influencing the outcome of the property bidding process. Additionally, Inspector General Steven van Beverhoudt of the Office of the Virgin Islands Inspector General was present and available for questioning. Testimonies were followed by two rounds of questioning by all Senators present. Senator Myron Jackson then made a motion to amend the bill with Amendment No. 31-827 and another to technically amend Amendment No. 31-827 by correcting spelling error “device” to “devise”. With no objections, the amendment as amended was so ordered. After, Senator Jackson made a motion to vote favorably upon the bill as amended and forward to the Committee on Rules and Judiciary for further consideration. The motion was properly moved, seconded and voted upon. With six ‘yea’ majority votes, the bill as amended passed. Testifiers were thanked for their participation and excused.

**ACTION TAKEN ON BILL NO. 31-0071: PASSED (AS AMENDED)**

**VOTE ON MOTION TO AMEND BILL NO. 31-0071 WITH AMENDMENT NO. 31-827 (AS AMENDED): SO ORDERED**

**VOTE ON MOTION TO VOTE FAVORABLY ON AND FORWARD TO THE COMMITTEE ON RULES AND JUDICIARY BILL NO. 31-0071:**

Committee Member	Yea	Nay	Absent	Not Voting
Senator Myron Jackson, Vice Chair	1			
Senator Neville James, President			1	
Senator Terrence Nelson	2			
Senator Tregenza Roach	3			
Senator Sammuel Sanes	4			
Senator Janette Millin Young	5			
Senator Justin Harrigan, Sr., Chair	6			
<b>TOTAL</b>	<b>6</b>	<b>-</b>	<b>1</b>	<b>-</b>

Next, bill sponsor Senator Sammuel Sanes introduced **Bill No. 31-0161**. The Committee then received testimony on the bill from Director Lawrence Olive, Bureau of Motor Vehicles. Olive supported the bill with recommended amendments to change percentage distribution of funds from 82% to 10% for BMV, 10 % to 60% for VIPD and 8% to 10% for Superior Court. Lt. Joseph Platt, Traffic Bureau Commander, Virgin Islands Police Department also testified on this bill and recommended fund percentage changes with VIPD receiving 25% and BMV 67%. Clarina Modeste Elliot, Executive Assistant Commissioner, Department of Finance, stated that a significant amount of fees collected revert to the General Fund. As a result, the Department could not support shifting of funds when revenues are scarce. In addition, the Honorable Michael C. Dunston, Presiding Judge of the Superior Court of the Virgin Islands testified on the

bill. Judge Dunston stated that he could support the bill if it stated that the Superior Court would retain a percentage of “nondiscretionary, fixed” fines, as opposed to its current form indicating both fixed and discretionary fines. The reason is to avoid misinterpretation by the public that the Court has self interest in generating revenue for its operations. Testimony was followed by two rounds of questioning by all Senators present. Senator Sammuel Sanes then made a motion to hold the bill for further consideration. The motion was properly moved, seconded and voted upon. With seven ‘yea’ votes, the bill was held in Committee. Testifiers were thanked for their participation and excused.

**ACTION TAKEN ON BILL NO. 31-0161: HELD**

**VOTE ON MOTION TO HOLD BILL NO. 31-0161:**

<b>Committee Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Absent</b>	<b>Not Voting</b>
Senator Myron Jackson, Vice Chair	1			
Senator Neville James, President	2			
Senator Terrence Nelson	3			
Senator Tregenza Roach	4			
Senator Sammuel Sanes	5			
Senator Janette Millin Young	6			
Senator Justin Harrigan, Sr., Chair	7			
<b><u>TOTAL</u></b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>-</b>

Senator Terrence Nelson, bill sponsor, then introduced **Bill No. 31-0176**. Following, the Committee received testimony on the bill from the Honorable Rhys S. Hodge, Chief Justice of the Supreme Court of the Virgin Islands. Justice Hodge recommended several amendments to include establishing a separate commission for reviewing judicial salaries, tying local to federal judicial salaries and other technical amendments. The Honorable Michael C. Dunston, Presiding Judge of the Superior Court of the Virgin Islands also testified on this bill. Judge Dunston had concerns with judicial officials’ salaries being set by a commission, on whether the commission would set salary rates or just make recommendations and the definition of “remuneration” to which he did not support the bill. Additionally, J. Russell B. Pate, Esq., President of the Virgin Islands Bar Association briefly testified on the bill recommending that the commission should use different criteria to set salaries for the judiciary. Testimonies were followed by two rounds of questioning by all Senators present. Senator Terrence Nelson then made a motion to amend the bill with Amendment No. 31-831. With no objections, the amendment was so ordered. Subsequently, Senator Sammuel Sanes made a motion to hold bill as amended in Committee until the next meeting to further vet additional amendments discussed. The motion was properly moved, seconded and voted upon. With seven ‘yea’ majority votes, the bill as amended was held. Testifiers were thanked for their participation and excused.

**ACTION TAKEN ON BILL NO. 31-0176: AMENDED and HELD**

**VOTE ON MOTION TO AMEND BILL NO. 31-0176 WITH AMENDMENT NO. 31-831: SO ORDERED**

**VOTE ON MOTION TO HOLD BILL NO. 31-0176:**

<b>Committee Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Absent</b>	<b>Not Voting</b>
Senator Myron Jackson, Vice Chair	<b>1</b>			
Senator Neville James, President	<b>2</b>			
Senator Terrence Nelson	<b>3</b>			
Senator Tregenza Roach	<b>4</b>			
Senator Sammuel Sanes	<b>5</b>			
Senator Janette Millin Young	<b>6</b>			
Senator Justin Harrigan, Sr., Chair	<b>7</b>			
<b><u>TOTAL</u></b>	<b>7</b>	<b>-</b>	<b>-</b>	<b>-</b>

Later, bill sponsor Senator Almando Liburd introduced **Bill No. 31-0179**. After, the Committee received testimony on the bill from Commissioner Catherine Hendry, Department of Labor, who was accompanied by Assistant Commissioner Kendra Roach. Commissioner Hendry was in support of the bill and recommended that it reflect the filing of an appeal and that the discrimination is specific to non-merit factors. Attorney General Claude E. Walker, Department of Justice, presented testimony in support of this bill for setting a statute of limitations for filing claims as it provides fairness to defendants, ensures that there is sufficient evidence and encourages plaintiffs to pursue claims diligently. Executive Director Zandra Petersen of the Public Employees Relations Board also testified in support of the bill for setting a time limitation for filing claims. In addition, Linnea Hector, staff representative for the United Steelworkers Union testified and did not support the bill stating that employees struggle with filing claims due to fear of retaliation, mistreatment, lack of confidentiality and lack of knowledge of the process. Testimony was followed by two rounds of questioning by all Senators present. Senator Sammuel Sanes then made a motion to forward the bill to the Committee on Rules and Judiciary pending proposed amendments discussed in this Committee meeting. The motion was properly moved, seconded, objected to and voted upon. With six ‘yea’ majority votes, the bill passed. Testifiers were thanked for their participation and excused.

**ACTION TAKEN ON BILL NO. 31-0179: PASSED**

**VOTE ON MOTION TO VOTE ON AND FORWARD TO THE COMMITTEE ON RULES AND JUDICIARY BILL NO. 31-0179:**

<b>Committee Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Absent</b>	<b>Not Voting</b>
Senator Myron Jackson, Vice Chair	<b>1</b>			
Senator Neville James, President	<b>2</b>			
Senator Terrence Nelson	<b>3</b>			
Senator Tregenza Roach		<b>1</b>		
Senator Sammuel Sanes	<b>4</b>			
Senator Janette Millin Young	<b>5</b>			
Senator Justin Harrigan, Sr., Chair	<b>6</b>			
<b><u>TOTAL</u></b>	<b>6</b>	<b>1</b>	<b>-</b>	<b>-</b>

Lastly, Senator Jean A. Forde, bill sponsor, introduced **Bill No. 31-0298**. The Committee then received testimony from Viviana V. Matthew-James, member of the United Steelworkers

Union– Local Chapter 8545 who first testified on behalf of Gerard Jackson. In the prepared testimony, USW supported the bill stating customers have difficulty using automated systems and customer service is not available at bank payment locations. Further, Ms. Mathew-James testified as an Innovative customer listing hardship of extra cost by money order payment and time elapsed during interruption of service. Assistant Commissioner Janet Turnbull-Krigger, Department of Human Services, supported the bill stating that the service was especially important to elderly persons as they have limited access to the internet or are uncomfortable with online and telephone payments methods. President and CEO of Innovative Companies did not support the bill stating that it is not financially feasible to accept cash payments on site due to decline in customer base. Additionally, Executive Director Donald G. Cole of the Public Services Commission testified in regards to the bill by stating the Commission’s investigatory and regulatory powers. Testimony was followed by two rounds of questioning by all Senators present. Thereafter, Senator Myron Jackson made a motion to hold bill in Committee until further notice. The motion was properly moved, seconded and voted upon. With six ‘yea’ majority votes, the bill was held. Testifiers were thanked for their participation and excused.

**ACTION TAKEN ON BILL NO. 31-0298: HELD**

**VOTE ON MOTION TO HOLD BILL NO. 31-0298:**

<b>Committee Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Absent</b>	<b>Not Voting</b>
Senator Myron Jackson, Vice Chair	<b>1</b>			
Senator Neville James, President	<b>2</b>			
Senator Terrence Nelson	<b>3</b>			
Senator Tregenza Roach	<b>4</b>			
Senator Sammuel Sanes	<b>5</b>			
Senator Janette Millin Young			<b>1</b>	
Senator Justin Harrigan, Sr., Chair	<b>6</b>			
<b><u>TOTAL</u></b>	<b>6</b>	<b>-</b>	<b>1</b>	<b>-</b>

Chairman Justin Harrigan, Sr. made closing remarks and adjourned the Committee on Government Services, Consumer and Veterans Affairs.

*All testimonies and relevant meeting documents are available on the 31<sup>st</sup> Legislature Committees drive (U:).*