

LEAGUE OF WOMEN VOTERS, USVI INC

Comments on Bill 35-0228: { PG 1 OF 3}

Enumeration of the duties and functions of the Commission on Ethics and the appropriation of \$500,000 from the General Fund for its operations.

League Concern re the Description: The Bill's description indicates it is appropriating funds to the Ethics Commission "and for other related purposes". This cryptic description of use of the funds is cause for concern and needs to be more specific, as it appears to allow for "other uses" that are only loosely scripted.

Recommendation: delete "and for other related purposes" if its use cannot be more specifically stated

1. Under Section 2209: Powers and Duties:

- Item (b) should be *Draft a Code of Official Conduct etc* rather than as is now listed as (€).

Rationale: The current Item (b) requires public officials to undertake a training course on the requirements of the chapter. However, a Code of Conduct needs to be written before officials can take a course on it..

- The current item © which requires a training course on the chapter should be listed just before the current item (i) and those following

.Rationale: these items should be included as part of the training course so that these forms may be included as part of the training. This requires that the Code be written first.

- Concern: The current item (b) requires a training course of not less than 2 hrs. The LWV VI rejects the 2 hour stipulation

Rationale: With today's technology this time requirement is not necessary. Further, it can be viewed as a loss of more useful employee time. Instead, a digitally recorded training course could be prepared such that officials can access and complete it asynchronously. There are apps that provide for monitoring a student's participation in a virtual course and administering and correcting tests to monitor compliance. Officials could be given a 10 day window within which to successfully complete the course asynchronously.

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- Placement of item D from current location to just before item (i)

Rationale: The training course should be scheduled only after all the appropriate documents/forms have been developed so that they could be included in the training.

- Current item (j) fails to require a followup response from an official once he is told of his failure to file.

Rationale: This statement must include a deadline for filing once an official is notified of his failure and must identify a penalty for failing to followup. Without that, the official thinks he can proceed with impunity if not filing. Further, he should be referred to the section on penalties (Section 1111).

Section 1111: Penalties. Item (d) last sentence suggests a penalty of \$25/day and a maximum penalty of \$250. This needs to be reviewed and a maximum be excluded. Finally, where do the penalty funds go once collected?

Rationale: With a maximum of \$250 penalty, a public official can determine never to file and be immune from further penalties and simply pay the \$250.. Instead, the fines should persist until documents are filed.. Finally, how are the penalty funds handled once collected?

Section 1113 Commission Fund. The LWV VI disagree with item (d)

Rationale: Private grants, gifts, donations and requests are often restricted funds, most of which do not contribute to the day to day operations of the grantee. If the commission were to return funds above the \$500,000 it might be at the

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expense of operating costs. Instead, the wording could be modified to indicate that the upper limit refers only to unrestricted funds.

=====END of Testimony on Bill 35-0228=====July 17, 2017=====