



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. 30-0277 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 6. In addition to the uses of the Virgin Islands Water and Power Authority Generating and Infrastructure Fund prescribed in title 33 V.I.C. §3039a(c), the Virgin Islands Water and Power Authority may use monies from that fund for financing the conversion of the power generating units existing in the St. Thomas/St. John and St. Croix districts on the effective date of this section, to operate on fuel oil, liquefied natural gas and liquefied petroleum gas; but the generating units must operate subsequently at "10,000" British Thermal Units (BTUs) per Kilowatt hour.

SECTION 7. Title 33 Virgin Islands Code, chapter 3, section 54 is amended by adding subsections (g) and (h) to read as follows:

"(g) The Director of Internal Revenue shall assign two employees to investigate and collect room taxes from hotel and inn keeps of residences, kept, used, maintained, rented, leases, advertised or held out to the public to be a place where sleeping accommodations are furnished by the day, week, month or season, for pay.

SECTION 10. Act No. 7233 is amended in section 4 by designating the existing language as subsection (a) and adding the following at the end: "The construction by the Virgin Islands Waste Management Authority of a convenience center for recycling wastes; the preservation of the ruins on the property; and the establishment of the Coral Bay Parcel 7 Remainder Marsh Land Trust." and by adding subsections (b) and (c) to read as follows:

"(b) The Department of Property and Procurement shall purchase the property identified in subsection (a) in phases in accordance with the availability and allocation of funds.

(c) The Department of Property and Procurement shall use \$1,000,000 of the funds appropriated in subsection (a) to purchase no less than 20 contiguous acres in the flatter portion of Parcel 7 Remainder, Estate Carolina, Coral Bay Quarter, St. John, including the historic Carolina Plantation ruins and a minimum of 300 feet of road frontage on King's Hill Road, Route 20, to accommodate the Virgin Islands Waste Management Authority Convenience Center and for other public infrastructure purposes."

SECTION 11. From the \$150,000 appropriation for "Cultural Education" made in section 1, subsection T of Act No. 7535, the sum of \$120,000 must be used by the Department of Education, Division of Cultural Education for cultural and historic activities through the Territory.

SECTION 17. Title 14 Virgin Islands Code, chapter 13, is amended by adding section 296a to read as follows:

"296a (a) Whoever, under circumstances not amounting to an assault in the first or second degree assaults a principal, assistant principal, superintendent, assistant superintendent, counselor, teacher, substitute teacher, paraprofessional, aide or monitor of the Department of Education, or program manager or director of education programs in a career academy, alternative education institution, or other educational institution, in the lawful discharge of the duties of such person's office, if it was known or declared to the defendant that the person assaulted was an employee of the Department of Education or other career, or educational institution, discharge any official duty, shall be fined not less than \$2,000 and not more than \$10,000, or imprisoned not more than 10 years, or both.

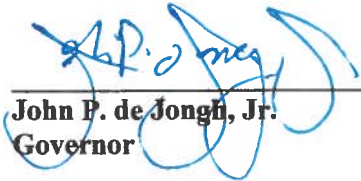
(b) This subsection does not apply to students enrolled in any program in which the Department of Education is involved, unless the program is an adult education program and the student is eighteen years of age or older."

SECTION 21. Title 3 Virgin Islands Code, chapter 25, subchapter V is amended in section 559, subsection (c) after "work" by inserting "or rotating shifts".

SECTION 22. The sum of \$175,000 is appropriated in the fiscal year ending September 30, 2014, from the General Fund to the Department of Planning and Natural Resources, of which \$125,000 is to be used for the Virgin Islands Cultural Heritage Institute Music Mentorship Program, and \$50,000 is to be used for Cutting Edge Entertainment, Inc.

Witness my hand and the seal of the Government of the United States Virgin Islands, at Charlotte Amalie, St. Thomas, Virgin Islands, this 6th day of December, A.D., 2013.





John P. de Jongh, Jr.
Governor

ACT NO. 7574

BILL NO. 30-0277

THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2013

An Act providing for supplemental measures in support of the Fiscal Year 2014 operating budget for the Government of the Virgin Islands and adopting the Omnibus Authorization Act of Fiscal Year 2014 and for other purposes related to the public health, safety and welfare

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. (a) Title 3 Virgin Islands Code, chapter 28A, section 7701, subsection (i) , is amended after “judges” by inserting “and magistrates” and after “Virgin Islands” by inserting “and justices of the Supreme Court of the Virgin Islands”.

(b) Subsection (a) takes effect retroactively on November 2, 2005.

SECTION 2. Title 12 Virgin Islands Code, chapter 1, subchapter III, section 33 is repealed.

SECTION 3. Title 12 Virgin Islands Code, chapter 23, section 1101 is amended by adding subsection (r) to read as follows:

“(r) ‘Government’ means the executive, legislative, and judicial branches of the Government of the Virgin Islands, or the agencies and instrumentalities, and Governing Boards and Commissions of the Government of the Virgin Islands, and ‘government building’ means a building owned by or under the possession of the Government of the Virgin Islands.”

SECTION 4. Title 30 Virgin Islands Code, chapter 2, section 46 is amended by adding subsection (q) to read as follows:

“(q) ‘Airport, Seaport and V.I. Hospitals and Health Facilities 1 Corporation small power production facility’ means a facility that:

(1) produces energy solely through the use of photovoltaic solar cells;

(2) has a power production capacity that is not greater than five megawatts in the St. Thomas/St. John district and five megawatts in the St. Croix district;

(3) is constructed and operated by the Port Authority or the V.I. Government Hospitals and Health Facilities Corporation health care facilities, their contractors, or upon property owned or leased by the V.I. Port Authority, or the Government of the Virgin Islands; and produces power for use solely by the V.I. Port Authority, or by the V.I. Hospitals and Health Facilities Corporation health care facilities, respectively, to offset, the extent practicable, their energy needs and costs.”

SECTION 5. Title 33 Virgin Islands Code, chapter 111, section 3039a, subsection (c) is amended in the following instances:

(a) The introductory language is stricken in its entirety, and new introductory language is inserted that reads as follows: “The Commissioner of Finance shall disburse monies in the Fund to the Virgin Islands Water and Power Authority on a quarterly basis.” The Virgin Islands Water and Power Authority shall hold all monies disbursed under this subsection in a separate account to be used exclusively for; and

(b) Paragraph (3) is amended by striking “through the Public Finance Authority”.

~~**SECTION 6.** In addition to the uses of the Virgin Islands Water and Power Authority Generating and Infrastructure Fund prescribed in title 33 V.I.C. §3039a(e), the Virgin Islands Water and Power Authority may use monies from that fund for financing the conversion of the power generating units existing in the St. Thomas/ St. John and St. Croix Districts on the effective date of this section, to operate on fuel oil, liquefied natural gas and liquefied petroleum gas; but the generating units must operate subsequently at “10,000” British Thermal Units (BTUs) per Kilowatt hour.~~

SECTION 7. Title 33 Virgin Islands Code, chapter 3, section 54 is amended by adding subsections (g) and (h) to read as follows:

~~“(g) The Director of Internal Revenue shall assign two employees to investigate and collect room taxes from hotel and inn keepers of residences, kept, used, maintained, rented, leased, advertised or held out to the public to be a place where sleeping accommodations are furnished by the day, week, month or season, for pay.~~

(h) Any hotel keeper or innkeeper who willfully fails or refuses to comply with this section, or who submits a fraudulent report to the Bureau of Internal Revenue is subject to a fine not to exceed \$10,000 for each violation and imprisoned for a period not to exceed 30 days, or both the fine and the imprisonment.”

SECTION 8. Title 33 Virgin Islands Code, chapter 111, section 3023, is amended in the following instances:

(a) Subsection (a) is amended by adding a sentence at the end of that subsection which reads as follows: "However, the monies made available to the Virgin Islands by the United States Department of Housing and Urban Development Community Block Grant Program may be allocated to projects, obligated, disbursed, expended, or reprogrammed by the head of any executive department, agency, or instrumentality charged with the administration of the Community Development Block Grant Program on behalf of the Territory, without approval by the Legislature of the Virgin Islands, or the Legislature's committee of jurisdiction"; and (b) Subsection (c) is stricken.

SECTION 9. Act No. 7535 (Bill No. 30-0209), section 1, subsection C is amended by striking "\$446,800" and inserting "\$7,289,973" and striking "\$7,736,773" and inserting "\$8,282,366";

~~**SECTION 10.** Act No. 7233 is amended in section 4 by designating the existing language as subsection (a) and adding the following at the end: "The construction by the Virgin Islands Waste Management Authority of a convenience center for recycling wastes; the preservation of the ruins on the property; and the establishment of the Coral Bay Parcel 7 Remainder Marsh Land Trust." and by adding subsections (b) and (c) to read as follows:~~

~~"(b) The Department of Property and Procurement shall purchase the property identified in subsection (a) in phases in accordance with the availability and allocation of funds.~~

~~"(c) The Department of Property and Procurement shall use \$1,000,000 of the funds appropriated in subsection (a) to purchase no less than 20 contiguous acres in the flatter portion of Parcel 7 Remainder, Estate Carolina, Coral Bay Quarter, St. John, including the historic Carolina Plantation ruins and a minimum of 300 feet of road frontage on King's Hill Road, Route 20, to accommodate the Virgin Islands Waste Management Authority Convenience Center and for other public infrastructure purposes."~~

~~**SECTION 11.** From the \$150,000 appropriation for "Cultural Education" made in section 1, subsection T of Act No. 7535, the sum of \$120,000 must be used by the Department of Education, Division of Cultural Education for cultural and historic activities throughout the Territory.~~

SECTION 12. Title 3 Virgin Islands Code, chapter 19, section 338, subsection (b) is amended in the following instances:

(a) The first sentence in subsection (b) is stricken and a new sentence is inserted that reads as follows: "The Commission is composed of six residents of St. Croix, one of whom must be a member of the St. Croix Friends of Denmark, Society, Inc.; six residents of St. Thomas, one of whom must be a member of the St. Thomas-St. John Friends of Denmark Society, Inc.; and three residents of St. John, all of whom must be appointed by the Governor; and two members of the Legislature, one member from

the district of St. Croix, and one member from the district of St. Thomas and St. John, appointed by the President of the Legislature”; and

(b) The fifth sentence in the subsection is amended after “Commission” by inserting “appointed by the Governor”.

SECTION 13. Title 29 Virgin Islands Code, chapter 8, subchapter 1, section 500e is amended by adding subsections (c), (d) and (e) to read as follows:

“(c) No judgment may be rendered against the Authority in excess of \$75,000 in any suit or action against the Authority with respect to any injury to or loss of property or personal injury or death that:

(1) is caused by the negligent or wrongful act or omission of an employee of the Authority while acting within the scope of the employee’s employment under circumstances where the Authority, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred; or

(2) occurs in connection with the use of the Authority's facilities.

(c) Paragraphs (1) and (2) of subsection (c) do not apply if the injury, loss of property or death is caused by the gross negligence of an employee of the Authority while the employee is acting within the scope of employment.

(d) The Authority consents to have the liability determined in accordance with the same rule of law as applied to actions in the courts of the Virgin Islands against individuals or corporations.”

SECTION 14. Title 29 Virgin Islands Code, chapter 10, subchapter III, section 556, is amended by adding subsections (c) and (d) to read as follows:

“(c) No judgment may be rendered against the Authority in excess of \$ 75,000 in any suit or action against the Authority with respect to any injury to or loss of property or personal injury or death that:

(1) is caused by the negligent or wrongful act or omission of an employee of the Authority while acting within the scope of the employee’s employment under circumstances where the Authority, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred; or

(2) occurs in connection with the use of the Authority's facilities.

(d) paragraphs (1) and (2) of subsection (c) do not apply if the injury, loss of property or death is caused by the gross negligence of an employee of the Authority while the employee is acting within the scope of employment.”

SECTION 15. Title 17 Virgin Islands Code, chapter 33, section 459 is amended by adding subsections (c) and (d) to read as follows:

“(c) No judgment may be rendered against the University in excess of \$ 75,000 in any suit or action against the University with respect to any injury to or loss of property or personal injury or death that:

(1) is caused by the negligent or wrongful act or omission of an employee of the University while acting within the scope of the employee’s employment under circumstances where the University, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred; or

(2) occurs in connection with the use of the University’s facilities.

(d) Paragraphs (1) and (2) of subsection (c) do not apply if the injury, loss of property or death is caused by the gross negligence of an employee of the University while the employee is acting within the scope of employment.”

SECTION 16. Title 33 Virgin Islands Code, chapter 7, section 128 (a) as amended by section of Act No. 7532, (Bill No. 30-0177), is amended by striking all of the language in paragraph (7) and inserting new language that reads as follows: “to a nonprofit organization organized under title 13 Virgin Islands Code, chapter 3 which has submitted a certificate of good standing issued by the Lieutenant Governor”

~~**SECTION 17.** Title 14 Virgin Islands Code, chapter 13, is amended by adding section 296a to read as follows:~~

~~“296a (a) Whoever, under circumstances not amounting to an assault in the first or second degree assaults a principal, assistant principal, superintendent, assistant superintendent, counselor, teacher, substitute teacher, paraprofessional, aide or monitor of the Department of Education, or program manager or director of education programs in a career academy, alternative education institution, or other educational institution, in the lawful discharge of the duties of such person’s office, if it was known or declared to the defendant that the person assaulted was an employee of the Department of Education or other career, or educational institution, discharging an official duty, shall be fined not less than \$2,000 and not more than \$10,000, or imprisoned not more than 10 years, or both.~~

~~(b) This subsection does not apply to students enrolled in any program in which the Department of Education is involved, unless the program is an adult education program and the student is eighteen years of age or older.”~~

SECTION 18 (a) The sum of \$150,000 is appropriated in the fiscal year ending September 30, 2014, to the Public Finance Authority to provide for a due diligence feasibility study to assess the need for and the readiness of the community to construct a multipurpose complex and theme park at Green Cay on St. Thomas.

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

SECTION 19. (a) The sum of \$400,000 is appropriated in the fiscal year ending September 30, 2014, from the General Fund to the University of the Virgin Islands Research and Technology Park for operating expenses.

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

SECTION 20. The Legislature approves the Amendment to Group Medical Health Insurance Agreement made and entered into this 29th day of October, 2013 by and between the Government of the Virgin Islands, through the Health Insurance Board of Trustees, (the "Government") the Virgin Islands Port Authority (the "Authority"), the University of the Virgin Islands ("UVI"), the St. Thomas East End Medical Center ("East End Medical"), the Virgin Islands Housing Authority (the "Housing Authority"), Non-Profit Organizations defined as eligible by the Government, and Frederiksted Health Care, Inc. ("FHC") (the Government, the Authority, UVI, East End Medical, the Housing Authority, Non-Profit Organizations and FHC hereinafter individually referred to as, each, "Employer Entity" and collectively referred to as the "Employer") and Cigna Health and Life Insurance Company (hereinafter "Cigna"), attached as Appendix A to and made a part of this Act."

~~**SECTION 21.** Title 3 Virgin Islands Code, chapter 25, subchapter V is amended in section 559, subsection (e) after "work" by inserting "or rotating shifts".~~

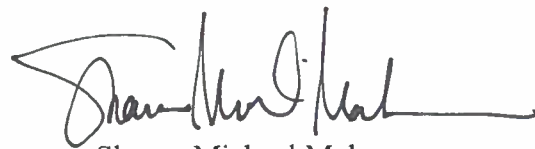
~~**SECTION 22.** The sum of \$175,000 is appropriated in the fiscal year ending September 30, 2014, from the General Fund to the Department of Planning and Natural Resources, of which \$125,000 is to be used for the Virgin Islands Cultural Heritage Institute Music Mentorship Program, and \$50,000 is to be used for Cutting Edge Entertainment, Inc.~~

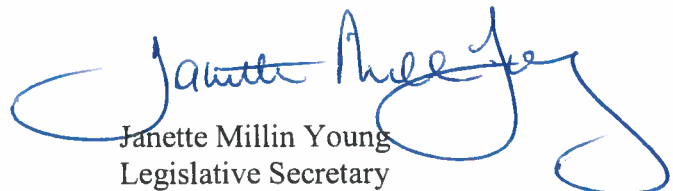
SECTION 23. The Legislative Youth Advisory Council Selection Committee and the Council membership may meet and perform their respective duties under title 2 Virgin Islands Code, chapter 9 in advance of the appointment of the full membership of the respective body, so long as a quorum of the membership is present at any meeting in which a vote may be taken.

Thus passed by the Legislature of the Virgin Islands on November 19, 2013.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 22nd Day of November, A.D., 2013.




Shawn-Michael Malone
President


Janette Millin Young
Legislative Secretary

APPENDIX A

TO SECTION 20 of Bill No. 30-0277

Amendment to Group Medical Health Insurance Agreement

**AMENDMENT TO
GROUP MEDICAL HEALTH INSURANCE
AGREEMENT**

THIS AGREEMENT made and entered into this 29th day of October, 2013 by and between the Government of the Virgin Islands, through the Health Insurance Board of Trustees, (the "Government") the Virgin Islands Port Authority (the "Authority"), the University of the Virgin Islands ("UVI"), the St. Thomas East End Medical Center ("East End Medical"), the Virgin Islands Housing Authority (the "Housing Authority"), Non-Profit Organizations defined as eligible by the Government, and Frederiksted Health Care, Inc. ("FHC") (the Government, the Authority, UVI, East End Medical, the Housing Authority, Non-Profit Organizations and FHC hereinafter individually referred to as, each, "Employer Entity" and collectively referred to as the "Employer") and Cigna Health and Life Insurance Company (hereinafter "Cigna"). For purposes of this Amendment of Group Medical Health Insurance Agreement (the "Amendment"), a Non-Profit Organization is an entity determined by the Government to satisfy the requirements under applicable U. S. Virgin Islands law for participation under this Amendment.

WITNESSETH:

WHEREAS, the Employer and Cigna entered into an Agreement for Group Medical Health Insurance (the "Agreement") approved by the Virgin Islands Legislature on September 30, 2013; and

WHEREAS, the Agreement was for a one (1) year term and provides that the parties may renegotiate and renew the Agreement for up to four (4) successive twelve (12) month terms; and

SHAWN-MICHAEL MALONE
SENATOR

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OFFICE OF THE
SENATE CLERK

WHEREAS, the Employer and Cigna intend, pursuant to this Amendment, to amend Addendum 11 of the Agreement, to provide for a one month extension of coverage for retirees over age 65 who have not enrolled in Medicare Part B.

NOW THEREFORE, for and in consideration of the mutual covenants and promises made herein, the parties agree as follows:

1. The Agreement, pursuant to the terms herein, is amended in Addendum 11 to extend coverage under the Benefits Program referenced in addendum 2, for retirees over age 65 that have not enrolled in Medicare Part B, from November 1, 2013 through November 30, 2013.
2. The premium rates under Addendum 11 of the Agreement shall remain the same.
3. Except as expressly amended by this Amendment, all terms and provisions of the Agreement remain in full force and effect.
4. This Amendment is subject to the appropriation and availability of funds, the approval of the Governor of the U.S. Virgin Islands, and the approval of the Virgin Islands Legislature.
5. Cigna's acquiescence to this extension is dependent upon it receiving from the Employer prior to the effective date of this amendment written proof or evidence that the Employer has secured continuing health coverage for these retirees that will take effect immediately on December 1, 2013.
6. For purposes of this Amendment, a photocopy or facsimile copy of the document or a photocopy or facsimile copy of a signature to the document shall have the same effect as an original. Also, this Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF the parties through their authorized representative set their signatures on the day and year indicated.

Witnesses:

Cigna Health and Life Insurance Company

Delbie Green

Elizabeth Quattrochi Date: 10/29/2013
Elizabeth Quattrochi, Assistant Director

Edward Potanka Date: 10/29/13
Edward Potanka, Assistant Secretary

Government of the Virgin Islands Health Insurance Board of Trustees

_____ Date: _____
Clemmie Moses, Chairperson

Virgin Islands Port Authority

_____ Date: _____
Carlton Dowe, Executive Director

University of the Virgin Islands

_____ Date: _____
David Hall, President

St. Thomas East End Community Health Center, Inc.

Handwritten initials
EBP
EQ

IN WITNESS WHEREOF the parties through their authorized representative set their signatures on the day and year indicated.

Witnesses:

Cigna Health and Life Insurance Company

Dellie Brown

Elizabeth Quattrochi Date: 10/29/2013
Elizabeth Quattrochi, Assistant Director

Edward Polanka Date: 10/29/13
Edward Polanka, Assistant Secretary

Clemmie Moses

Government of the Virgin Islands Health Insurance Board of Trustees

Clemmie Moses Date: 10/29/13
Clemmie Moses, Chairperson

Virgin Islands Port Authority

Carlton Dowe

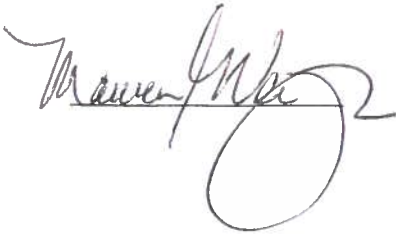
Carlton Dowe Date: 10/30/13
Carlton Dowe, Executive Director

University of the Virgin Islands

David Hall

David Hall Date: 10/30/2013
David Hall, President

St. Thomas East End Community Health Center, Inc.




 Date: 10/30/13
Wilbur Smith, Chief Executive Officer

Witness:

Virgin Islands Housing Authority



 Date: 10/30/13
Robert Graham, CPM

Frederiksted Health Care, Inc.

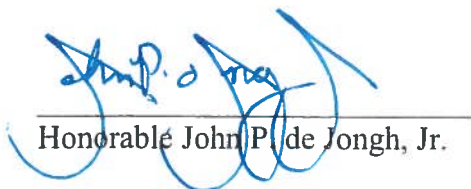
_____ Date: _____
Masserae Sprauve-Webster, Chief Executive
Officer

Approved as to Legal Sufficiency
Department of Justice

By: 

Date: 10/31/13

Approved:


Honorable John P. de Jongh, Jr.

Date: 10/31/13

_____ Date: _____
Wilbur Smith, Chief Executive Officer

Witness:

Virgin Islands Housing Authority

_____ Date: _____
Robert Graham, CPM

Masserae

Frederiksted Health Care, Inc.
Masserae Sprauve-Webster Date: 10/29/13
Masserae Sprauve-Webster, Chief Executive Officer

Approved as to Legal Sufficiency
Department of Justice

By: _____

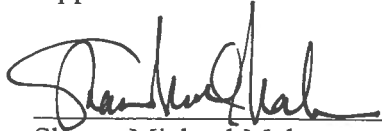
Date: _____

Approved:

_____ Date: _____
Honorable John P. de Jongh, Jr.

Governor of the Virgin Islands

Approved:



Shawn Michael Malone
President
30th Legislature

Date: 11/22/13