

# ACT NO. 7394

BILL NO. 29-0341

## TWENTY-NINTH LEGISLATURE OF THE VIRGIN ISLANDS

### Regular Session

2012

An Act amending title 20, Virgin Islands Code as it relates to Motorcycle Safety; amending title 29, chapter 21 creating an Economic Hardship Package provision; transferring monies from the Drought Relief fund to the Bont Tick Program; mandating the Motor Vehicles Bureau to create rules and regulations; transferring monies from Estate Mary's Fancy capital project to Estate Anna's Hope capital project; amending the Net Energy Metering Act; renaming the Reconstruction and Rehabilitation Revolving fund; appropriating monies to conduct the 2012 General Election; amending the St. Croix Horse Racetrack Casino Revenue fund distribution; eliminating the need for purchase orders from Department of Property and Procurement to process scholarships, grants or loans; requiring the Board of Elections to conduct an audit of the 2012 General Election and for other purposes

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#### *Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 20 Virgin Islands Code, Part II, is amended in the following instances:

(a) In Chapter 35, section 371c, delete subsection (b), paragraph (2) in its entirety and renumber the remaining subsection accordingly.

(b) In Chapter 39, §433, subsection (a):

(1) delete the sum "\$150" and insert "\$75" in lieu thereof; and

(2) after the words "Novice Riders" insert ", "\$50 for Novice Riders if it is determined by the Bureau that more training is needed,".

~~**SECTION 2.** Title 29, chapter 21 is amended by adding a new section 1117 to read as follows:~~

~~"§1117. Economic Hardship Package-~~

~~(a) There is established under the control of the Economic Development Authority the "Economic Hardship Package" to provide low interest loans to small businesses to help secure their financial viability.~~

~~(b) Loans shall be provided at a 3% interest rate to qualifying businesses.~~

~~(c) Notwithstanding any other law to the contrary or the provisions of §1116, funds shall be made available to finance these loans from the Economic Development Fund.~~

~~(d) The Authority shall promulgate rules and regulations to establish qualification guidelines and any other rules and regulations it deems necessary for the implementation of this measure within six months of enactment of this Act."~~

**SECTION 3.** Act No. 7315 (Bill No. 29-0194), Section 2, is amended in the following instances:

1. Strike "C/CNTR #M2148 DOA – Drought Relief Fund \$45,000"; and
2. In C/CNTR #M9125 DOA – Bont Tick Program, strike the figure "\$37,500" and insert "\$82,500" in its stead.

~~**SECTION 4.** Title 3 Virgin Islands Code, section 231 is amended by adding a new subsection (d) to read as follows:~~

~~"(d) The Director of the Bureau shall make recommendations to the Governor and the Legislature on all matters relating to the operation, regulation and control of the licensing of motor vehicle operators and the registration and licensing of motor vehicles. Recommendations must be made in writing to the Governor and must be approved by the Governor. If a recommendation is approved by the Governor and it can be implemented without legislation, the Governor shall, within thirty (30) days after receipt thereof, take all necessary and appropriate action for the implementation of the recommendation. The Governor shall submit recommendations requiring legislation for their implementation to the President of the Legislature for consideration by the Legislature at its next regular or special session following receipt of the recommendation."~~

**SECTION 5.** Act 7081 as amended by Act 7369, is amended in Section 2(d)(1), paragraph (D), formerly "Estate Mary's Fancy" by striking the sum of "\$279,788" and transferring said sum to the current paragraph (D) "Estate Anna's Hope".

~~**SECTION 6.** Act No. 7075 (Bill No. 28-0009), Section 2, internal §1144 is amended by inserting a new subsection (c) to read:~~

~~"(c) Exemptions. Notwithstanding subsection (a) and in addition to the mega watts offered by subsection (a), a utility shall offer net metering not to exceed 5 mega watts territory-wide to the University of the Virgin Islands."~~

**SECTION 7.** Title 33, subtitle 3, chapter 111, section 3095 of the Virgin Islands Code, is amended by deleting the words “Frederiksted and Christiansted” in the section heading and in subsection (a), and inserting the words “Virgin Islands” in their place.

**SECTION 8.** Title 17 Virgin Islands Code, chapter 15, section 179, as added by Act No. 7378, section 4 (Bill No. 29-0309) is amended by striking the language in its entirety and inserting new language that reads as follows: “The Board may process, write checks and make direct payments to all recipients of scholarships, grants, or loans under this chapter, without a purchase order from the Department of Property and Procurement.”

**SECTION 9.** (a) There is appropriated from the General Fund to the Virgin Islands Election System in the fiscal year ending September 30, 2012, the sum of \$350,000 for conducting the November 2012 General Election.

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

~~**SECTION 10.** Title 30, chapter 1, subchapter I, section 20, subsection (a) of the Virgin Islands Code is amended, after the word “utility”, by inserting the words “including the Virgin Islands Water and Power Authority.”~~

~~**SECTION 11.** Title 29 Virgin Islands Code, chapter 12, subchapter III, section 708(f) is amended by striking “ten (10)” and inserting “five (5)”.~~

~~**SECTION 12.** Title 3 of the Virgin Islands Code, section 65d subsection (c) is amended at the end of the paragraph by adding the following language:~~

~~“No person may serve as an employee of a board or commission, in any capacity, within one (1) year of having served as a board or commission member of the same board with which he or she is seeking employment.”~~

**SECTION 13.** Act No. 6635, Section 10 is amended as follows:

a. Delete the figure “\$40,000” and insert in its stead “\$75,000”.

b. Delete the figure “\$20,000” and insert in its stead “\$35,000”.

~~**SECTION 14.** Title 32, Virgin Islands Code, chapter 21, Article XVI, §901, subsection (b) is amended in the following instances:~~

~~1. In paragraph (1), strike “45 ½ percent” and insert “34 ½ %” in its stead, and~~

~~2. In paragraph (6), strike “2 percent” and insert “5 percent” in its stead.~~

~~3. In paragraph (8), strike “2 percent” and insert “10 percent” in its stead.~~



**SECTION 15.** Title 33, subtitle 3, chapter 111, section 3099 of the Virgin Islands Code is amended by deleting subsection (d) in its entirety and inserting a new subsection (d) to read as follows:

“(d) Monies in the Emergency Services Fund shall be expended by the Commissioner of Health, the Director of VITEMA or the Director of the Virgin Islands Fire Services for the purchase of equipment, communication services, supplies, training and other professional services and utilities necessary to provide, maintain or improve emergency medical services, fire services or 911 emergency and other response services.”

**SECTION 16.** (a) Title 12 Virgin Islands Code, chapter 23, is amended in the following instances:

(1) Section 1101 is amended by adding the following definitions appropriately alphabetized within the section:

“( ) ‘Electric vehicle’ means any vehicle that uses solely electric motors for propulsion.

( ) ‘Hybrid vehicle’ means any vehicle that combines the technologies of using an internal combustion engine with a battery-powered electric motor to gain advantages of both propulsion systems.

( ) ‘Other Alternative Fuel Vehicle’ means any vehicle using alternative sources of energy, such as solar, wind, hydrogen fuel cell, compressed natural gas or liquefied natural gas. The term does not include vehicles powered by gasoline, petroleum, bio-diesel, or bio-ethanol.”

(2) Subsection 1129, subsection (d), paragraph (1) is amended after the words “hybrid vehicle” by inserting the words “electric vehicles”.

**SECTION 17.** Title 12 Virgin Islands Code, chapter 23, subchapter III is amended by adding a section 1131 that reads as follows:

“§1131. As provided in 33 V.I.C. §42 (e) (7) and 33 V.I.C. §533, from the effective date of this section until January 1, 2021, the importation of electric vehicles and the lithium-ion batteries they use, hybrid vehicles, and other alternative fuel vehicles, is exempt from the payment of customs duties and excise taxes”.

**SECTION 18.** Act No. 7366, section 4, is amended by adding a sentence at the end to read: “The funds shall remain available until expended.”

~~**SECTION 19.** (a) The Virgin Islands Board of Elections shall conduct an audit of the 2012 general election no later than 30 days after the certification of the election. The results of the audit must be made available to the public no later than 10 business days after the completion of the audit report.~~

~~(b) The Supervisor of Elections shall solicit proposals for the conduct of the audit of the 2012 general election no later than October 15, 2012.~~

~~**SECTION 20.** The sum of \$100,000 is appropriated in the fiscal year ending September 30, 2013, from the Caribbean Basin Initiative Fund to the Board of Elections for the audit of the 2012 general election.~~

**SECTION 21.** Notwithstanding any law to the contrary, the \$6,000,000 of the unexpended balance of the funds authorized in Section 2 of Act No. 6984 shall be used by the Government of the Virgin Islands for the purpose of paying the Government employer outstanding contribution to the Government Employees Retirement System (GERS) and GERS shall refund those employees whose retirement annuity was not adjusted as a result of the enactment of Act No. 6984.

This Act takes effect upon enactment.

**SECTION 22.** Title 29 Virgin Islands Code, subchapter II is amended in the following instances:

(a) Section 341 is amended in subsection (b) by striking all of the language after “applies” and inserting new language that reads as follows: “to real property owners that after the effective date of this subchapter:

(1) construct visitable housing; or

(2) renovate one-to-four family dwellings that were constructed before the effective date of this subchapter.”

(a) Section 343, subsection (b) is amended in paragraph (4), subparagraph (B) by striking “in” and inserting “with”; and

(b) Section 344 is amended in subsection (a) by inserting “renovation or” after “completion of”, and in subsection (b) by inserting “renovates or” after “property owner that”.

**SECTION 23.** Act No. 7320 (Bill No. 29-0042) is amended in its preamble in the following instances:

(a) The seventh whereas clause is amended by striking “Britan” and inserting “Britain”;  
and

(b) The ninth whereas clause is amended by inserting “and renovated” after “new”.

Thus passed by the Legislature of the Virgin Islands on August 22, 2012.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 11<sup>th</sup> Day of September, A.D., 2012.



A handwritten signature in blue ink, reading "Ronald E. Russell".

Ronald E. Russell  
President

A handwritten signature in blue ink, reading "Samuel Sanes".

Samuel Sanes  
Legislative Secretary



## 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. 29-0341** 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 2.** Title 29, chapter 21 is amended by adding new section 1117 to read as follows:

“§1117. Economic Hardship Package

(a) There is established under the control of the Economic Development Authority the “Economic Hardship Package” to provide low interest loans to small businesses to help secure their financial viability.

(b) Loans shall be provided at a 3% interest rate to qualifying businesses.

(c) Notwithstanding any other law to the contrary or the provisions of §1116, funds shall be made available to finance these loans from the Economic Development fund.

(d) The Authority shall promulgate rules and regulations to establish qualification guidelines and any other rules and regulations it deems necessary for the implementation of this measure within six months of enactment of this Act.”

**SECTION 4.** Title 3 Virgin Islands Code, section 231 is amended by adding a new subsection (d) to and as follows:

“(d) The Director of the Bureau shall make recommendations to the Governor and the Legislature on all matters relating to the operation, regulation and control of the licensing of motor vehicle operators and the registration and licensing of motor vehicles. Recommendations must be made in writing to the Governor and must be approved by the Governor. If a

recommendation is approved by the Governor and it can be implemented without legislation, the Governor shall, within thirty (30) days after receipt thereof, take all necessary and appropriate action for the implementation of the recommendation. The Governor shall submit recommendations requiring legislation for their implementation to the President of the Legislature for consideration by the Legislature at its next regular or special session following receipt of the recommendation.”

**SECTION 6.** Act No. 7075 (Bill No. 28-0009), Section 2, internal §1144 is amended by inserting a new subsection (c) to read:

“(c) Exemptions. Notwithstanding subsection (a) and in addition to the mega watts offered by subsection (a), a utility shall offer net metering not to exceed 5 mega watts territory-wide to the University of the Virgin Islands.”

**SECTION 10.** Title 30, chapter 1, subchapter I, section 20, subsection (a) of the Virgin Islands Code is amended, after the word “utility”, by inserting the words “including the Virgin Islands Water and Power Authority.”

**SECTION 11.** Title 29 Virgin Islands Code, chapter 12, subchapter III, section 708 (f) is amended by striking “ten (10)” and inserting “five (5)”.

**SECTION 12.** Title 3 of the Virgin Islands Code, section 65d subsection (c) is amended at the end of the paragraph by adding the following language:

“No person may serve as an employee of a board or commission, in any capacity, within one (1) year of having served as a board or commission member of the same board with which he or she is seeking employment.”

**SECTION 14.** Title 32, Virgin Islands Code, chapter 21, Article XVI, §901, subsection (b) is amended in the following instances:

1. In paragraph (1), strike “45 ½ percent” and insert “34 ½ %” in its stead; and
2. In paragraph (6), strike “2 percent” and insert “5 percent” in its stead.
3. In paragraph (8), strike “2 percent” and insert “10 percent” in its stead.

**SECTION 19.** (a) The Virgin Islands Board of Elections shall conduct an audit of the 2012 general election no later than 30 days after the certification of the election. The Results of the audit must be made available to the public no later than 10 business days after the completion of the audit report.

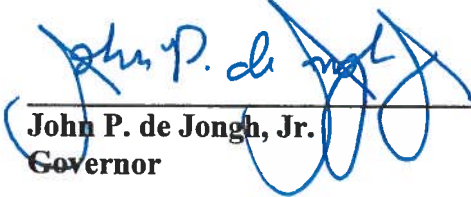
(b) The Supervisor of Elections shall solicit proposals for the conduct of the audit of the 2012 general election no later than October 15, 2012.



**SECTION 20.** The sum of \$100,000 is appropriated in the fiscal year ending September 30, 2013, from the Caribbean Basin Initiative Fund to the Board of Elections for the audit of the 2012 general election.

**Witness my hand and the seal of the Government of the United States Virgin Islands, at Charlotte Amalie, St. Thomas, Virgin Islands, this 11<sup>th</sup> day of September, A.D., 2012.**



  
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**John P. de Jongh, Jr.**  
**Governor**