

**LEGISLATURE OF THE VIRGIN ISLANDS**

**CERTIFICATE OF ENACTMENT  
NOTWITHSTANDING THE GOVERNOR'S VETO**

**THIS IS TO CERTIFY THAT** Bill No. 30-0017, An Act amending 33 V.I.C., chapter 111, to establish the "Single Payer Utility Fund" and the parameters for its use; amending 2 VIC §28b relating to requirements under the Executive Appropriations Act; and providing for other related matters, enacted by the Thirtieth Legislature at its regular session held on September 26 , 2013, (a copy of which is attached hereto) and vetoed by the Governor on October 15, 2013, was duly enacted, by override, by the Thirtieth Legislature at its regular session on October 23, 2013, pursuant to section 9(d) of the Revised Organic Act of the Virgin Islands, 48 U.S.C. §1575 (d), notwithstanding the Governor's veto, and has become law.

DATED: 10/23/13



A handwritten signature in black ink, appearing to read "Shawn-Michael Malone".

Shawn-Michael Malone  
President

ATTEST:

A handwritten signature in black ink, appearing to read "Janette Millin Young".  
Janette Millin Young  
Legislative Secretary

**OVERRIDDEN**

DATE: 10/23/2013

ACT NO. 7562 VETOED  
BILL NO. 30-0017  
OCT 15 2013

GOVERNOR

**THIRTIETH LEGISLATURE OF THE VIRGIN ISLANDS**

**Regular Session**

**2013**

An Act amending 33 V.I.C., chapter 111, to establish the "Single Payer Utility Fund" and the parameters for its use; amending 2 VIC §28b relating to requirements under the Executive Appropriations Act; and providing for other related matters

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

**SECTION 1.** Title 33 V.I.C., chapter 111, is amended to add a new section 3100y to read as follows:

"§3100y

(a) There is established in the Treasury of the Virgin Islands a separate and distinct fund known as the Single Payer Utility Fund for the purpose of paying to the Virgin Islands Water and Power Authority, the electric and water utility bills of departments, agencies and instrumentalities of the Government of the Virgin Islands that are supported by the General Fund. The Commissioner of Finance shall administer the Fund, and no monies contained therein are to be made available for expenditure and disbursement for any other purposes except as provided in this section.

(b)(1) The Fund shall consist of appropriated monies that have previously been released and deposited in the operating accounts of departments, agencies and instrumentalities of the Government of the Virgin Islands for the purpose of paying their respective electric and water utility bills. The Fund shall also consist of any funds appropriated by the Legislature and allotted by the Office of Management and Budget for such purpose.

(2) The Office of Management and Budget shall release to the Department of Finance for deposit into the Fund as established in subsection (a) of this section, the allotted funds budgeted for payment of utilities for each department, agency and instrumentality of the Government of the Virgin Islands whose utility services are paid for by the General Fund.

(c) The Commissioner of Finance, upon receipt of bills from departments, agencies and instrumentalities, must pay, from the Fund the respective electric and water utility bills that are due and owing as well as electric and water utility bills which subsequently become due upon verification and in accordance with subsections (d), (e) and (f) herein.

(d) As electric and water utility bills become due, departments, agencies and instrumentalities of the Government of the Virgin Islands shall immediately verify and approve the bills, to include the reconciliation of meter numbers with the respective billing statements, and thereafter forward copies of the approved billing statement along with a statement evidencing the reconciliation to the Department of Finance for payment.

(e) In the event of a billing dispute, the undisputed portion of the bill shall be paid when due. The department, agency or instrumentality along with the Virgin Islands Water and Power Authority shall take prompt action to resolve the disputed portion of the bill(s).

(f) Monies deposited into the Fund are to remain available until expended and may be used to pay for utility services, regardless of what fiscal year the services were incurred.

In the event the allotted funds are not sufficient to cover utility services in any budget year, departments, agencies and instrumentalities will seek to reprogram funds or supplemental budget authority to keep current with their utility services.'

(g) The Commissioner of Finance shall prepare a monthly statement of all obligations and disbursements from the Fund for payment of electric power bills and submit the statement to the Legislature within thirty days after the close of each month.

(h) The Commissioner shall cause all utility bills to government departments and instrumentalities to be programmed into the Enterprise Resource Planning Program System (ERP).

**SECTION 2.** All appropriated monies that have previously been released and deposited in the operating accounts of departments, agencies and instrumentalities of the Government of the Virgin Islands for the purpose of paying their respective electric and water utility bills must be deposited in the Single Payer Utility Fund within 30 days of the enactment of this Act.

**SECTION 3.** Title 2 Virgin Islands Code, chapter 2, section 28 is amended in the following instances:

(a) Subsection (a) is amended at the end of the second sentence after "funds" by adding the following: "and amounts designated exclusively for deposit into the Single Payer Utility Fund established in 33 V.I.C., chapter 111 for the payment of bills owed by the Government of the Virgin Islands to the Virgin Islands Water and Power Authority, or to any successor power company of the Government"; and

(b) Subsection (f) is amended after "disbursements" by inserting "including the obligations and disbursements for payment of electric bills owed to the Virgin Islands Water and Power Authority or to any successor power company of the Government."

**SECTION 4.** Title 30 Virgin Islands Code, chapter 5, subchapter II, section 105, paragraph (12) is amended after 'non-payment' by inserting 'or may not charge any fee for the reconnection of electrical and water services, when the customer is on the disconnection list, but the power has not been disconnected, if the customer pays before disconnection'.

Thus passed by the Legislature of the Virgin Islands on September 26, 2013.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30<sup>th</sup> Day of September, A.D., 2013.



A handwritten signature in black ink, appearing to read "Shawn-Michael Malone".

Shawn-Michael Malone  
President

A handwritten signature in blue ink, appearing to read "Janette Millin Young".

Janette Millin Young  
Legislative Secretary