



**THE UNITED STATES VIRGIN ISLANDS**

OFFICE OF THE GOVERNOR  
GOVERNMENT HOUSE

Charlotte Amalie, V.I. 00802  
340-774-0001

January 14, 2022

**VIA HAND-DELIVERY with Receipt**

The Honorable Donna M. Frett-Gregory  
Senate President  
Thirty-Fourth Legislature of the Virgin Islands  
Capitol Building  
St. Thomas, Virgin Islands 00802

**Re: Governor's Actions on Bill Nos. 34-0035, 34-0070, 34-0107, 34-0144, 34-0169, 34-0172, 34-0173, 34-0177, 34-0178, 34-0179, 34-0180, 34-0181, 34-0186, and Resolution No. 1885 (Bill No. 34-0185).**

Dear Senate President Frett-Gregory:

I write to advise you that, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954, as amended, on January 14, 2022, I have acted on Bills numbered 34-0035, 34-0070, 34-0107, 34-0144, 34-0169, 34-0172, 34-0173, 34-0177, 34-0178, 34-0179, 34-0180, 34-0181, 34-0186, and Resolution No. 1885 (Bill No. 34-0185), passed by the Legislature at its session on December 23, 2021, and received by my office on January 3, 2022.

I am pleased to sign into law **Bill No. 34-0035**, an Act repealing Title 16 Virgin Islands Code, chapter 1, subchapter III, section 61, requiring a wife to bear the surname of her husband.

I am also pleased to sign into law **Bill No. 34-0070**, an Act amending Title 33 Virgin Islands Code, subtitle 1, part I, chapter 3, section 54 relating to the remittance of the hotel room tax to the Government of the Virgin Islands to expand the definition of hotelkeeper or innkeeper for purposes of persons required to remit the hotel room taxes to the Government. I would encourage the Legislature, however, to adopt the additional explanatory language to the Act as new Section 3, to read, "For the purposes of the construction of this amendment, this amendment shall do nothing to alter the application of the Hotel Room Tax. It shall not be construed as and is not intended to offer an interpretation of the pre-existing Tax. To the extent it is considered by a court in construing the pre-existing Tax, it shall be considered a legislative pronouncement of the pre-existing Tax rather than an alteration of it, and thus shall be used as a clarifying aid to resolve any actual or

suggested ambiguity in construction of the pre-existing Tax. Accordingly, the interpretation of pre-existing law should be aided and clarified by, read in conjunction with, and construed in *pari materia* with this amendment. In contrast, this amendment, as a later and more specific pronouncement of law, should be construed on its own terms and controls over the pre-existing law and can in no way be undermined by or rendered meaningless by a narrower or differing construction of the pre-existing Tax.”

**Bill No. 34-0107**, an Act amending Title 3 Virgin Islands Code, chapter 8, section 113, amending the tenure of Assistant Attorneys General within the Virgin Islands Department of Justice is also approved. These individuals should be offered the same protections as other employees of the Government by requiring their termination only “for cause” and after notice and the opportunity to be heard.

I have also signed into law **Bill No. 34-0144**, an Act amending Title 17 Virgin Islands Code, chapter 9, section 86 relating to school truancy, to provide procedures for addressing unexcused absences from school.

Although I have approved **Bill No. 34-0173**, an Act amending Act No. 8479 to adjust the fiscal year 2022 budget for the University of the Virgin Islands, making an appropriation for employment, the restoration of 8% of salaries owed to the employees of the University of the Virgin Islands, and amending the Gasoline Station Moratorium to exempt stations that previously obtained permits for construction and operation from the Department of Planning and Natural Resources, I must also exercise my Line Item Veto power granted by the V.I. Rev. Org. Act of 1954 § 9 to avoid unintended consequences. I am appreciative that, as requested in my transmittal letter of March 23, 2021, the Legislature addressed the exemption needed for gasoline stations that were issued a permit for the construction and operation of a gas station by the Department of Planning and Natural Resources before the effective date of the moratorium. Although Section 2 and Section 3(a) of this Bill accomplish the necessary exemption, an additional “blanket” exemption was added as a new Section 5 to Act No. 8442 without any governing parameters for its application. This additional “blanket” exemption does not relate back to the Gasoline Station Moratorium and unreasonably forbids any department or agency from denying any license, permit, or approval regardless of whether the gas station meets all the other critical requirements for approval of said licenses or permits, such as the Certificate of Good Standing or the fire inspection, among others. For this reason, I have line-item vetoed that paragraph.

I have vetoed **Bill No. 34-0186**, a new version of the previously vetoed Bill No. 34-0168, because it continues to be an unlawful “special interest” bill in violation of the provisions of *the Revised Organic Act of 1954, Section 8*. Bill No. 34-0186 seeks to amend Title 32 Virgin Islands Code, chapter 21, article VI, section 435(b)(A), to reduce the licensing requirement that a Casino

IV establishment must have banquet facilities to accommodate a minimum of 400 persons, and instead require a minimum of 75 persons. This attempt to establish an exemption for one casino owner in downtown Christiansted subverts a pending matter before the Casino Control Commission (the "Commission") and the Superior Court (*Case No. SX-2021-CV-00813*). The Bill sponsor's strong advocacy in the media for VIGL Operations LCC ("VIGL"), the casino owner, and VIGL's plans, which are to be affected by this legislation, is strongly indicative of this Bill being of special interest. Using legislation such as Bill Nos. 34-0168 and 34-0186 as special interest efforts to influence the outcome of a matter pending before the Superior Court of the Virgin Islands in favor of one party is not only violative of the Revised Organic Act as a special interest bill but also is violative of the Separation of Powers Doctrine. As the Casino Control Commission is charged with regulating casino license applicants and holders, the Legislature should consider giving the Commission the authority to waive or modify conditions and add other conditions it deems appropriate to the applicant or license holder.

I have also signed into law **Bill No. 34-0169**, an Act ratifying my approval of the Lease Agreement between the Government of the Virgin Islands, acting through the Commissioner of the Department of Property and Procurement and Antilles Gas Corporation for the leasing of Parcels Nos. 3 and 19 Submarine Base, No. 6 Southside Quarter, St. Thomas, Virgin Islands; **Bill No. 34-0172**, an Act ratifying my approval the Lease Agreement between the Government of the Virgin Islands, acting through the Commissioner of the Department of Property and Procurement and the Hearts in Service Association, Inc. for the leasing of Parcel No. 175C Estate Anna's Retreat, No. 1 New Quarter, St. Thomas, Virgin Islands; **Bill No. 34-0177**, an Act granting a use variance for Plot Nos. 167 and 168 Estate Clifton Hill, King Quarter, St. Croix from R-2 (Residential-Low Density-One and Two Family) zoning designation requirements to allow for a for freight forwarding services business with restrictions; **Bill No. 34-0178**, an Act granting a use variance for Plot No. 96 Estate Profit, King Quarter, St. Croix from R-4 (Residential-Medium Density) zoning designation requirements to allow for a convenience store and deli; **Bill No. 34-0179**, an Act rezoning Parcel No. 22-H-1 Estate Enighed, No. 1 Cruz Bay Quarter, St. John from R-2 (Residential-Low Density-One and Two Family) to B-3 (Business-Scattered); **Bill No. 34-0180**, an Act granting a use variance for Parcel No. 3-4 Estate Beverhoudtsberg, No. 7 Cruz Bay Quarter, St. John from R-1 (Residential-Low Density) zoning designation requirements to allow a restaurant and apartments; and **Bill No. 34-0181**, an Act rezoning Parcel No. 11-16 Estate Contant, 7BA Southside Quarter, St. Thomas from R-2 (Residential-Low Density-One and Two Family) to R-3 (Residential-Medium Density). I caution the Legislature from using re-zonings in residential areas for commercial uses that may cause creeping commercialization of residential zones. Re-zoning, with all that goes with the revised category, is permanent and may be used by others for similar adjacent properties. The more sound approach, endorsed by the Division of Planning and

*Transmittal to Honorable Donna M. Frett-Gregory, Senate President  
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and Resolutions No. 1885 (Bill No. 34-0185)  
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Zoning, is to use zoning variances which are targeted and revert to their former zoning use if the variance is not used for 3 years.

Finally, I acknowledge **Bill No. 34-0185**, Resolution No. 1885, imposing sanctions against Senator Marvin A. Blyden for violating the standards of ethical conduct of the Thirty-Fourth Legislature of the Virgin Islands.

As always, I thank you and all the members of the Thirty-Fourth Legislature for working closely with the Bryan Roach Administration in the best interest of the people of the U.S. Virgin Islands.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", with a long horizontal flourish extending to the right.

Albert Bryan Jr.  
Governor

*Enclosures*