



THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00802
340-774-0001

October 11, 2024

VIA HAND DELIVERY

The Honorable Novelte E. Francis, Jr.
Senate President
Thirty-Fifth Legislature of the Virgin Islands
Capitol Building
St. Thomas, Virgin Islands 00802

Re: Governor's Actions on Bill Nos. 35-0087, 35-0272, 35-0280, 35-0302, 35-0303, 35-0309, 35-0321, 35-0322, 35-0324, 35-0325, 35-0327, 35-0339, 35-0341, 35-0342, 35-0343, 35-0344, 35-0345, 35-0346, 35-0347, 35-0348, 35-0349, 35-0350, 35-0351, 35-0352, 35-0353, 35-0354, 35-0355, 35-0356, 35-0357, 35-0358, 35-0360, 35-0361, 35-0362, 35-0363, 35-0364, 35-0365, 35-0366, 35-0372, 35-0373, 35-0375, 35-0376, 35-0377, 35-0378, 35-0379, 35-0380, and 35-0381.

Dear Senate President Francis, Jr.:

I write to advise you that, pursuant to Section 9(d) of the Revised Organic Act of the Virgin Islands of 1954, as amended, I have acted on **Bill Nos. 35-0087, 35-0272, 35-0280, 35-0302, 35-0303, 35-0309, 35-0321, 35-0322, 35-0324, 35-0325, 35-0327, 35-0339, 35-0341, 35-0342, 35-0343, 35-0344, 35-0345, 35-0346, 35-0347, 35-0348, 35-0349, 35-0350, 35-0351, 35-0352, 35-0353, 35-0354, 35-0355, 35-0356, 35-0357, 35-0358, 35-0360, 35-0361, 35-0362, 35-0363, 35-0364, 35-0365, 35-0366, 35-0372, 35-0373, 35-0375, 35-0376, 35-0377, 35-0378, 35-0379, 35-0380, and 35-0381** passed by the Legislature at its Regular Session on September 27, 2024, and received by my office on September 30, 2024.

I did not approve of **Bill No. 35-0087** -An Act amending title 33 Virgin Islands Code, chapter 111 to repeal and reenact section 3038 to establish in the Treasury of the Virgin Islands a special fund designated as the Veterans Mainland Travel Revolving Fund. This proposed measure does not include an appropriation to accomplish the mandates of the section. Additionally, the Office

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of Veterans Affairs was not invited to participate in the development of this bill and has identified several areas in need of correction. I respectfully request that the body collaborate with the Office of Veterans Affairs to craft an appropriate measure. I look forward to signing a revised bill.

I approved **Bill No. 35-0272** - An Act amending title 20 Virgin Islands Code, part II, chapter 38, section 425(a) relating to an increase in the motor vehicle rental surcharge.

I approved the following zoning measures: **Bill No. 35-0280** - An Act ratifying Minor Coastal Zone Permit No. CZX-21- 22(W) issued to Teague Paradise, LLC for the redesign and size reduction of an existing 338 sq. ft. dock, to a 268 sq. ft. dock seaward of Plot 20 Teague Bay, Christiansted, St. Croix, Virgin Islands; **Bill No. 35-0302** - An Act amending Official Zoning Map No. SCZ-11 for the island of St. Croix to rezone Plot No. 8-E Estate Mount Pleasant, Prince Quarter, St. Croix, Virgin Islands, from R-2 (Residential-Low Density-One and Two Family) to B-3 (Business-Scattered), and Remainder Plot No. 8 Estate Mount Pleasant, Prince Quarter, St. Croix, Virgin Islands, from R-2 (Residential-Low Density-One and Two Family) to R-3 (Residential-Medium Density); **Bill No. 35-0309** - An Act amending Official Zoning Map No. SJZ-1 for the island of St. John, Virgin Islands, to rezone Parcel No. 25 Remainder Estate Susannaberg, No. 17A Cruz Bay Quarter, St. John, Virgin Islands, and Parcel No. 25B Estate Susannaberg, No. 17A Cruz Bay Quarter, St. John, Virgin Islands, from R-1 (Residential-Low Density) to R-3 (Residential-Medium Density); **Bill No. 35-0321** - An Act amending the Official Zoning Map No. SCZ-11 for the island of St. Croix to change the zoning designation of Plot No. 1068 Estate Williams Delight, Prince Quarter, St. Croix, Virgin Islands, from R-2 (Residential-Low Density-One and Two Family) to R-3 (Residential-Medium Density); **Bill No. 35-0322** - An Act amending Official Zoning Map No. SCZ-18 for the island of St. Croix, Virgin Islands to rezone Plots No. 36, 37, 38, and 42 Strand Street, Town of Frederiksted, St. Croix, Virgin Islands, from W-1 (Waterfront- Pleasure) to B-1 (Business-Central Business District); **Bill No. 35-0324** - An Act amending Official Zoning Map No. STZ-7 to rezone Plot No. 4 Estate Charlotte Amalie, New Quarter, St. Thomas, Virgin Islands, from R-2 (Residential-Low Density-One and Two Family) to B-3 (Business- Scattered); **Bill No. 35-0325** - An Act amending Official Zoning Map No. STZ-9 to change the zoning designation of Parcel No. 19-1-2-8 Estate Smith Bay, Nos. 1, 2, and 3 East End Quarter, St. Thomas, Virgin Islands from A-2 (Agriculture) to 8-3 (Business-Scattered), with a use variance for agricultural use and water delivery service; **Bill No. 35-0327** - An Act amending Official Zoning Map No. STZ-7, St. Thomas, Virgin Islands, rezoning Parcel No. 61-3 Estate Thomas, No. 6A New Quarter, St. Thomas from R-5 (Residential-High Density) to B-2 (Business- Secondary/Neighborhood); and **Bill No. 35-0372** - An Act granting a zoning use variance from the 1-2 (Light Industry) zoning designation for Plot No. 8 Estate Cassava Garden, Queen Quarter, St. Croix;

I also approved **Bill No. 35-0303** - An Act approving the Government of the Virgin Islands' conveyance of Plot No. 25B Hill Street, Company Quarter, Christiansted, St. Croix, Virgin Islands to the Virgin Islands Housing Finance Authority;

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I also approved **Bill No. 35-0339** - An Act approving the First Renewal Agreement between the Government of the Virgin Islands and Cigna Health and Life Insurance Company for Group Medical Health Insurance; the First Renewal Agreement between the Government of the Virgin Islands and Cigna Health and Life Insurance Company for Group Dental Insurance; and the First Amendment to the Agreement for Group Medical Health Insurance between the Government of the Virgin Islands and United Healthcare Insurance Company. However, I am extremely disappointed that the Legislature believes it is fiscally responsible for the Government of the Virgin Islands to continue to cover a majority if not the entire increase in premium each year.

I also approved the following Bills for Fiscal Year 2025 Budget:

Bill No. 35-0341 - An Act providing an appropriation for the operating expenses of the Virgin Islands Board of Education from the General Fund of the Treasury of the Government of the Virgin Islands during the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0342** - An Act providing an appropriation for the operating expenses of the Virgin Islands Office of the Inspector General from the General Fund of the Treasury of the Government of the Virgin Islands for the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0343** - An Act providing an appropriation for the operating expenses of the Virgin Islands Career and Technical Education Board from the General Fund of the Treasury of the Government of the Virgin Islands during the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0344** - An Act providing an appropriation for the operating expenses of the Virgin Islands Hospital and Health Facilities Corporation from the General Fund of the Treasury of the Government of the Virgin Islands for the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0345** - An Act providing an appropriation for salaries and expenses of the Virgin Islands Board of Elections and the Office of the Supervisor of Elections for the fiscal year October 1, 2024, through September 30, 2025.

I have approved **Bill No. 35-0346** - An Act providing an appropriation for the operation of the Judicial Branch of the Government of the Virgin Islands, the Judicial Council, and the Office of the Territorial Public Defender during the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0347** - An Act providing an appropriation for the operating expenses of the Public Employees Relations Board for the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0348** - An Act providing an appropriation from the St. Croix Capital Improvement Fund to the Virgin Islands Department of Public Works for road repair and maintenance projects in the fiscal year ending September 30, 2025; **Bill No. 35-0349** - An Act providing an appropriation from the St. Thomas Capital Improvement Fund to the Virgin Islands Department of Public Works for road repair and maintenance projects in the fiscal year ending September 30, 2025; **Bill No. 35-0350** - An Act providing an appropriation from the St. John Capital Improvement Fund to the Virgin Islands Department of Public Works for road repair and maintenance projects in the fiscal year ending September 30, 2025; **Bill No. 35-0351** - An Act providing an appropriation from the General Fund of the Treasury of the Government of the Virgin Islands for the operating expenses of the Virgin Islands Waste Management Authority during the fiscal year October 1, 2024, through September 30, 2025.

Bill No. 35-0352 - An Act providing an appropriation from the General Fund of the Treasury of

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the Government of the Virgin Islands for the operating expenses of the Public Services Commission for the fiscal year October 1, 2024, to September 30, 2025; **Bill No. 35-0353** - An Act providing an appropriation for the salaries and expenses of the University of the Virgin Islands and for other purposes in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0354** - An Act providing an appropriation from the Anti-Litter and Beautification Fund to the Virgin Islands Waste Management Authority and the Virgin Islands Department of Public Works for operating expenses during the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0355** - An Act providing an appropriation from the Caribbean Basin Initiative Fund as a contribution to the General Fund of the Treasury of the Virgin Islands in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0356** - An Act providing an appropriation from the Business and Commercial Properties Revolving Fund to the Virgin Islands Department of Property and Procurement for operating expenses in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0357** - An Act providing an appropriation from the Virgin Islands Lottery as a contribution to the General Fund of the Treasury of the Government of the Virgin Islands in the fiscal year October 1, 2024, through September 30, 2025.

Bill No. 35-0358 - An Act providing for a lump-sum appropriation from the Health Revolving Fund to the Virgin Islands Department of Health as a contribution to the General Fund of the Treasury of the Government of the Virgin Islands for fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0360** - An Act providing an appropriation to the Virgin Islands Taxicab Commission in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0361** - An Act providing an appropriation from the Transportation Trust Fund as a contribution to the General Fund of the Treasury of the Government of the Virgin Islands for operating expenses for the Virgin Islands Bureau of Motor Vehicles and the Virgin Islands Department of Public Works in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0362** - An Act providing an appropriation from the Virgin Islands Insurance Guaranty Fund as a contribution to the General Fund of the Treasury of the Government of the Virgin Islands in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0363** - An Act providing an appropriation to the Legislature of the Virgin Islands in the fiscal year October 1, 2024, through September 30, 2025; **Bill No. 35-0364** - An Act providing an appropriation from the Tourism Advertising Revolving Fund to the Virgin Islands Waste Management Authority, Office of the Governor, the Virgin Islands Department of Education, the Virgin Islands Police Department, the Virgin Islands Department of Public Works, the Virgin Islands Department of Agriculture, the Virgin Islands Department of Sports, Parks and Recreation, and the Virgin Islands Department of Tourism during the fiscal year October 1, 2024, through September 30, 2025;

Finally, I have approved **Bill No. 35-0365** - An Act providing an appropriation for the operating expenses of the Virgin Islands Waste Management Authority from the Sewer Wastewater Fund of the Treasury of the Government of the Virgin Islands in the fiscal year October 1, 2024, through September 30, 2025; and **Bill No. 35-0366** - An Act providing an appropriation from the General Fund of the Treasury of the Government of the Virgin Islands to the District Public Road Fund in fiscal year October 1, 2024, through September 30, 2025.

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I approved **Bill No. 35-0373** - An Act amending Act No. 8701 by removing the use restrictions on the line of credit; by directing the Commissioner of the Virgin Islands Department of Finance, the Director of the Virgin Islands Bureau of Internal Revenue, and the Virgin Islands Tax Assessor to collect outstanding taxes, directing the respective agencies to request the Attorney General of the Virgin Islands to prosecute delinquent taxpayers, and other related matters. Thank you to the Legislature for authorizing the utility of the line of credit for critical needs.

I have also approved **Bill No. 35-0376** - An Act providing an appropriation from the General Fund of the Treasury of the Government of the Virgin Islands for the operation of the Government of the Virgin Islands during the fiscal year October 1, 2024, through September 30, 2025; and **Bill No. 35-0377** - An Act providing a lump-sum appropriation from the School Construction, Maintenance and Capital Fund to the Bureau of School Construction and Maintenance for repair, renovation and maintenance of public schools and facilities for fiscal year October 1, 2024, through September 30, 2025;

Unfortunately, I vetoed **Bill No. 35-0375** - An Act amending title 11 Virgin Islands Code by adding chapter 3 establishing a money transfer fee in the amount of 3% of the total amount of money transfer and establishing the Money Laundering and Electronic Transaction Enforcement Fund. I commend the Legislature for proposing a novel revenue-generating measure with the potential to yield an additional \$21 million for the Virgin Islands; however, I must veto Bill No. 35-0375 due to significant concerns regarding its broad scope and impact on the business community, which may pass increased costs onto consumers, potentially violating the Commerce Clause of the U.S. Constitution. Specifically, Sections 301 (a) and (b) will impose a 3% wire transfer fee on all Virgin Islanders, affecting banks, money transmitters, credit unions, and others, leading to unintended consequences for college students, businesses, real estate transactions, and military personnel, while adding to existing fees at a time of high inflation and rising costs. The bill's intentions are unclear, as relevant divisions and affected entities were excluded from discussions, and it is crucial to acknowledge that these financial entities are already highly regulated under federal Anti-Money Laundering laws. Given these factors, the fee will likely increase costs for Virgin Islanders, particularly in the insurance sector, which is not in the public's best interest. Therefore, I urge the Legislature to reconsider this issue in future proposals to avoid further financial burdens on our citizens and businesses.

Bill No 35-0379 - An Act making various amendments to titles 3, 33 and 20 of the Virgin Islands Code and making various amendments to Acts No. 8717, 8585 and 8759, I must exercise my Line-Item Veto power granted by the V.I. Rev. Org. Act of 1954 § 9 to strike Section 1 because it is not prudent for the Legislature to create laws that impede the collective bargaining process; Sections 5 and 6 shall be stricken because it is a staggering overreach for the Legislature to attempt to terminate a portion of a legally binding agreement, which they are not a party. It is grossly inappropriate for the Legislature to attempt to insert its will in place of a previously negotiated, agreed, and approved, active lease. The legislature's statutory role in the process is ratification of the final lease. This attempt to now amend their ratification of an active lease does

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not constitute an amendment of that lease. If an amendment to a lease is necessary, there is a process available to the lessee and lessor to amend. This parcel is not available for distribution as it is currently encumbered by an active lease. Further, as the Legislature is aware, pursuant to 31 VIC Section 205, no conveyances, leases, or other disposition of real estate shall be deemed binding on the GVI except with the written approval of the Governor. This appears to be an attempt to exercise Executive authority through the Legislative branch. Accordingly, I must veto; and I must strike Section 11 because assessments are based on revenue, not grants or appropriations, thus this amendment is unnecessary.

Bill No. 35-0380 - An Act appropriating funds received from the settlement of *The Government of the United States Virgin Islands v. Estate of Jeffrey E. Epstein, et al.*, Civil No. ST-2020-CV-00014 and the settlement agreement with Leon Black for various projects and initiatives to enhance community services, mental health resources, infrastructure, and economic development in the Virgin Islands, including the establishment of the Southern Trust Company Settlement Fund and the Survivors and Mental Health Healing Trust Fund. I must exercise my Line-Item Veto power granted by the V.I. Rev. Org. Act of 1954 § 9 to strike Sections 9 and 15. Section 9 appropriates \$10,000,000.00 to the Economic Development Authority for private economic development. The EDA was already awarded \$67 million from the State Small Business Credit Initiative (SSBCI). Allocating additional funds now would not be an efficient use of resources. Section 15 is unnecessary because the Epstein Funds are already in a high-yield investment account. Therefore, this allocation is unnecessary. Also, I strike Sections 3 because the legal fees and costs were already paid and Section 13 because a sum of \$25,000,000.00 was already automatically transferred to the Crime Prevention/Prosecution Fund by operation of law.

Bill No. 35-0381 - An Act providing an appropriation to the Attorney General of the Virgin Islands' Crime Prevention/Prosecution Fund pursuant to Section 6b of the Master Settlement and Release Agreement; establishing a separate and distinct interest-bearing fund to be designated the "GVVJPMC Charitable Fund"; and transferring the sum of \$5,339,500 to organizations that support vulnerable and disenfranchised individuals. I must veto Bill No. 35-0381 because it is simply unnecessary and flawed. Section 1 of Bill No. 35-0381 gives the Governor, through the Commissioner of Finance, the ability to contribute \$25M to the Crime Prevention/Prosecution Fund. Section 6a of the Master Settlement Agreement ("MSA") provides for a "\$25 million contribution to the Attorney General of the U.S. Virgin Islands' Crime Prevention/Prosecution Fund to be used to enhance and support..." The MSA provides for this contribution automatically and does not require an act of the Governor. Second, Section 2 of Bill No. 35-0381 states, "There is established within the Treasury of the Government of the Virgin Islands a separate and distinct interest-bearing fund to be designated the "GVI/JPMC Charitable Fund". The charitable fund exists. The Department of Finance established the fund with Morgan Stanley and a \$20,000,000.00 deposit. Section 2 also states "the Commissioner of Finance shall provide for the administration of the Fund (meaning the GVI/JPMC Charitable

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Fund) as a separate and distinct interest-bearing fund..." Again, this is not in line with the MSA, which states, "The AG (including any acting AG) or designated AAG shall serve as the Advisor of the Charitable Fund, responsible for identifying and recommending charitable organizations and initiatives to be funded by the Charitable Donation," not the Commissioner of Finance. Additionally, Section 2 of Bill No. 35-0831 states that "no amounts in the Fund are available for expenditure or disbursement except as outlined by the Master Service Agreement or by appropriation by the Legislature of the Virgin Islands." Again, the MSA does not allow for appropriations from the Charitable Fund by the Legislature. Finally, Section 3 of Bill no. 35-0381 states, "the sum of \$5,339,500 is transferred from the monies receive pursuant to Section 6c of the Master Settlement and Release Agreement to the General Fund of the Treasury of the Government of the Virgin Islands in fiscal year 2025 to those organizations, programs and services that the Government of Virgin Islands funds through its miscellaneous section of the fiscal year 2025 operational budget." Section 6c of the MSA simply does not allow for this type of transaction.

Finally, I also have acknowledged the Legislature's favorable action on the nominations of Gordon C. Rhea, Esq. as the Attorney General, Mr. Vance E. Pinney and Mr. Calford S. Martin as members of the Virgin Islands Coastal Zone Management Commission, for the District of St. Thomas, Mr. Calford S. Martin as a member of the Virgin Islands Housing Finance Authority Board of Directors, for the District of St. Thomas, and Mr. Julian Penn as a member of the Virgin Islands Taxicab Commission.

I thank the members of the Thirty-Fifth Legislature for their work on behalf of the people of the Territory.

Sincerely,



Albert Bryan Jr.
Governor

Cc: Members of the 35th Legislature of the Virgin Islands