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Governor Bryan Takes Action on 16 Bills, Setting In Motion a Number of Promised Infrastructure Projects

U.S. VIRGIN ISLANDS — Governor Albert Bryan Jr. has taken action on 16 bills sent up by the 34th Legislature, vetoing two pieces of legislation and signing into law 14 bills, including measures for a number of infrastructure projects across the Territory that he vowed during his "State of the Territory" speech to get underway this year.

Among the infrastructure-related bills, which include a number of proposed bills he submitted, Governor Bryan signed into law:

- Bill 34-0014, which the Governor had submitted to appropriate $1.6 million from the Communities Facilities Trust Account for three community facilities projects – the pier at King's Alley in Christiansted; the dock at Gallows Bay; and the DPNR roll-on roll-off ramp at the Gordon A. Finch Molasses Pier at Krause Lagoon on St. Croix.
- Bill 34-0036, which the Governor had submitted to appropriate $19.6 million for more than two dozen desperately needed road projects on St. Croix, St. Thomas and St. John.
- Bill 34-0020, which the Governor had submitted to appropriate $675,000 from the Community Facility Trust Fund to Sports, Parks and Recreation for the Caribbean Drag Racing Association to restore the facilities at the St. Croix Motor Sports Complex.
- Bill 34-0008, which was sponsored by Senator Javan James to reprogram $200,00 from the Gross Receipts Tax Bonds proceeds to renovate the Police Athletic League Headquarters in Estate Whim on St. Croix.
- Bill 34-000-13, which the Governor had submitted to appropriate $2.05 million from the St. Croix Capital Improvement Fund to replace the deteriorated tender landing pier and make repairs to the Ann E. Abramson Marine Terminal in Frederiksted.

Regarding Bills 34-008 and 34-0013, Governor Bryan asked the Senate to facilitate the continuity of the projects by amending them to include: "The sums appropriated herein shall remain available until expended."

Governor Bryan also vetoed two measures: Bill 34-0021, which would establish the Public Services Commission (PSC) as a semi-autonomous agency and require the Virgin Islands Water and Power Authority to hire a "turnaround" company, and Bill 34-0026, which would establish a criteria for the makeup of the WAPA board.

The Governor said Bill 34-0021 goes beyond enhancing the regulatory functions of the PSC and give it and the Legislature the authority to run various instrumentalities in violation of the separation of powers doctrine.

"In doing so, the Legislature has, again, intruded into the supervisory and decision-making powers of the Executive Branch and violated several federal statutes," Governor Bryan wrote in his transmittal letter to Senate President Donna Frett-Gregory. "The most fatal component of the Bill is the inclusion of the directives that WAPA must hire a turnaround management company, implement its recommendations and comply with its Turnaround Report."

The Governor also noted that the directive to hire a turnaround company and provisions in the bill for additional staffing and expand jurisdiction for the PSC are unfunded mandates that cannot be effectuated from the existing funds of either WAPA or the PSC.

Regarding Bill 34-0026, Governor Bryan said he vetoed the measure because it is solely an attempt to remove the number of individuals directly appointed by the Governor from amongst cabinet-level heads of departments and agencies, which puts it in violation the Revised Organic Act.

"While this measure is motivated by great intentions to address the vexing problems of WAPA, it does nothing to improve the efficiency, reliability and affordability of the services provided by the Water and Power Authority," Governor Bryan wrote in his transmittal letter. "This does nothing to address the allegations of waste, fraud and abuse. It does nothing to address customer complaints. It is solely focused on limiting the Governor's input into the decision-making of WAPA."

However, Governor Bryan signed into law Bill 34-0025, which establishes new criteria for the makeup of the PSC board and is a revised version of a previously vetoed bill.

"This bill was properly drafted to enable the Commission to function better, with fewer member seats to fill and a more realistic number to establish a quorum while not attempting to remove the Governor's authority and obligations pursuant to Section 11 of the Revised Organic Act," Governor Bryan wrote in the transmittal letter. "The addition of the conflict-of-interest sections to this bill are commendable and in the best interest of the people of this Territory."

Governor Bryan also signed 34-0059, which approves his request for an extension to the State of Emergency based on the COVID-19 pandemic for an additional 60 days, from May 7, 2021, to July 6, 2021.

Other bills Governor Bryan approved include:

- Bill 34-0003, relating to the time period within which the Zoning Administrator must act on a submitted building permit and requiring that 3 percent of the fees collected for building permits be deposited into the Department of Planning and Natural Resources' Reclamation Fund for maintaining its electrical permitting system that will go live to the public by the start of Fiscal Year 2022.
- Bill 34-0005, which clarifies the limitation on the number of governmental or quasi-governmental boards and commissions on which commissioners and directors of the Government of the Virgin Islands can serve, while serving on the board or commission of any autonomous or semi-autonomous agency.
- Bill 34-0023, which establishes the Invasive Species Eradication Community Program and appropriates $10,000 from the Animal Fund to the Invasive Species Eradication Community Program Fund.

- Bill 34-0024, relating to the Fiscal Year 2021 operating budget and appropriating $2.5 million to the Department of Justice; $2 million to the Department of Labor to outstanding Workers Compensation payments to medical providers and $40,000 to Clean Sweep Frederiksted for beautification of the town.
- Bill 34-0028, which authorizes registered nurses and certified registered nurse practitioners to determine and pronounce death under certain specific conditions.
- Bill 34-0041, which relates to the continuing medical education requirements for permanent and institutional licensees.
- Bill 34-0042, which is an Act authorizing members of the Board of Medical Examiners to serve temporarily as de facto members of certain other boards to establish a quorum to conduct business.

Governor Bryan also acknowledged Resolution No. 1881 (Bill 34-0019) honoring and commending Ronaqua Russell for her heroic achievements and extraordinary performance resulting in her becoming the first African American female aviator in the U.S. Coast Guard to receive the Air Medal.

The Bryan-Roach Administration is committed to transparency, stabilizing the economy, restoring trust in the government and ensuring the disaster recovery is completed as quickly as possible.

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