January 26, 2016

VIA MESSENGER

The Honorable Neville James
President
Thirty First Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802

Re: Governor’s Action on Bill number(s) 31-0026, 31-0027, 31-0046, 31-0134, 31-0138, 31-0144, 31-0158, 31-0162, 31-0174, 31-0227, 31-0261

Dear President James:

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 today acted on Bills numbered 31-0026, 31-0027, 31-0046, 31-0134, 31-0138, 31-0144, 31-0158, 31-0162, 31-0174, 31-0227, 31-0261.

I have approved the following Bills:

I have approved Bill No. 31-0027, an act amending Title 14, Virgin Islands Code, Chapter 113, section 2253 by defining the term “assault rifle” and specifically criminalizing the unlicensed possession of an assault rifle and amends Title 23, Chapter 5, section 451 of the Virgin Island Code to include a definition of “assault rifle”, as well as to increase penalties and fines for violations thereof.

Our community can no longer sit by while the criminal element among us run rampant through the streets with illegal firearms. As we continue to provide funds and additional resources to our local law enforcement agencies, we must also send a very strong message to those involved in criminal activity that their conduct will no longer be tolerated. This past year our local law enforcement took 161 guns off of the street, and it will continue to aggressively investigate, charge,
and seek convictions for violations of our gun laws. While the passage of this bill will no doubt have an impact on the finances of the Government as well as the court’s dockets, and our penal institutions, it is necessary for us to take this very bold action.

I have approved Bill No. 31-0046, an act amending Title 23, Virgin Islands Code, Chapter 5, relating to concealed weapons establishing special requirements for concealed weapons licenses in the Virgin Islands.

The ability for anyone to possess and carry a concealed weapon is not something that we should take lightly. Especially in light of the amount of criminal activity involving guns. Further, it is not the kind of permissive act which should go without establishing sound requirements for such concealed possession of a firearm. In codifying licensure requirements with more specificity, the measure elucidates the definitions of “mentally incompetent,” “alcoholic,” and “Narcotic or drug addict” for purposes of whether a license to possess a firearm and to be able to carry it as a concealed weapon should be granted to individuals suffering from those mental defects.

This measure should not be viewed as an infringement on any constitutional right to bear arms, but should be viewed as a necessary step in curtailing the ability for firearms to get into the wrong hands. I applaud the Legislature for taking this step.

I have approved Bill No. 31-0134, an act amending Title 27, Virgin Islands Code, adding Chapter 4A establishing the Board of Licensed Counselors and Examiners, providing for the licensure of persons to practice counseling, and for other related purposes. This measure will allow for the sound regulation and licensure of persons seeking to provide counseling services. As the Territory embarks to rebuild and strengthen its mental health division and access to mental health treatment, such a measure is a necessary catalyst to ensuring that we have qualified individuals in the Territory to supply the demand of the Territory.

I have approved Bill No. 31-0138, an act appropriating $432,000 to establish the Bachelor of Science in Nursing Degree Program at the University of the Virgin Islands—St. Croix Campus, and amending Act No. 7761 increasing the appropriation to the Department of Finance from the Special Internal Revenue Matching Fund from $12,800,000 to $22,978,300. The Territory has begun the process of strengthening our health care system and quality of care given to patients at our hospitals. An important aspect of any health facility is the nursing team. Having qualified Registered Nurses to provide quality care is paramount to effecting positive change in our health care system. In fact most hospitals and health care facilities are moving towards employing more Registered Nurses on staff. The creation of this degree program on the island of St. Croix is important to meeting the needs of the St. Croix’s patient population. The fact that a nursing student on St. Croix would have to travel off island or cut their education short because the Registered Nursing degree program was not available on the St. Croix Campus is something that can no longer occur. This is a great first step in ensuring parity among the University’s campus. Relative to the increase in the appropriation, such an amendment is technical and is required to carry out the mandates of the Fiscal Year 2016 Budget.
I have approved Bill No. 31-0144, an act allowing the Virgin Islands Water and Power Authority to close a portion of Route 752 between Par 6 former Richmond Penitentiary land in Christiansted, St. Croix, and Rem Par 11B & C Penitentiary land. While this measure may cause some inconvenience to motorist, such inconvenience is minimal when balanced with the safety concerns with non-closure.

I have approved Bill No. 31-0158, an act amending Title 1, Virgin Islands Code, Chapter 11, by adding Section 200f establishing the last Sunday in September as “Gold Star Mother’s Day”. By this designation, we would be recognizing the mothers and families who have suffered the supreme sacrifice of losing family members in the service with the United States Armed Forces. As I stated last night in my State of the Territory Address, “[t]hese brave Virgin Islanders have dedicated themselves to defend our great nation and if need be, make the ultimate sacrifice for the freedoms and ideals each of us as Americans hold so dear.” For those who have in fact made that ultimate sacrifice, and their families who grieve, this measure gives us an opportunity to give recognition annually to the mothers and families of these honorable Virgin Islanders for the lives and sacrifices of their loved ones.

I have approved Bill No. 31-0162, an act amending Title 16, Virgin Islands Code, Chapter 7, section 181 relating to change of name applications, requiring the applicant to provide certain identifying information. Such a measure will assist in avoiding identity confusion when name changes are granted by our courts.

I have approved Bill No. 31-0174, which, in pertinent part, funds various projects in the Territory. This measure, in pertinent part, provides for funding to maintain offices for the V.I. Olympic Committee on St. Croix for 2016; it provides for the reprogramming of funds from the St. John Fish Market to the Fort Christian Museum; it removes the $500,000 limit on deposits into the Consumer Protection Fund, which is necessary in protecting the public from consumer fraud; it provides for funding for programs geared at addressing mental health issues, and makes an appropriation for the acquisition of real property for recreational facilities in Estate Calquohoun in St. Croix.

I have approved Bill No. 31-0261, an act honoring and commending Leona B. Wheatley (nee Bonelli) by naming the amphitheater at the Emanuel Benjamin Oliver Elementary School in her honor.

I am vetoing the following Bills:

I have vetoed Bill No. 31-0026, an act amending Title 27, Virgin Islands Code, Chapter 7, relating to various provisions of the Trades and Crafts Code. This measure establishes a Fiber Optic Licensing Board whose duty will be to license individuals interested in fiber optic maintenance, installation or repair.

First, from the bill and the floor debate, I have not heard nor do I understand what health or safety concerns this measure attempts to enact. The creation of a licensing authority is generally limited to matters of safety and health coupled with establishing competence. What would be the
catalyst for mandating regulation of fiber optic technicians versus the barriers to business activity and unnecessary bureaucracy in the conduct of trade? The last thing we want to do is institute a bureaucracy that impedes Virgin Islanders from entering the field at a time when the need for their services is growing, opportunities for jobs are increasing, and these jobs provide a higher level of compensation because of the technical skills needed. How would such a new licensing mandate affect young and local entrepreneurs who may want to get into the fiber optic repair and installation business? The vNGN installed miles of fiber optic cables throughout the territory and connected this system without waiting for licensed individuals to install or repair their fiber optic cables. If individuals or businesses or even the Government sought to have fiber optic cables installed or repaired, it is highly likely that we would only seek out qualified individuals in the field. We have done this successfully. In addition, the territorial government supports 112 Boards and Commissions in the Territory. Many of these entities are not needed, but businesses are affected awaiting actions required by law. I’m not sure why adding the 113th board would advance the growth of our economy.

I have also vetoed Bill No. 31-0227. The bill enacts the Uniform TOD (Transfer On Death) Securities Registration Act, which provides for the non-probate transfer of specially registered investment securities from owner to named beneficiaries on the owner’s death.

First I would seriously recommend to the senate that we thread slowly here. There exists many conflicts between siblings and family members over the assets left by the death of a loved one. Many of these conflicts arise between siblings who may be of different maternities or paternities, but siblings nonetheless. The probate court, and the laws governing probate, are the ideal places for many of these conflicts to be mediated or resolved.

The intent of this measure appears to be setting as a matter of law, outside the jurisdiction of the probate courts and laws, that should a person be named on a registered investment security, that person has an absolute right to the proceeds contained within the security and outside the reach of challenge in the probate court. Moreover, this measure could allow unscrupulous individuals to attempt at self-help without providing notice to any other affected family member or person. Yes, we need a complete overhaul and modernization of our probate statutes, but this piece-meal approach may be nothing more than an attempt at self-help because some persons cannot resolve their conflicts with their siblings. Under these circumstances I can do nothing more than to veto this bill.

Sincerely,

Kenneth E. Mapp
Governor

Enclosures