

BILL TO STREAMLINE THE PROCESS TO OBTAIN A CZM PERMIT AND OTHER PURPOSES HELD IN COMMITTEE

Date : September 19, 2019

St. Thomas- Members of the Committee on Government Operations, Consumer Affairs, Energy, Environment, and Planning chaired by Sen. Alicia Barnes, convened in a meeting at the Capitol Building on Wednesday, to receive testimony and voted on several measures including Bill No. 33-0105- to reduce the amount of time required to evaluate and issue CZM permits, to reduce the time for the review of Board of Land Use Appeals, and other purposes. Ultimately, lawmakers voted to hold the bill in committee for further consideration. All measures approved will be forwarded to the Committee on Rules and Judiciary for further consideration.

Sen. Barnes, one of the sponsors of the measure shared her remarks on the bill. "We cannot continue to have outdated and antiquated methods of doing business in today's work environment. It is important to capture the process in real-time. The bill expedites and streamlines the process for the issuance for obtaining minor and major CZM permits."

The measure seeks to update the Virgin Islands Coastal Zone Management by: (1) updating the chapter to reflect the current name of the department, (2) increasing the term and per diem of members of the Coastal Zone Management Commission, (3) modifying some of the standards for the issuance of coastal zone permits, (4) modifying some of the requirements for the issuance of permits for the development or occupancy of trust lands or other submerged or filled lands, and (5) decreasing the time period for filing an appeal with the Board of Land Use Appeals and decreasing the time-period within which the Board of Land Use Appeals must hold a public hearing on an appeal. Senators who also proposed the bill are Kurt Vialet, Marvin Blyden, Javan James, Sr., Steven Payne, Sr., and Janelle Sarauw.

The Department of Planning and Natural Resources (DPNR)

Commissioner Jean-Pierre Oriol mentioned that overall DPNR supports the bill. However, the section of the bill that seeks to reduce the members of the CZM Commission should be amended. “DPNR cannot support this change. Quorums are the main issue for the Committees. Rather than reducing members for the Commission, it is best to fill the vacant seats. This will reduce the likelihood of actions being taken by default for lack of a quorum for the Committees.” Similarly, the Board of Land Use Appeals Chairman John Woods noted that shortening the time for filing an appeal with the Board is challenging due to the lack of a full complement of members serving on the CZM Commission and the Board of Land Use Appeals.

Separately, lawmakers considered and voted to hold in committee at the call of the Chair: Bill No. 33-0108 – An Act amending Title 12, Chapter 10, Section 402 of the Virgin Islands Code by requiring owners of shoreline property to provide the public with suitable access to the shorelines, imposing fines for failure to comply with this requirement, and granting the Department of Planning and Natural Resources enforcement and investigative authority regarding shoreline access. Sponsors of the bill are senators Janelle Sarauw, Novelle Francis, Jr., and Kurt Vialet. Sen. Alicia Barnes co-sponsored the bill.

Sen. Janelle Sarauw indicated that residents of the Virgin Islands should not be regulated to visiting just a few beaches and shorelines but access to both should be available to the public. “Regardless of the economic status, gender, and race, I believe that the shoreline and beaches should be accessible to all Virgin Islanders. Unfortunately, what is happening is that there are instances in which some private property owners are circumventing the law to prevent locals from accessing public beaches and/or shorelines.”

DPNR Commissioner Oriol mentioned that although the measure has good intent there needs to be additional clarity in the language of the bill. Otherwise, the implementation will be very challenging. Furthermore, Oriol noted that while DPNR supports free access to the shoreline for all residents and guests, the bill has several issues from qualifying criteria for access and defining the legal rights of property owners. Presently, the bill cannot withstand the “takings” test under the Fifth Amendment of the Constitution.

Similarly,
the following measures were also held in committee for further review:

- Bill No. 33-0111 –
An Act amending Title 19, part VI, of the Virgin Islands Code by adding a new chapter 56B requiring that the Waste Management Authority designate disposal sites throughout the Territory for waste tires and creating the Waste Tire Management and Disposal Fund.
- Bill No. 33-0103- An
Act amending the following provisions of the Virgin Islands Code: (1) Title 3, Chapter 25, subchapter VI, by adding a new section 583d providing for maternity, paternity, and adoption leave for government employees; (2) Title 19, part I, chapter 7, by adding new sections 154, 155, and 156 providing for learning evaluation of children, postpartum care and minimum standards of health care for incarcerated women and men; (3) Title 19, part IV, chapter 37, subchapter II, section 831(a), by establishing a new procedure for obtaining an initial birth certificate; (4) Title 17, chapter 11, section 130 and Title 17, chapter 9, subchapter I, section 87, by prohibiting the use of corporal punishment; and (5) Title 17, chapter 9, subchapter I, by adding a new section 86a providing for paid time off from work so that parents may visit their children's schools, and providing that certain health care facilities

However, senators voted and approved the following
measures:

- Bill No. 33-0100 – An Act amending Title 20, part II
Chapter 39, section 46(b) (1) of the Virgin Islands Code by including persons who are handicapped within the class of persons exempt from being charged a fee for a handicapped window decal. Proposed by Senator Alicia V. Barnes
- Bill No. 33-0068 – An Act to amend Title 20, part II,
chapter 32, subchapter 1 of the Virgin Islands Code by adding a new section to create a process for transferring a vehicle upon the death of an individual, without going through the probate process. Proposed by

Senator Janelle K. Sarauw

- Bill No. 33-0119 - An Act amending Title 27, Chapter 9, Subchapter I, Section 303(a) of the Virgin Islands Code requiring that an initial business license be issued within three (3) days of application.

Senators

present at the meeting are Alicia Barnes, Marvin Blyden, Novelle Francis, Janelle Sarauw, Alison DeGazon, Oakland Benta, Athneil "Bobby" Thomas, and Myron Jackson.

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