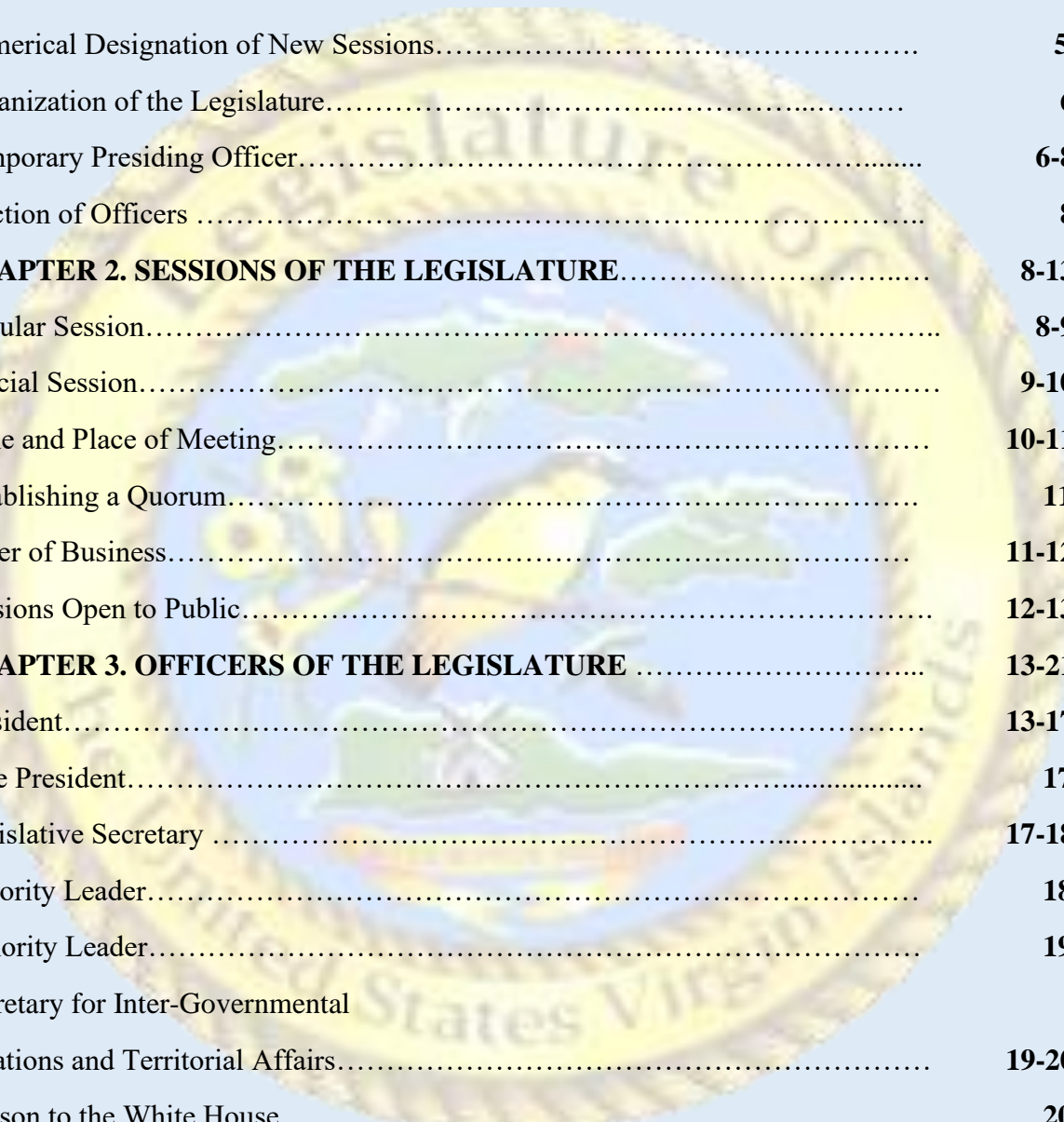


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## **PREAMBLE**

These Rules, and the rules and procedures contained in Mason’s Manual of Legislative Procedure (2020 ed.), (“Mason’s Manual”) to the extent the rules contained in Mason’s Manual are consistent with these Rules, govern the organizational meeting, all regular and special sessions, and all committee meetings of the Legislature of the Virgin Islands. In all cases not provided for by the Revised Organic Act of the Virgin Islands, a statute of the Virgin Islands or a statute of the United States applicable to the Virgin Islands, these Rules, or established customs and usage of the Legislature, Mason’s Manual of Legislative Procedure is the authority. When there is a conflict between Mason’s Manual and these Rules, the latter controls. These Rules are intended to supplement rather than supersede other actions previously or subsequently taken by the Legislature with respect to its organization and procedure.

## **CHAPTER 1. ORGANIZATION**

### **Numerical Designation of New Sessions**

**RULE 101.** Each newly sitting Legislature is designated numerically by adding one to the number of the preceding Legislature, beginning with the Legislature that convened on the second Monday in January 1955, as the “First Legislature of the Virgin Islands.”

**RULE 102.** (a) Pursuant to section 7 (a) of the Revised Organic Act of the Virgin Islands, at 10 a.m. on the second Monday in January of odd-numbered years, all Senators-Elect shall meet to take the oath of office in a place in St. Thomas designated by the Oath of Office Ceremonies Committee established under Rule 524a.

(b) The Chief Justice of the Supreme Court, the Presiding Judge of the Superior Court, or the Chief Judge of the District Court of the Virgin Islands, or the respective Judge’s designee, shall administer the Oath of Office to each Senator-Elect.

(c) The Oath of Office is as follows:

**“I, (name of Senator-Elect) DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT, OBEY AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES APPLICABLE TO THE VIRGIN ISLANDS AND THE LAWS OF THE VIRGIN ISLANDS; THAT I TAKE THIS OBLIGATION FREELY, WITHOUT ANY MENTAL RESERVATION OR PURPOSE OF EVASION; AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE THE DUTIES OF SENATOR WITH FIDELITY.”**

(d) After taking the oath, each Senator shall sign a copy of the Oath of Office.

#### **Organization of the Legislature**

**RULE 103.** On the second Monday in January of odd-numbered years, after the Oath of Office Ceremony and the taking of and subscribing to the oath, all Senators shall meet at the Capitol Building in Charlotte Amalie, St. Thomas, and convene in regular session to organize the Legislature and a new term of the Legislature.

#### **Temporary Presiding Officer**

**RULE 104.** (a) Until the election of a President of the Legislature, as provided in Rule 106 of this chapter, the Temporary Presiding Officer shall preside over the organizational meeting of the Legislature. The Temporary Presiding Officer is the immediate past President of the Legislature if the immediate past President is among the Senators-Elect. Otherwise, the Temporary Presiding Officer is such Senator-Elect as is designated Temporary Presiding Officer by a majority of the Senators-Elect. If no Senator-Elect receives a majority, then the Temporary Presiding Officer is the President last sitting; or if such a person is not among the Senators-Elect, then the Vice President last sitting becomes the Temporary Presiding Officer. If this

person is not among the Senators-Elect, then by the Senator-Elect whose total years of legislative service are the highest among the Senators-Elect becomes the Temporary Presiding Officer.

(b) For the purpose of subsection (a), reference to the “immediate past President” or a “last sitting” officer refers only to a Senator-Elect who, during a previous Legislature, was elected to that office by a resolution approved by that Legislature in a regular session.

**RULE 105.** The Temporary Presiding Officer shall call the Senators to order to conduct the election for the Office of President. The Temporary Presiding Officer may conduct no other business nor perform any function other than that specifically prescribed in this chapter.

**RULE 106.** (a) Although the Temporary Presiding Officer shall conduct the election for the Office of President of the Legislature, any Senator may offer by resolution or motion, a slate of candidates for the offices established in these Rules. If a slate is offered, the Temporary Presiding Officer shall call for a yea or nay vote on the slate, without entertaining amendments to the slate or dividing the slate for separate votes on the offices. If a slate fails to receive a majority of votes, another slate may be offered. If no slate receives a majority of votes, the Temporary Presiding Officer shall proceed with the election for the Office of President of the Legislature. Nothing in this subsection prohibits the dividing for separate vote or amendment from a slate any matter not directly naming Senators to specific offices or positions.

(b) Unless otherwise decided, the officers, committee chairpersons, and members on committees of the Thirty-Fourth Legislature are as provided in the document entitled “A Resolution establishing the Majority Caucus, electing the officers, appointing chairpersons, vice-chairpersons and members to the standing committees of the Thirty-Fourth Legislature of the Virgin Islands and adopting the Rules of the Thirty-Fourth Legislature.

**RULE 107.** The proceedings under Rule 106 of this chapter are governed by Mason's Manual of Legislative Procedure; but any ruling or decision by the Temporary Presiding Officer may be nullified or reversed by a majority vote of the Senators present, a quorum being present. The Temporary Presiding Officer shall recognize, as a matter of right, any Senator who seeks to move that the body nullify or reverse a decision or ruling of the Temporary Presiding Officer.

**RULE 108.** Immediately upon election of a President of the Legislature, whether by slate or otherwise, the Temporary Presiding Officer shall relinquish the chair to the Senator elected as President and shall have no further powers or authority as Temporary Presiding Officer.

#### **Election of Officers**

**RULE 109.** Immediately upon assuming the chair, the President shall conduct separate elections for Vice President of the Legislature, Legislative Secretary, Secretary for Inter-Governmental and Territorial Affairs, Liaison to U.S. Congress, Liaison to the U.S. Department of Interior, Liaison to the White House and other appropriate positions, unless these positions have already been filled by the adoption of a slate under the proceedings of Rule 106 of these Rules.

### **CHAPTER 2. SESSIONS OF THE LEGISLATURE**

#### **Regular Sessions**

**RULE 201.** (a) A session is a meeting, or a series of meetings identified by a specific agenda.

(b) The first session of the Legislature convenes annually on the second Monday in January. On even numbered years, the Legislature may by enactment of a statute fix a different date for the commencement of the annual session.



(c) The Legislature shall subsequently convene for regular sessions on the third Wednesdays in March, June, and September of each year.

(d) The President may convene regular sessions at the President's discretion, but not after adjournment sine die.

(e) The Legislature shall also convene upon such date as may be designated in a petition signed by a majority of the members of the Legislature which must include the time and date of the session, providing no less than seven calendar days' notice and must list the agenda. No session of the Legislature convened by petition may extend beyond two calendar days unless the Legislature by majority vote extends the length of the session. No matters other than those listed in the petition's agenda may be considered during a session convened under this subsection.

(f) The Legislature is considered to be in session on any day when it is convened in accordance with subsections (b), (c), (d), or (e) of this Rule, or section 7(a) of the Revised Organic Act, 48 U.S.C. § 1573 (a) and when so convened there may be no other simultaneous meeting of a standing or special committee of the Legislature.

### **Special Sessions**

**RULE 202.** (a) Pursuant to section 7 (a) of the Revised Organic Act, the Governor may call special sessions of the Legislature at any time when in the Governor's opinion the public interest may require it.

(b) Any matter specified in the Governor's call for a special session must be numbered, introduced, and assigned by the President to the committee with appropriate jurisdiction, if time permits, or to the Floor for immediate consideration, as appropriate.

(c) No legislation may be considered at any special session other than that specified in the Governor's call or in any special message by the Governor to the Legislature while the Legislature is in special session.

(d) Any legislation proposed by the Governor is only a proposal pursuant to section 11 of the Revised Organic Act of the Virgin Islands, which provides that the Governor "may recommend bills to the Legislature".

### **Time and Place of Meeting and Attendance**

**RULE 203.** The Legislature shall meet promptly at the time designated by the President's call on each legislative day. A legislative day for the purpose of this rule is a day when the Legislature meets in regular or special session.

**RULE 204.** (a) The Legislature shall meet in the Earle B. Ottley Legislative Hall of the Capitol Building in Charlotte Amalie, St. Thomas, "the Chambers".

(b) The Chambers of the Legislature are for the expressed purpose of regular sessions, special sessions or meetings of the Committee of the Whole. All other meetings of standing committees, sub-committees, special committees or other meetings may be held in the Chambers after the chairperson has received written confirmation for use of the Chambers from the Journal Division. The committee chairpersons may hold meetings of standing committees, subcommittees, special committees or other meetings in other places that are open to the public.

(c) Committee meetings may be conducted by video conference or other visual remote communications technology in an effort to alleviate travel expenses. However, this subsection may not be construed to allow a committee to violate 1 V.I.C. §254 or these rules governing open meetings. All members participating in a committee meeting conducted by video conference or other visual remote communications technology wherever their location must be

able to see and hear one another and see and hear the discussion presented, **as if physically present**, at any location at which least one member of the committee is present.

(d) Senators participating in a committee meeting via video conference or other visual remote communications technology that meets the requirements of subsection (c) are considered present and may vote.

(e) Senators may not participate in a regular or special sessions of the Legislature via video conference, or other visual remote communications technology.

### **Establishing a Quorum**

**RULE 205.** (a) The President, or in the President's absence, the Vice President, or in the Vice President's absence, the Legislative Secretary, or in the Legislative Secretary's absence, the Majority Leader, or other member so designated shall at the beginning of each session of the Legislature ascertain the number of Senators present.

(b) A majority of the total number of Senators in the Legislature constitutes a quorum. No session of the Legislature or Committee of the Whole may be convened unless a quorum is present.

### **Order of Business**

**RULE 206.** (a) The Order of Business for each session of the Legislature is as follows:

- (1) Call to order invocation and anthems
- (2) Roll call
- (3) Messages from the Governor
- (4) Communications and petitions
- (5) Reports of standing and select committees

(6) Introduction, first reading by title, and reference to committees of bill and other matters

(7) Requests for Special Orders and Motions to Override

(8) Consideration of Floor Agenda

(9) Announcements

(10) Privileges of the Floor

(11) Recess or adjournment

(b) The Legislative Secretary, or if the Secretary so directs, the Clerk, shall read all messages from the Governor and other correspondence into the record. Messages from the Governor and other correspondence become a part of the record if copies of the messages or other correspondence have been provided to each Senator. It is in order for any Senator to move to waive the reading and require that any message from the Governor or any other correspondence become a part of the record as if read in its entirety.

**Sessions/Meetings/Hearings, Open to Public**

(a) **RULE 207.** (a) All sessions of the Legislature are open to the public pursuant to Section 7 of the Revised Organic Act of the Virgin Islands and 1 V.I.C. § 254, and the President of the Legislature, or the President's designee, shall notify the news media on each island of the scheduling of a session not later than Noon on the Thursday of the week preceding the day or days upon which the Legislature will meet.

(b) Persons in attendance of all sessions of the Legislature or committee meetings must be appropriately attired-no swimwear, tank tops, flip flops, shorts or revealing clothing. No eating, smoking, alcoholic beverages or soft drinks are allowed in the Chambers. No controlled substances or related paraphernalia are allowed on the Legislature's grounds.

(c) With the exception of security personnel of the Legislature, no Senator, central staff employee, senatorial staff employee, civilian or non-law enforcement person, officer, agent, or other person may bring or carry a firearm, other weapon, or explosive, including gas irritants, into the Chambers or conference rooms, whether on one's person, concealed or by any other method.

### **CHAPTER 3. OFFICERS OF THE LEGISLATURE**

#### **President**

**RULE 301.** (a) In addition to the rights, privileges, and responsibilities as a Senator, the President of the Legislature shall:

- (1) convene the Legislature each legislative day at the hour prescribed by these Rules and to establish a quorum;
- (2) prepare the session and committee of the whole agendas;
- (3) preside over each session, preserving order and decorum throughout;
- (4) decide questions of parliamentary procedure and, if the President chooses, state the reason for the decision; but any decision may be overturned by majority vote of the entire Legislature;
- (5) chair the Committee of the Whole; or designate, any other Senator to serve as the chair of the Committee of the Whole;
- (6) certify, by signature thereon, that all bills and resolutions passed by the Legislature were considered and passed during a valid session of the Legislature;
- (7) certify, by signature thereon, that all writs, warrants, and subpoenas issued by order of the Legislature, or a committee of the Legislature were duly issued in accordance with the law and these Rules;

(8) ensure that the Oath of Office set forth in Rule 102 (c) is administered on the first day of a new Legislature to each Senator-elect who has been certified by the Board of Election as entitled to a Senate seat;

(9) subject to Rule 106 of chapter 1 of these Rules, appoint Senators, including himself or herself, to standing, select, special committee, or any other form of legislative committees; designate a chair of each committee; and ensure that Senators of the minority are appointed to committees in a reasonable manner as determined by the Majority;

(10) enter into contracts and authorize for payment and cause to be paid any necessary expenditure of the Legislature, including, but not limited to, expenditures for, professional services, telephone and other utilities, computer services, stationery and other clerical supplies, electronic equipment of all kinds, traveling expenses, including travel by Senators and staff to attend meetings of legislative committees of which they are members, and other necessary expenses to conduct the business of the Legislature, except that:

(A) A contract may not be executed for any Senator for professional; telephone services, utilities, internet, or other such services that are provided by the staff of the Legislature or the Legislature's contractors;

(B) All contracts for employment, whether for central staff or for senatorial staff, must comply with the prohibition in title 31 V.I.C. § 248(b) against government contracts for personal services unless the following requirements of section 248(b) are met:

(i) The services cannot otherwise be obtained through the direct hire of employees, in the same manner as by appointment of Central Staff

employees, as certified by the Director of the Division of Human Resources of the Legislature of the Virgin Islands; and

(ii) Employment Contracts must include a provision of benefits normally afforded exempt civil service employees of the Executive Branch and the Central Staff of Legislative Branch of the Government; and

(iii) A copy of the contract must be filed in advance with the Committee on Rules of the Legislature;

(C) All contracts for professional or construction services must comply with the Legislature's established procurement policies and procedures and applicable laws;

(D) All contracts for professional services must be exclusively for legislative activities; and

(E) All contracts must be either drafted or reviewed and approved for legal sufficiency by the Legal Counsel's Office;

(11) Except for those administrative duties the President may delegate to the Executive Director, supervise and administer fully the internal affairs of all legislative offices in the Legislature of the Virgin Islands, including, but not limited to, hiring and firing all "Central Staff" employees; assigning employees of the Central Staff their duties, determining their rate of compensation, issuing employee manuals and employee policies, taking such commendatory and disciplinary actions towards employees as appropriate, such as demotions, suspension without pay, and terminating all employees of the Legislature subject to the provisions of Rule 416 of these Rules; except that:

(A) No member of a Senator's personal staff may be terminated without the specific written consent of such Senator;

(B) Any Senator may terminate a member of the Senator's personal staff, and the President may not unreasonably withhold approval of such termination; and

(C) Notwithstanding Rule 302, paragraph (1), the President has the sole authority to terminate any employee of the Legislature;

(D) A Senator who is acting as President does not have authority to terminate an employee;

(E) The Executive Director, the Director of Business and Financial Management and the Director of Human Resources must be notified in writing of any such personnel action not less than five working days before the effective date of such action;

(12) hire employees of the Legislature in consultation with the Majority Caucus and the respective division head where applicable;

(13) serve as liaison between the Governor and Legislature on legislative matters;

(14) within fifteen days after their receipt, assign to the Committee on Rules and Judiciary all nominations that require the advice and consent of the Legislature; and

(15) designate any Senator to act as an officer in the absence of the other officers specified in the legislative line of succession.

(b) All staffing requests must be forwarded to the President of the Legislature, who shall then forward the decision for approval or disapproval to the Executive Director, the Director of the Business and Financial Management and the Director of Human Resources



along with the effective date of employment; but salary increases, and promotions must be specifically approved by the President in consultation with the Majority Caucus.

(c) No senatorial personal staff hiring may be deemed approved by the President, if the Executive Director and the Director of Business and Financial Management certify in writing to the President and the hiring Senator that the hiring would exceed the amount remaining in any account specifically set aside for the hiring of a Senator's personal staff.

(d) Any savings deriving from the termination or resignation of a Senator's staff must be automatically credited to that Senator's account or allotment.

#### **Vice President**

**RULE 302.** In addition to rights, privileges and responsibilities as a Senator, the Vice President of the Legislature shall:

- (1) perform the duties of the President during the President's absence and at such time as the President may designate;
- (2) pursuant to 2 V.I.C. §74, serve as certifying officer; and (3) perform such other duties as the President may assign.

#### **Legislative Secretary**

**RULE 303.** In addition to the rights, privileges and responsibilities as a Senator, the Legislative Secretary shall:

- (1) call the roll of Senators at the commencement of each session of the Legislature and record the presence or absence of each; keep an accurate record of the presence or absence of each Senator at each session of the Legislature, including the reason for each absence, if available, and cause this record to be printed in the Journal; except that the Legislative Secretary may direct the Clerk to call the roll and record the attendance;

- (2) read into the record or direct the Clerk to read into the record all correspondence;
- (3) serve as a certifying officer and attest by signature when necessary or required by law to the accuracy of all bills, amendments, resolutions, orders, writs, warrants, subpoenas, or other official documents issued, passed, or ordered to be issued by the Legislature;
- (4) perform the duties of the Vice President during the Vice President's absence; and
- (5) perform such other duties as may be designated by the President of the Legislature.

**Majority Leader**

**RULE 304.** (a) The Majority caucus may elect one member to serve as Majority Leader.

(b) In addition to the rights, privileges and responsibilities as a Senator, the Majority Leader is entitled to present the position of the Majority and shall:

- (1) in coordination with the President, call together the Senators who are members of the majority in meetings at such time and for such reasons as considered necessary;
- (2) preside over majority meetings and ensure order throughout;
- (3) assist the President in defining, developing and promoting a legislative program for presentation to the members of the Legislature and the community and work for the implementation of such program through every lawful means;
- (4) manage legislation during Floor debate, and work with all members of the Majority Caucus to advance Majority Caucus legislation;
- (5) assign offices;
- (6) assign desks on the Senate Floor;
- (7) provide space in the Chambers to properly accredited news media representatives; and

- (8) perform such duties as the Majority Caucus may assign.

### **Minority Leader**

**RULE 305a.** (a) Only one Minority Leader may be recognized. The Minority Leader must be a Senator chosen and the President notified in writing.

(b) In addition to the rights, privileges and responsibilities as a Senator, the Minority Leader is entitled to present the minority position and shall:

- (1) call together the Senators who are members of the minority in meetings at such time and for such reasons as considered necessary;
- (2) preside over Minority Caucus meetings and ensure order throughout; and
- (3) perform such duties for the minority as the Minority Caucus may assign.

### **Secretary for Intergovernmental Relations and Territorial Affairs**

**RULE 306.** In addition to the rights, privileges and responsibilities as a Senator, the Secretary for Inter-Governmental Relations and Territorial Affairs shall:

- (1) perform the duties of Legislative Secretary during the Legislative Secretary's absence;
- (2) act as the official liaison between states and other territorial legislatures and the governments of the nations and territories in the Caribbean and Caribbean Basin;
- (3) coordinate all activities among members of the Legislature and officials of the state and territorial governments;
- (4) arrange for conferences between members of the Legislature and officials of the state and territorial governments and the nations and territories of the Caribbean and the Caribbean Basin;

(5) represent the President of the Legislature at inter-governmental conferences and other meetings within and outside the Virgin Islands; and

(6) perform any or all other duties as Secretary of Intergovernmental Relations and Territorial Affairs.

#### **Liaison to the White House**

**RULE 307.** In addition to the rights, privileges and responsibilities as a Senator, the Liaison to the White House shall:

(1) communicate with the Office of the President of the United States on issues and legislation affecting the territory of the Virgin Islands; and

(2) perform any and all duties as may be designated by the President of the Legislature.

#### **Liaison to the United States Congress**

**RULE 308.** In addition to rights, privileges and responsibilities as a Senator, the Liaison to the United States Congress shall:

(1) communicate with members of the U.S. Senate and the U.S. House of Representatives on issues affecting the Virgin Islands;

(2) act as a liaison between the Legislature of the Virgin Islands, the U.S. Senate and the U.S. House of Representatives;

(3) collaborate with the Legislature of the Virgin Islands, the U.S. Senate and the U.S. House of Representatives;

(4) work jointly with the Delegate to Congress on behalf of the people of the Virgin Islands;

(5) further develop programs that would:

(A) enhance the positive working relationship between members of the U.S. Senate and the U.S. House of Representatives and the V.I. Delegate to Congress and members of the Legislature of the Virgin Islands;

(B) seek opportunities for members of the Legislature of the Virgin Islands to testify before the U.S. Senate and the U.S. House of Representatives on issues affecting the territory; and

(C) allow members of the Legislature of the Virgin Islands to forward recommended legislation that affects the Territory and is pertinent to their committees' jurisdiction to members of the U.S. Senate and the U.S. House of Representatives;

(6) coordinate the efforts of any other members of the Legislature interacting with the U.S. Senate and the U.S. House of Representatives; and

(7) perform other duties as may be designated by the President of the Legislature of the Virgin Islands as it pertains to congressional interaction.

**Liaison to the U.S. Department of Interior, Office of Insular Affairs**

**RULE 309.** In addition to rights, privileges, and responsibilities as a Senator, the Liaison to the U.S. Department of Interior, Office of Insular Affairs shall:

(1) maintain communications with the key officials in the U.S. Department of Interior and keep abreast of and convey information to the Legislature concerning new developments and plans that affect the Virgin Islands;

(2) enhance the relationship between the Legislature of the Virgin Islands and the officials of the U.S. Department of Interior;

(3) lobby Department of Interior Officials to influence federal policies towards the Virgin Islands favorably; and

(4) perform all duties as may be designated and assigned by the President of the Legislature.

**RULE 400. RESERVED**

**CHAPTER 4. EMPLOYEES OF THE LEGISLATURE**

**Offices Held By Non-Senators**

**Duties of Offices**

**RULE 401.** (a) The employees of the Central Staff, other than directors and other administrators expressly named in 2 V.I.C., § 47 (c), are appointed and serve under a nonpartisan personnel system based on merit principles and professional methods governing the appointment, promotion, transfer, layoff, removal and discipline of the employees pursuant to title 2, chapter 3, and other applicable provisions of the Virgin Islands Code and an Employee Manual consistent with applicable law and these Rules. The Legislature may not hire any employee to serve on both the Central Staff and a Senator's staff.

(b) The Legislature's staff includes the following officers and employees who are appointed by the President, pursuant to the powers under Rule 301 (a) (12) of chapter 3 of these Rules and serve pursuant to 2 V.I.C. § 47:

(1) An **Executive Director** who is qualified by training and experience in personnel administration and office management;

(2) A **Chief Legal Counsel** who is an attorney, in good standing with the Virgin Islands Bar Association, barred in the Virgin Islands and qualified by education, training and experience in the legislative process and legislative legal services;

(3) A **Chief Legislative Reporter** who is qualified by training and experience in the recording and transcribing of proceedings verbatim;

(4) A **Chief of Security**, who is qualified by training and experience in law enforcement;

(A) has peace officer status or will meet the certification or recertification requirements set forth by the Peace Officer Standards and Training Council in 23 V.I.C. ch.16, not later than 180 days after appointment;

(B) is licensed to carry a firearm; and

(C) has the ability to manage all security matters and procedures for the legislative complexes.

(5) A **Sergeant-At-Arms** who is qualified to manage all security matters and procedures for the Senators and staff of the Legislature;

(A) trained and experienced in law enforcement;

(B) has peace officer status or will meet the requirements for certification or recertification set forth by the Peace Officer Standards and Training Council in 23 V.I.C. ch.16, not later than 180 days after appointment;

(C) is licensed to carry a firearm; and

(D) has such other qualifications as may be prescribed by the President;

(6) A **Director of Business and Financial Management** who is qualified by training and experience in business administration and accounting procedures;

(7) A **Director of the Office of Public Affairs** who is qualified by training and experience to provide effective and efficient media services and public relations for the Legislature;

(8) A **Director of Facilities Management** experienced in building repairs, maintenance and construction;

(9) A **Post Auditor** who is qualified by training and experience in business administration, accounting, and auditing procedures and is a person with extensive experience and recognized qualifications in the field of governmental procedures and accounting;

(10) A **Director of Archives** who is qualified by training and experience to maintain a library of legislative history, including but not limited to, verbatim transcripts, historical documents of previous legislative councils and legislatures and reports of all sessions and committee meetings of each legislature;

(11) A **Director of the Journal Division/Clerk** who is qualified by training and experience to maintain the Journal of the Legislature and related activities;

(12) A **Director of Human Resources** who is qualified by training and experience in personnel management;

(13) A **Chief of Transportation** who is qualified by training and experience to conduct transportation services, and has knowledge of road safety and laws pertaining to traffic and transportation;

(14) A **Director of Management Information System** who is qualified by training and experience in computer technology and telecommunications;

(15) A **Code Revisor** who is an attorney barred and in good standing with the Virgin Islands Bar Association appointed on the basis of education, training and extensive knowledge and experience in the legislative process and statutory drafting, construction and jurisprudence; and



(16) such consultants, clerks, assistants, and other employees as may be required from time to time to properly staff legislative offices in St. Thomas, St. Croix and St. John.

(17) The officers enumerated in subsection (b) of this Rule may not be members of the Legislature.

### **Executive Director**

**RULE 402.** The Executive Director serves as the Chief Administrative Officer of the Legislature. The Executive Director shall:

- (1) administer the day-to-day operation of the administrative offices of the Legislature;
- (2) coordinate the administration of all divisions, offices and services;
- (3) establish in consultation with division heads and the President and implement standard operating procedures for the administrative offices of the Legislature;
- (4) establish written procedures and protocol for inaugural activities;
- (5) receive, record, and respond, as directed by the President, to all correspondence that may be addressed to the Legislature, including messages and proposed legislation from the Governor, and maintain accurate and detailed records regarding the correspondence;
- (6) receive visitors, telephone messages, provide for printing of documents, duplicating, custodial care, transportation and messenger delivery and receiving, grounds maintenance, and building security;
- (7) regularly meet with division heads to evaluate the effectiveness of each division's programs and services, resolve problems and develop strategies for carrying out the administrative operations of the Legislature;

(8) regularly hold general staff meetings to facilitate administration, keep employees informed and abreast of new policies, procedures and current events; foster effective communication between management and employees for suggestions and problem solving and for other related purposes;

(9) work on annual proposals for the Legislature's budget;

(10) serve as administrative supervisor to division heads, except the Chief Legal Counsel, and supervise such other employees as may be assigned by the President to assist in carrying out the duties set forth in this section;

(11) make, or to delegate authority for making, authorized travel arrangements for members and employees of the Legislature;

(12) approve or reject purchase order requests proposed for payment based on established procedure;

(13) cause to be available on a regular basis to all newspapers of general circulation and the media within the Territory a list containing the number and short title of every bill and resolution introduced in the Legislature; and

(14) set and collect user's fees and other costs for the use of facilities and equipment belonging to the Legislature.

#### **Chief Legal Counsel**

**RULE 403.** (a) The Chief Legal Counsel shall operate the Office of Legislative Legal Counsel as a non-partisan, impartial division of the Central Staff and shall represent the entire Legislature of the Virgin Islands, i.e., all fifteen Senators, equally, without regard to their majority/minority status. The conduct of the Chief Legal Counsel and the Assistant Legal Counsels is at all times governed by the Virgin Islands Rules of Professional Conduct, of Rule

211 of the Rules of the Supreme Court of the Virgin Islands. All legal counsels must be barred in the Virgin Islands and at all times employed at the Legislature of the Virgin Islands, must be a member in good standing with the Virgin Islands Bar Association and registered with the Supreme Court of the Virgin Islands as provided by Supreme Court Rule 203 (e). No legal counsel of the Legislature may be required or requested to adopt or subscribe to, or represent any position in contravention of section 8(a) of the Revised Organic Act of the Virgin Islands, draft any legislation that is patently unconstitutional, inconsistent with United States Constitution, the Revised Organic Act, or the laws of the United States made applicable to the Virgin Islands.

(b) The duties of the Chief Legal Counsel are as follows, and the Chief Legal Counsel shall:

- (1) conduct the legal business of the Legislature;
- (2) provide candid, independent, advisory legal opinions;
- (3) draft such legislative proposals as may be requested by members of the Legislature;
- (4) provide legal services during sessions of the Legislature and during Committee meetings and at other times as necessary;
- (5) examine, analyze, and research legislative proposals and issues before the Legislature;
- (6) prepare or review all contracts, leases, permits, and other legal documents necessary to the operation of the Legislature; and provide advice as to the legal sufficiency of all contracts and ensure that such contracts are in the best interest of the Government of the Virgin Islands;

(7) coordinate activities of the legal Counsel, Journal, and Archives Divisions as they relate to the services provided by the Legal Counsel's Office, and supervise the employees of the Legal Counsel Division and such other employees as may be assigned by the President to assist in carrying out the duties set forth in this section;

(8) verify the accuracy of enrolled bills passed by the Legislature and affix the Legislature's seal thereto;

(9) transmit to the Governor as soon after passage as is practicable all bills, resolutions or other documents required to be transmitted to the Governor;

(10) maintain through the Journal Division and the Archives Division, an accurate and current record of the legislative history of all bills and resolutions, including their number, date of introduction, committee to which a bill is assigned, actions taken by committee, amendments passed, date considered on the Floor, date sent to the Governor, whether it was signed, vetoed, or became law without the Governor's signature, the act number, date it became law, and whether a veto was overridden;

(11) maintain an up-to-date subject and bill tracking index of adopted legislation and resolutions;

(12) represent the Legislature in litigation in matters properly within the sphere of legislative activities and coordinate litigation of legislative matters with the Legislature's outside counsel, except that the Office of Legal Counsel may not represent the Legislature in labor disputes, personnel matters, including disciplinary matters, wrongful discharge suits, or in suits between or among members of the Legislature, or taxpayers' suits;

(13) develop and publish, subject to the final approval of the President, “The Official Drafting Manual of the Legislature of the Virgin Islands” to which all bills, resolutions, amendments and other legislation must conform; and

(14) provide such other legislative legal services as may be requested by the President.

(c) Unless authorized for release by their sponsor, the Office of Legal Counsel shall maintain as confidential records of:

- (1) drafting requests for bills amendment;
- (2) drafts of bill analyses and fiscal notes until the bill analysis or fiscal note is provided as part of a bill that has been introduced after pro forma;
- (3) requests for drafts of a reapportionment plan or redistricting plan or an amendment thereto;
- (4) any supporting documents associated with the plan or amendment until a bill implementing the plan, or the amendment, is introduced; and
- (5) requests by members for an advisory opinion concerning the application of the Rules of the Legislature pertaining to ethics, or any substantive legislative matter, including a bill, government contract, permit, government lease, or other measure pending before the Legislature unless the member requesting the opinion authorizes in writing the release of such information.

**Chief Legislative Reporter**

**RULE 404.** The Chief Legislative Reporter is the official recording officer of the Legislature. The Chief Legislative Reporters shall:

(1) record and transcribe verbatim each session of the Legislature and its committee meetings, and to provide a copy of the verbatim transcript to each member of the Legislature, the Executive Director, and the Chief Legal Counsel upon request and also to convert the transcripts into the portable document format (PDF) so that it may be made available to the public;

(2) transcribe verbatim every meeting of a committee or session of the Legislature no later than two weeks after the meeting, or sooner if directed to do so by the President, the President's designee, a Senator or the Chief Legal Counsel;

(3) cooperate with the Executive Director in providing members of the Legislature and their staff with documents that may be transcribed by the Chief Legislative Reporter the Chief's assigns;

(4) supervise such employees as may be assigned by the President to assist in carrying out the duties set forth in this section together; and

(5) perform such other duties as may be prescribed by the President.

#### **Chief of Security**

**RULE 405.** (a) The Chief of Security is required to have full law enforcement authority certified through the Peace Officer Standard Training (POST) Council and therefore, must meet all the certification requirements of this Territory as a peace officer or must be able to obtain such certification within 180 days of hire pursuant to 5 V.I.C. § 3561(b). The Chief of Security is responsible for the overall security of the Legislature, its members and employees and the public. The Chief of Security shall establish and implement procedures to protect life and property at the legislative complexes and shall manage and supervise the security personnel.

(b) The specific duties of the Chief of Security are to:

(1) ensure the security of all personnel, premises, facilities, and infrastructure of the Legislature; secure copies of all keys for all offices within the Legislature building and facilities ,including Senators' offices;

(2) develop and implement sound security measures;

(3) advise, the Senate President, the Executive Director and other appropriate officials on security needs and matters that could threaten or affect the Legislature;

(4) serve as the liaison between law enforcement agencies, homeland security agencies and the Legislature;

(5) enforce all rules and policies of the Legislature;

(6) direct the implementation of homeland security measures as appropriate;

(7) provide security services and supervise the Sergeant-at-Arms at legislative sessions and committee meetings as needed;

(8) serve as the chief security officer of the Legislature in charge of security operations;

(9) administer and supervise the day-to-day operations of the Security Division;

(10) be available to attend all Senate Sessions, hearings and meetings; and maintain order in and around the Legislature's grounds;

(11) execute the commands of the presiding officer and of the Legislature, and all processes issued by authority of the Legislature; and

(12) have general charge in operating the Security Division similar to a Capitol Police

Module, and maintain a safe and secure atmosphere for all of the Legislature's buildings, employees and visitors, as well as the protection of the Senate President and any Member

of the Legislature requiring protection; and conduct criminal/administrative investigations.

### **Sergeant-At-Arms**

**RULE 405a.** The Sergeant-at- Arms serves under the direction of the Chief of Security, must meet all the certification requirements of this Territory as a peace officer or must be able to obtain such certification within 180 days of hire. The Sergeant-At-Arms shall:

(1) attend all meetings of the Legislature and execute the commands of the Legislature, with such processes issued under the authority of the Legislature as is directed to him by the Chief of Security or the President;

(2) enforce strictly these Rules as they relate to order and decorum in the Legislative Chambers;

(3) if so directed, assist the President or other designated member in establishing a quorum at each session of the Legislature, as provided in Rule 205 of these Rules;

(4) arrest for contempt all persons in the gallery found in loud conversation or otherwise disturbing the proceedings of the Legislature and remove, if so directed by Chief of Security or the President, any person in the gallery of the Chambers failing to maintain decorum or otherwise in violation of these Rules;

(5) if necessary, enlist the assistance of the appropriate law enforcement officials in the event of a violation of law by any Senator or other person;

(6) escort into the well and seat all testifiers;

(7) attend all Senate Sessions and maintain order on the Floor under the direction of the Chief of Security or the presiding officer;



(8) execute the commands of the presiding officer and of the Legislature and processes issued by authority Legislature and serve subpoenas issued by the Legislature or committees of the Legislature;

(9) have general charge, and maintain order, in the gallery, Chambers, and committee rooms of the Legislature;

(10) see that all staff and visitors are seated; and

(11) perform such other duties as may be prescribed by the Chief of Security and supervise such employees as may be assigned by the Chief of Security to assist with these duties.

#### **Director of Business and Financial Management**

**RULE 406.** The Director of Business and Financial Management shall:

(1) in cooperation with the Department of Finance, accurately compute payroll, per diem, if applicable, and expense reimbursements for each Senator and each employee of the Legislature;

(2) order and cause to be delivered all purchase requests for equipment, books, supplies, furnishing, and other items approved by the Executive Director or the Senate President;

(3) perform all bookkeeping and accounting functions necessary to the operation of the Legislature;

(4) compile, preserve, and safely maintain the fiscal records of the Legislature;

(5) make available all information pertaining to personnel matters, as authorized by law, and financial records, including statements of operations of the Legislature on a monthly basis to the officers;

(6) supervise such employees as may be assigned to the division by the Senate President to assist in carrying out the duties set forth in this section; and

(7) perform such other duties as may be prescribed by the Senate President or the Executive Director.

### Code Revisor

**RULE 407.** (a) The Code Revisor shall maintain a system of continuous statute research and correction. To that end, the Code Revisor shall:

(1) make a systematic study of the statutes of the Virgin Islands, as set out in the Virgin Islands Code Annotated for ascertaining that ambiguities, conflicts, duplications and other imperfections of form and expression exist therein and the ways in which these defects may be corrected;

(2) receive, consider, and prepare comments and recommendations on proposed changes in the law, as recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, the Virgin Islands Commission on Uniform State Laws, the Virgin Islands Bar Associations, judges, lawyers, public officials, or other learned bodies or qualified individuals, including the Office of Legislative Legal Counsel;

(3) draft and prepare for submission to the Committee on Rules and Judiciary, the President and the Office of Legal Counsel, bills to correct obvious errors, eliminate inconsistencies, duplications and laws repealed directly or by implication, or laws adjudged unconstitutional or otherwise invalid;

(4) modernize language to correspond to modern drafting style, correct defective section structure in the arrangement of the subject matter of existing statutes, correct faulty internal references and clarify existing laws;

(5) develop for adoption by the Legislature a uniform system of punctuation, capitalization, numbering and wording and provide it to the Chief Legal Counsel for incorporation into the legislative drafting manual;

(6) draft revisions to the statutes in a manner that preserves the intent, effect and the meaning of the statutes revised and makes no substantive changes;

(7) prepare revisions that ensure that the statutory language does not discriminate on the basis of sex, and to the maximum extent feasible, prepare revisions that use gender neutral nouns and pronouns;

(8) identify for repeal by the Legislature provisions that have no legal effect and language that the courts have held to be unconstitutional;

(A) at the close of each regular session of the Legislature, cause to be prepared and published, under contract with a qualified law book publisher, cumulative pocket supplements to each volume of the Virgin Islands Code;

(B) cause to be prepared and published periodically, under contract with a qualified law book publisher, substitute volumes of the Virgin Islands Code, whenever, in the Revisor's judgment, the increase in the size of any pocket supplement due to the accumulation and mass of the laws and annotations makes further publication of the pocket supplement impracticable;

(C) negotiate for and purchase, from time to time, various reprint pamphlets from the Virgin Islands Code, arranged, edited, indexed and printed in a manner and in quantities as it directs, whenever the Revisor receives requests for them from the Governor of the Virgin Islands, or from any department head or other official of the

Government of the Virgin Islands which have been approved by the Governor and submitted according to law and regulations;

(D) annually cause to be printed and published, under contract with a qualified law publisher, all current session laws of the Legislature of the Virgin Islands. The laws must be printed in slip form as soon as a possible after approval thereof by the Governor, or after they become law without his approval, and, published in annual Session Laws volumes, with suitable tables and indices, as soon as possible after the close of each Regular Session of the Legislature; and

(E) determine within the limits of appropriations, the quantities of slip laws and volumes to be printed and published.

(9) enter into arrangements with other jurisdictions for the exchange of government publications on such terms as may be most advantageous to the Government of the Virgin Islands, and for this purpose is authorized to enter into a contract with any qualified contractor that can provide such exchange services;

(10) supervise employees assigned to the Office of the Code Revisor and manage to the day-to-day operations of the office;

(11) submit reports to the President and to the Committee on Rules and Judiciary quarterly, or upon the request of the President or the Committee on Rules and Judiciary, on the status of the code revisions; and

(12) do all things necessary to fulfill the purposes of title 2, chapter 10A of the Virgin Islands Code and to carry out other related duties as may be assigned by the Chairperson of the Committee on Rules and Judiciary.

(b) In addition to the Code Revisor's revision duties, The Office of the Code Revisor shall work with the Journal Division and the Office of the Legal Counsel to issue a Subject Index on a quarterly basis and publish a comprehensive Subject Index annually. The Code Revisor shall attend every meeting of the Committee on Rules and Judiciary and present on a monthly basis a report on needed code revisions and a progress report of accomplishments and goals, and a final draft of a proposed code revision bill for the Committee's consideration.

**Director of the Office of Public Affairs**

**RULE 408.** The Director of the Office of Public Affairs shall:

- (1) supervise a media services and public relations staff of persons qualified and trained in writing, photography, public relations, and media services;
- (2) supervise such other staff as may be assigned to the division by the President to assist in carrying out the duties set forth in this section;
- (3) issue press releases on behalf of the members of the Legislature regarding committee meetings and other activities of the members of the Legislature of the Virgin Islands;
- (4) coordinate all activities relating to the release of information from the Legislature to the media;
- (5) schedule all assignments of such staff members as writers, public information officers, media officers, and photographers to committees and individual members of the Legislature only for purely legislative meetings and activities;
- (6) promote the image of the Legislature by the preparation of a newsletter, press releases, press conferences, and other media services; and
- (7) perform such other duties as may be assigned by the Senate President or the Executive Director.

**RULE 409. The Director of Facilities Management shall:**

- (1) maintain the premises and facilities of the Legislature in good condition and repair;
- (2) supervise a facilities management staff in building repairs, maintenance and construction;
- (3) prepare estimates and materials and labor costs for repairs and construction work to be done on offices and buildings of the Legislature;
- (4) inspect and approve work performed in the various offices of the Legislature by private contractors in plumbing, painting, repairs, electrical and other work and recommend payment if work is satisfactory;
- (5) obtain all required permits and approvals required by law before commencing any development activities;
- (6) prepare reports to the President and Executive Director on the condition of various offices of the Legislature in St. Thomas, St. Croix, and St. John at least annually or as requested; and
- (7) perform any other duties as may be assigned by the Senate President or the Executive Director.

**Post Auditor**

**RULE 410. The duties of the Post Auditor are as follows:**

- (a) The Post Auditor shall audit the financial affairs and transactions of every department or agency of the executive and judicial branches of government at least once each year and more often if so directed by the Legislature's Standing Committee on Finance. The annual audits must be conducted according to accepted auditing principles. The Post Auditor shall make a full, complete and written report of each annual audit and of such other audits as

may be directed by the Legislature's Standing Committee on Finance. Books and accounts of the Department of Finance and the Director of Budget may be examined monthly, if such Committee so determines, and the examination may include detailed checking of every transaction or test checking.

(b) The Post Auditor, under the supervision of the Legislature's Standing Committee on Finance, shall determine whether all requirements of law with respect to the installation and use of accounting systems, books, records, rules and regulations are being complied with by each governmental department or agency.

(c) The Post Auditor shall furnish a copy of the annual report of each governmental department or agency to the Legislature's Standing Committee on Finance and any other written reports required by the committee. All written reports of the Post Auditor must be furnished only in accordance with the directions of the Legislature Standing Committee on Finance.

(d) The Post Auditor shall report immediately in writing to the President of the Legislature, the Legislative Standing Committee on Finance, the Governor and the Attorney General any apparent violation of penal statutes or any instance of misfeasance, a malfeasance or nonfeasance by a governmental officer or employee disclosed by the audit of any governmental department or agency. The Post Auditor shall furnish the Attorney General all information in the possession of the Post Auditor relative to any report referred to the Attorney General.

(e) The Post Auditor, in the discharge of the duties under this Rule, shall require government departments and agencies to preserve and make available their accounts, records,

documents, requisitions, payrolls, canceled checks, vouchers and coupons, and other evidence of financial transactions, pursuant to 2 V.I.C. § 207.

(f) Pursuant to 2 V.I.C., § 202, the Post Auditor shall have direct supervision of the employees and day-to-day operation of the Post Audit Division in accordance with policies adopted by the Legislative Standing Committee on Finance.

(g) The Post Auditor shall perform all other duties prescribed in title 2 V.I.C., chapter 10 and other applicable law and such other duties as the Legislative Standing Committee on Finance may assign.

### **Director of Archives**

**RULE 411.** The Director of Archives has the following duties and shall:

(1) preserve and maintain a library of legislative history, including but not limited to verbatim transcripts, historical documents of previous legislative councils and legislatures and reports of all sessions and committee meetings of each legislature;

(2) provide information relating to legislative history to Senators, legislative committees, legal counsel and research staff, and at a cost, to members of the public and other governmental branches;

(3) serve as the custodian of archival records;

(4) serve as a legislative clerk during sessions and meetings of the Committee of the Whole;

(5) supervise employees assigned to the Archives Division; and

(6) perform any other duties as may be assigned by the Senate President.



### **Director of the Journal Division/Clerk**

**RULE 412.** The Journal Division of the Legislature is an administrative arm of the Legislature. The Director of the Journal Division, also referred to as the “Clerk” in performing duties during the legislative sessions, maintains official records of all legislative business. These records include the Legislative Journal, bill tracking, and subject indexes, committee hearing schedules, rosters and bill status information, subpoena issuance, and documents and correspondence transmitted to the Legislature. In addition to the foregoing responsibilities, the Director of the Journal Division shall:

- (1) as directed by the Legislative Secretary, call the roll of Senators at the commencement of each session of the Legislature and the Committee of the Whole to record the presence or absence of each; to keep an accurate record of the presence or absence of each Senator at each session of the Legislature, including the reason for each absence, if available; and to cause this record to be printed in the Journal;
- (2) conduct all activities in connection with maintaining a journal of the proceedings of the Legislature;
- (3) conduct all roll calls, votes and record votes on legislation, and questions before the Legislature;
- (4) pursuant to section 9 (a) of the Revised Organic Act § 48 U.S.C. § 1575 (d) enter in the journal the Governor’s objections to all bills or portions of bills vetoed by the Governor;
- (5) act as the official meeting scheduler;
- (6) act as the reservationists for committees’ use of the Chambers;
- (7) publish and distribute the legislative calendar and committee and session agendas;

- (8) provide copies upon request of pending bills, resolutions, amendments and roll-call votes;
- (9) maintain accurate records of all bills and resolutions and annually publish a Journal of all legislative proceedings;
- (10) supervise employees assigned to the Journal Division;
- (11) upon request of the Legal Counsel, conduct research on journal materials and records; and
- (12) perform any other duties as assigned by the Senate President.

**Director of Human Resources**

**RULE 413.** The Director of Human Resources shall:

- (1) interpret the policies and make recommendations for management actions that promote positive employee relations;
- (2) communicate human resources policies and procedures to management and employees in a timely and efficient manner;
- (3) provide employees and management with guidance and information that assists in the resolution of employee morale;
- (4) manage effective human resources functions, including the timely processing of Notices of Personnel Action (NOPA) and employee contracts;
- (5) answer questions and provide resources for answering employee questions regarding compensation, benefits, recruitment, and training;
- (6) develop a comprehensive training plan;
- (7) assist with the development and revision of employee manuals;

(8) provide all employees with copies and keep them abreast of all advancements in the Legislature's policy document on the prevention of sexual harassment in the workplace;

(9) provide for prospective employees to undergo a criminal background check before they are hired;

(10) maintain personnel files and all other personnel records; and

(11) perform any other duties as may be assigned by the Senate President or the Executive Director.

**Chief of the Division of Transportation**

**RULE 414.** (a) The Division Transportation is headed by a Chief of Transportation who shall:

(1) coordinate and provide all transportation and messenger delivery services for the Senators and staff of the Legislature in the District Chief's respective Division;

(2) ensure that all rules and procedures regarding the use of the Legislature's vehicles are complied with;

(3) inspect all vehicles on a daily basis and before and after use by non- division staff;

(4) Report all transportation abuses to the Chief of Security, the Executive Director, and the Office of the President;

(5) maintain a log of the use of vehicles to ensure compliance with these Rules;

(6) cause to be properly maintained and ensure that all vehicles are properly maintained in an operable, safe and clean condition; and

(7) perform any other duties as may be assigned by the Senate President or the Executive Director.

(b) The staff members of the Division of Transportation are not personal servants, and it is a violation of these Rules for any Senator or employee of the Legislature to direct Division personnel to perform non-work-related errands, and any employee of the Division of Transportation may decline to provide any such non-work-related transportation or non-work-related errands.

**Director of Management Information Services**

**RULE 415.** The Director of Management Information Services (MIS) shall:

(1) plan and supervise operations of all information services and telecommunications related services, including landline phone systems and cellular phone systems, within the Legislature;

(2) plan, budget and implement all MIS policies through the optimum utilization of computer resources, making critical decisions regarding appropriate hardware and software upgrade paths;

(3) consult with Senators and division heads to determine user information management needs to develop, design and implement these systems;

(4) supervise and train information services division staff; central staff and senators and their staffs;

(5) direct the daily operations of the Management Informational Services Division staff and serve as the network administrator;

(6) serve, assist in the training of users upon the introduction of new hardware/software systems;

(7) provide for the most effective and efficient information and telecommunications systems in support of the Legislature's needs;

- (8) formulate and implement legislature-wide standards for the types and usages of computer related equipment;
- (9) oversee and manage the Legislature's website; and
- (10) perform any other duties as may be assigned by the Senate President or the Executive Director.

### **Rights of Employees; Appeals**

**RULE 416.** (a) Any employee of the Legislature of the Virgin Islands who is not an employee on the personal staff of a Senator, aggrieved by any action taken against the employee by the Senate President or the Senate President's designee, may petition the President, in writing, not later than ten calendar days after the action taken, to convene a Select Committee on Employee Appeals, comprised of three Senators and two Division heads from a division other than that of the aggrieved employee, for a hearing on the action taken. Not later than even calendar days after the petition is filed, the President shall appoint the members of the Select Committee on Employee Appeals, and the Committee shall remain in existence until the issues giving rise to the petition have been resolved.

(b) The Committee shall elect a chairperson. The chairperson shall set a time and place for the hearing and give written notice to the aggrieved employee and other appropriate persons involved not later than five calendar days before the scheduled date of the hearing.

(c) The petition must set forth the action taken; the objections of the employee to the action and the employee's reasons for objecting; and the relief sought by the aggrieved employee.

(d) Upon receipt of the petition, the chairperson of the Select Committee on Employee

Appeals shall make a copy available to each member of the Select Committee on Employee Appeals and to all other members of the Legislature. Within twenty calendar days after the petition, the Select Committee shall provide the aggrieved employee with the opportunity for a fair hearing that meets the requirements of due process. The requirements of due process are met when the aggrieved employee is afforded:

- (1) timely and adequate notice of all actions and proceedings;
  - (2) a speedy hearing;
  - (3) the right to be accompanied, represented, and advised by counsel or other representative;
  - (4) an impartial decision maker;
  - (5) the right and opportunity to confront adverse witnesses and present oral and other evidence on the employee's behalf; and
  - (6) a final determination or decision in writing, based solely on the record, that identifies the evidence relied on and that specifies the reason for the decision.
- (e) After receiving testimony from the aggrieved employee, the aggrieved employee's witnesses, the President and any other testifiers, the Committee, by majority vote, shall either affirm, modify or reverse the action of the President taken against the aggrieved employee.
- (f) If the appeal is dismissed, the Committee must set forth in writing the reasons for the dismissal.
- (g) The Director of Human Services shall post a copy of this rule in a conspicuous place at each legislative complex.

## Senate Pages

**RULE 417.** (a) The President may appoint two Senate Pages to serve during Legislative days. The appointment must be made from among Virgin Islands high school students who have distinguished themselves in their studies.

(b) The President shall take care to alternate the appointments between island districts so that the Legislature enjoys an approximately equal number of pages from each district. Recommendations by members of the Legislature must be given serious consideration in the appointment of Senate Pages.

(c) The President may expend funds from the appropriations to the Legislature for travel and food expenses of any Senate Page. In addition, Senate Pages must be compensated \$35 for each day in which they perform duties for the Legislature.

(d) Senate Pages shall serve the Senate by being present on the Floor of the Chambers to retrieve documents from the files, distribute bills and other documents, deliver messages of the Senators, answer telephones on the Floor, and perform such other duties as may be required by the Senators as approved by the President during sessions of the Legislature.

## CHAPTER 5. COMMITTEES

### General Provisions

**RULE 501.** (a) Unless otherwise provided in these Rules, each standing committee of the Legislature has the power to:

- (1) investigate, study and evaluate all matters within its jurisdiction;
- (2) evaluate and recommend the revision of any law affecting matters within its jurisdiction;

(3) hold hearings and call before it witnesses to testify on matters within its jurisdiction;

(4) analyze and amend, or substitute an original text for any bill referred by the President to it, except that any additions or substitutions must be germane to the bill originally referred;

(5) report to the Legislature the Committee's findings and conclusions on any matter within its jurisdiction, except that no bill or other matter may be reported directly to the Senate Floor which is required to be reviewed first by the Committee on Rules and Judiciary; and

(6) authorize and cause to be expended, from the funds allotted to the Committee by the President and the Majority Caucus, such sums as are needed for:

(A) salaries and contractual payments for such clerical and professional staff as the Committee may require;

(B) travel and per diem allowances for committee members and the staff of the committee chair traveling on committee business;

(C) equipment supplies and other materials necessary to conduct Committee business; and

(D) any other purpose necessary for fulfilling the responsibilities of the Committee; except that, no Committee may obligate monies of the Legislature in any way, unless funds have been first made available.

(b) No committee, committee chair or Senator may conduct legislative committee meetings or public hearings outside the scope of the jurisdiction of the Committee. The Senate President may overrule or deny the scheduling of a committee meeting that the Senate President determines to be outside the scope of the jurisdiction of the committee.



**RULE 502.** (a) Each committee shall conduct its business pursuant to the Rules of the Legislature insofar as they are applicable. However, Rules 607 and 610(c)(2) do not apply to committee meetings.

(b) Except as provided by subsection (c), a committee chairperson may make motions, second motions and participate in the general debate.

(c) The Committee Chairperson shall vacate the Chair when a motion, in which the Chairperson has a direct personal interest is made and may not return until the matter is disposed of by the Committee.

**RULE 503.** (a) Except for holding a hearing as provided in subsection (c), no committee may report out any bill or resolution or take any action, except by a majority vote, a quorum being present.

(b) A committee quorum consists of a majority of the total membership of that committee.

(c) A committee comprised of seven members may convene a hearing in which no action is to be taken with three members. A committee comprised of nine members may convene a hearing in which no action is to be taken with four members but must comply with Rule 507 (f).

**RULE 504.** No committee may act in violation of the United States Constitution, the Revised Organic Act of the Virgin Islands or law the Virgin Islands or law United States made applicable to the Virgin Islands, or any resolution passed by the Legislature.

**RULE 505.** To the maximum extent practicable, each committee shall hold an equal number of meetings in the District of St. Croix and the District of St. Thomas-St. John; but all meeting and hearings concerning coastal zone permit applications, zoning amendment

applications, leases of government real estate and other the conveyances of government real estate under 31 V.I.C., section 205 must be held on the island on which the coastal zone project, zoning amendment, or lease agreement or other conveyance will be executed.

### **Committee Action after Adjournment Sine Die**

**RULE 506.** Unless otherwise provided by these Rules, the power of a standing committee to hold hearings, to issue subpoenas, and to investigate matters within its jurisdiction continues notwithstanding the fact that the Legislature may be in recess or has adjourned sine die. No committee may report out any bill, resolution, or other form of legislation or any lease, permit, personnel action, appropriation transfer or other matter after adjournment sine die. Any findings and conclusions of a committee made pursuant to the power to investigate and hold hearings as provided in this Rule, may be filed for publication not later than the seventh calendar day of a new Legislature, notwithstanding the committee's nonexistence after the commencement of the new Legislature.

### **Subpoenas**

**RULE 507.** (a) Although section 6 (g) of the Revised Organic Act confers broad authority on the Legislature and its standing committees to investigate and gather information pursuant to the Legislature's or the committees' regular functions, a committee may exercise its subpoena powers only as to matters within the jurisdiction of the committee, where a proper legislative purpose exists, and the committee has reasonably determined that the subpoenaed information or documents are relevant and material to the accomplishment of its legislative purpose, that the information sought is not otherwise practically available, that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the people of the Virgin Islands.

A committee may not exercise its subpoena power for any matter that is outside the committee's jurisdiction. A committee of the Legislature when conducting an investigation and gathering information, whether pursuant to a resolution of the Legislature or pursuant to its regular functions of oversight and bill preparation, shall observe the procedures in this Rule and in title 2, chapter 1 of the Virgin Islands Code in addition to regular committee procedures whenever subpoenas are issued. Unless otherwise provided by law, each standing committee may summon witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, issue subpoenas, and take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary, not inconsistent with this rule:

(b) Each member of a committee may administer oaths.

(1) The oath giver shall require the witness to raise their right hand and respond to the following oath:

“Do you solemnly affirm under penalty of perjury that the testimony you will give to this committee, will be the truth, the whole truth, and nothing but the truth to the best of your knowledge and belief?”

(2) If any witness willfully refuses to obey a subpoena, or produce books, papers or documents as required by a subpoena, or refuses to testify on matters of which the witness had knowledge and are the subject of a subpoena, or perjures himself or herself, then such witness is in contempt of the committee and the committee may refer the matter to the Legislature for such action as the Legislature may elect to take consistent with law, including referral to the Department of Justice for possible prosecution.

(c) A subpoena is sufficient if it:

(1) states whether the proceeding is before a committee or the Legislature's Committee of the Whole;

(2) is addressed to the witness;

(3) requires the attendance of the witness at a time, date and place certain;

(4) is signed by the presiding officer of the Legislature or the chairperson of the committee before which attendance of the witness is desired;

(5) contains the subject of the testimony or a description of all documents required;

(6) furnishes the witness at least 72 hours' notice;

(7) meets all other requirements of 2V.I.C. § 3, including the requirement that there be paid to the witness as fees and for traveling expenses, the same amount that would be paid according to law to a witness under similar circumstances if summoned to attend a session of the District Court of the Virgin Islands; and

(8) states that the subpoena was approved by a majority of the committee, a quorum being present.

(d) A subpoena may not be issued unless it is approved at a convened meeting of a committee and may not be approved by petition of the committee members outside of a meeting.

(e) A committee deciding to issue a subpoena shall submit a copy of each subpoena issued to the Director of the Journal Division for recording in the Journal of the Legislature indicating:

(1) to whom the subpoena is issued;

(2) the date the subpoena was issued;

(3) the purpose for which the subpoena was issued; and

- (4) the date on which testimony or production of documents is to take place.
- (f) A committee that has issued a subpoena directing a witness to appear at a hearing may not question the witness unless a quorum is present throughout the questioning.
- (g) A committee may not subpoena the Governor or any officer or employee of the United States with respect to the affairs of the federal government.
- (h) Any witness, or attorney representing a witness, may be punished for contempt by the Legislature, under either of the following circumstances:
- (1) During a committee investigation/hearing and pursuant to a committee subpoena, if the witness:
    - (A) refuses to be sworn or testify,
    - (B) fails on demand to produce any papers, books, or documents in regard to any matter under investigation, or
    - (C) refuses to answer any question pertinent to the subject under inquiry or investigation.
  - (2) The witness is guilty of contempt of the Legislature if the witness deliberately interferes with the duties and powers of the Legislature while in attendance at a committee hearing.
  - (3) If the committee decides to pursue this matter, the committee shall report the contempt to the Legislature for such action as may be considered necessary or may seek injunctive relief pursuant to 2 V.I.C. § 8 (b).
- (i) Nothing contained in this Rule may be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for in this Rule.

## Open Meetings

**RULE 508.** (a) Each meeting of a committee is open to the public, except:

(1) when the committee, during the meeting and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day or another day certain must be closed to the public pursuant to 1 V.I.C §2 54; and

(2) when the meeting constitutes a caucus pursuant to 1 V.I.C. § 254(g).

(b) Section 254 prohibits the Legislature from calling a caucus for the purpose of circumventing the requirements of the open meetings statute.

(c) For purposes of this Rule, the deliberations caucuses mean a private meeting of the members of the Legislature, without regard to:

(1) the subject matter under discussion, including discussions of public business;

(2) the majority or minority status of such political conference or caucus; or

(3) whether such political conferences and caucuses invite staff or guests to participate in their deliberations.

## **Public Announcement of Meetings; Amendments to Announcements; Voidable Actions of a Committee**

**RULE 509.** (a) A committee chairperson shall make an announcement of any meeting of the committee. The announcement must:

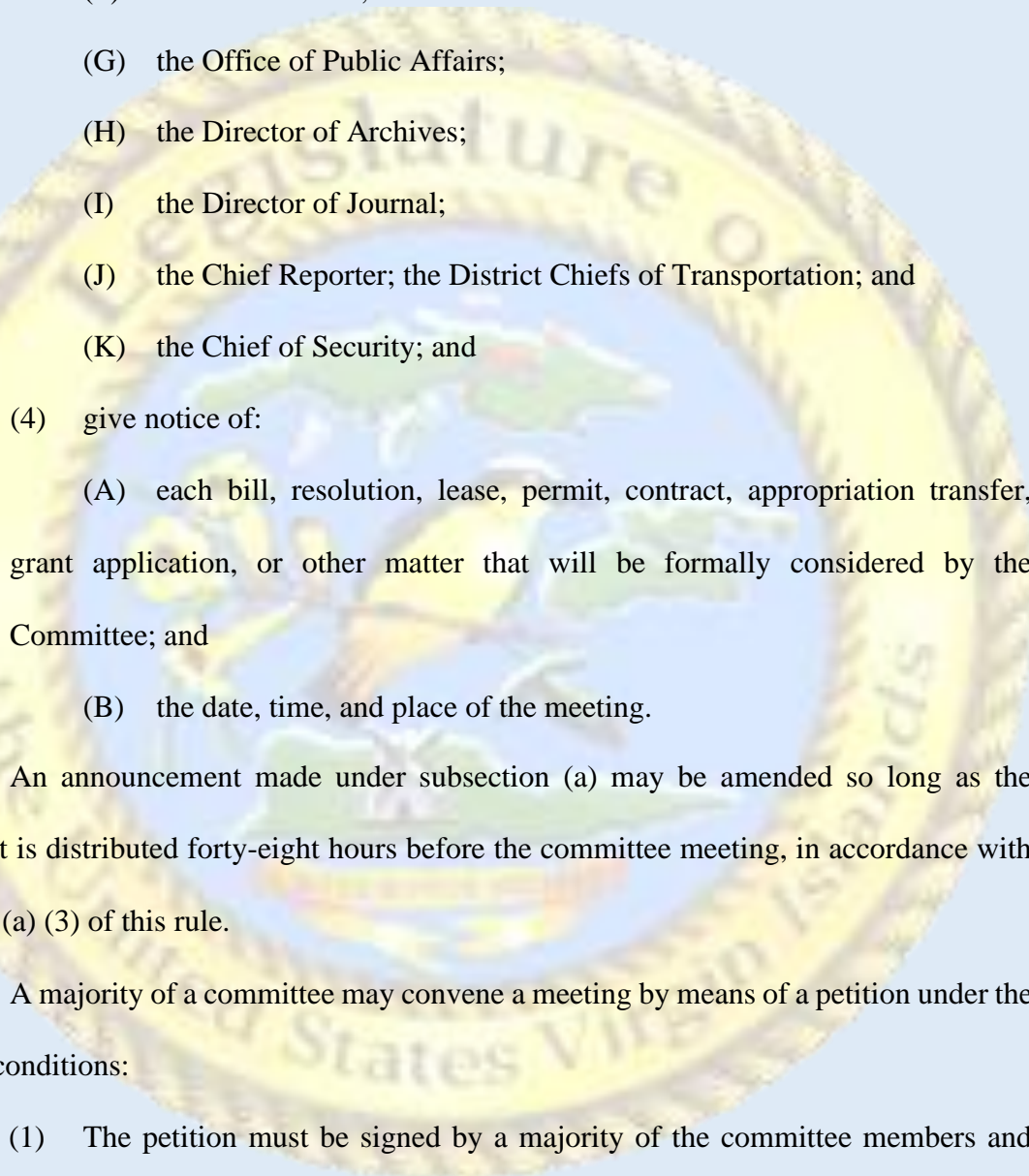
(1) be in written form;

(2) be distributed at least seven calendar days before the date of the meeting;

(3) be distributed to:

(A) each member of the Legislature;

(B) the media;

- 
- (C) the Executive Director and Assistant Executive Director
- (D) the Office of the Legal Counsel;
- (E) The Office of the Code Revisor
- (F) the Post Auditor;
- (G) the Office of Public Affairs;
- (H) the Director of Archives;
- (I) the Director of Journal;
- (J) the Chief Reporter; the District Chiefs of Transportation; and
- (K) the Chief of Security; and
- (4) give notice of:
- (A) each bill, resolution, lease, permit, contract, appropriation transfer, grant application, or other matter that will be formally considered by the Committee; and
- (B) the date, time, and place of the meeting.
- (b) An announcement made under subsection (a) may be amended so long as the amendment is distributed forty-eight hours before the committee meeting, in accordance with subsection (a) (3) of this rule.
- (c) A majority of a committee may convene a meeting by means of a petition under the following conditions:
- (1) The petition must be signed by a majority of the committee members and must include the date and time and the agenda for the meeting and must be delivered the office of the chairperson of the committee not less than eight calendar days before the proposed date and time of meeting.

(2) Notwithstanding subsection (a) of this Rule, a meeting of a committee may be held sooner than seven calendar days after the seven calendar-day announcement if a majority of the committee members so requests in writing to its chairperson. Public announcement and notice to all persons listed in subsection (a) (3) must be made at the earliest possible date, but not later than 48 hours prior to the hour of the committee meeting.

(3) If the agenda is not completed on the day originally scheduled, the chairperson may recess the meeting and complete the unfinished portion of the agenda on a subsequent date. The subsequent meeting does not have to comply with the announcement and provisions of this rule.

(d) Any action taken by a committee with respect to a matter is void if the action:

- (1) was not taken in compliance with this rule;
- (2) is objected to by a member of the Legislature meeting in formal session; and
- (3) is not ratified by an affirmative vote of a majority of the members of the Legislature meeting in formal session.

### **Reservation Calendar**

**RULE 510.** Each committee chairperson shall reserve on a calendar kept by the Journal Division for that purpose the time and date for the conduct of a committee meeting, with the exception of the Committee on Rules and Judiciary and the Committee on Finance whose meetings must be reserved on the calendar in accordance with Rules 513 (b) and 514 (a) of these Rules. The reservation may be changed only in writing by the chairperson or the



chairperson's designee. No committee chairperson may schedule a committee meeting during a time previously reserved by another committee chairperson for a committee meeting.

### **Creation and Size of Each Committee**

**RULE 511.** The standing committees of the Legislature and the number of members on each are as follows:

- (1) Committee on Rules and Judiciary composed of 7 members;
  - (2) Committee on Finance composed of 7 members;
  - (3) Committee on Health, Hospitals and Human Services composed of 7 members;
  - (4) Committee on Education and Workforce Development composed of 7 members;
  - (5) Committee on Disaster Recovery and Infrastructure ,composed of 7 members;
  - (6) Committee on Housing, Transportation and Telecommunications composed of 7 members;
  - (7) Committee on Homeland Security, Justice and Public Safety composed of 7 members;
  - (8) Committee on Economic Development and Agriculture composed of 7 members;
  - (9) Committee on Government Operations and Consumer Protection composed of 7 members;
  - (10) Committee on Youth, Sports, Parks and Recreation composed of 7 members;
- and
- (11) Committee of the Whole composed 15 members.

### Committee Appointments

**RULE 512.** Senators must be appointed to committees in accordance with Rule 106 or Rule 301 (a)(9).

### Jurisdiction of Each Committee

**RULE 513.** (a) The jurisdiction of the Committee on Rules and Judiciary encompasses, and the Committee shall:

(1) have jurisdiction over all boards and commissions not specifically these Rules to delegated to another committee and make specific findings and recommendations to the appropriate authority for final action;

(2) receive, consider and make recommendations on all appropriation bills for the expenses of the Legislature;

(3) receive complaints against members of the Legislature, make recommendations on disciplinary action;

(4) make a continuing study of the organization and operation of the Legislature and recommend improvements in the organization and operation, with a view toward strengthening the Legislature, simplifying its operations, improving its relationships with other branches of the Government, and enabling it better to meet its responsibilities under the Revised Organic Act and laws of the Virgin Islands; receive, consider, and make recommendations before reporting out for placement on the Floor agenda all bills favorably considered and reported out by other committees, including those bills reported to the Floor agenda under closed rule;

(5) receive and consider recommendations from the Code Revisor for bills to correct obvious errors, eliminate inconsistencies, duplications and laws repealed directly

or by implication, or laws adjudged unconstitutional or otherwise invalid, and bills for modernizing the Virgin Islands Code;

(6) receive and consider all bills for resolutions amending the Rules of the Legislature;

(7) receive, consider, and make recommendations on nominations for offices that are made by the Governor and require confirmation by the Legislature;

(8) receive and consider bills related to family law, estate law, probate, business and corporation law, administration of the territorial court system and administration of the election system;

(9) receive, consider and make recommendations on bills relating to any other board, commission or agency whose operation or nature of business is relevant to the operation of the Committee on Rules and Judiciary; and

(10) by motion made in the Committee, subject bills to a closed rule, which prohibits any substantive amendments to the bill during Floor consideration.

(b) The Committee on Rules and Judiciary is entitled to meet on every 2nd and 4th Thursday of each month or at the discretion of the Chair.

**RULE 514.** (a) The **Committee on Finance** is entitled to meet every 1st and 3rd Tuesday of each month or at the discretion of the chairperson. Budget hearings conducted by the Committee on Finance preempt any other committee meetings when notice is given in accordance with section 509 of these Rules. The jurisdiction of the Committee on Finance encompasses, and the Committee shall:

(1) receive, consider and make recommendations on all appropriation bills, including, but not limited to, the annual budget of the Government of the Virgin Islands

and bills of claim, but this jurisdiction does not extend to the allocation of appropriations for the expenses of the Legislature which falls within the jurisdiction of the Committee on Rules and Judiciary;

(2) receive, consider, and make recommendations on all bills relating to banks and banking, insurance and insurance companies, savings and loan companies, financial institutions of all kinds, and money services businesses;

(3) receive, consider, and make recommendations on all bills affecting the raising of revenues for or expenditure of funds from the Treasury of the Government of the Virgin Islands, including public investments and bonds;

(4) review and investigate as it considers necessary the operations of the Department of Finance, Department of Property and Procurement, the Bureau of Internal Revenue, the Office of the Virgin Islands Inspector General, the Virgin Islands Lottery, the Office of Management and Budget, the Department of Property and Procurement, the Office of the Inspector General, the Government Employees Retirement System and the financial affairs of all other departments and instrumentalities of the Government of the Virgin Islands not inconsistent with the applicable law;

(5) ascertain and report, from time to time, on the financial condition of the Government of the Virgin Islands;

(6) study, investigate and recommend, as it finds necessary, ways to meet the financial obligations, both existing and proposed, of the Government of the Virgin Islands;

(7) receive and consider all bills relating to casino gaming, racinos, internet gaming video lottery terminals and sports gaming;

(8) receive, consider and make recommendations on bills relating to any other board, commission or agency whose operation or nature of business is relevant to the operation of the Committee on Finance; and

(9) receive, consider and make recommendations on all lease, franchise, public/private, concession, tax incentive and other agreements requiring legislative ratification or approval.

(b) The general appropriation bills for the succeeding fiscal year covering items set forth in the budget must be passed or defeated in the Senate before it passes any appropriation bill for items not in the budget, except bills supplementing appropriations for the current fiscal year's operation.

(c) Any bill containing an appropriation to carry out its purpose is considered an appropriation bill. Appropriation bills, when reported back to the Senate favorably by a committee other than the Committee on Finance must, together with amendments proposed by that committee, be referred to the Committee on Finance for consideration

**RULE 515.** The jurisdiction of the **Committee on Health, Hospitals, and Human Services** encompasses, and the Committee shall:

(1) receive, consider, and make recommendations on all bills relating to public health, mental health, programs for substance abuse, sanitation, pest control, hospitals, medical services, pharmacies medical schools, nursing schools and nursing programs, human services, and all matters pertaining them;

(2) receive, consider, and make recommendations on all bills relating to the Hospital Board, Board of Nurse Licensure, Board of Medical Examiners, Board of Medicine, Board of Surgery, Board of Naturopathic Physicians, Board of Dental Examiners, Board of Pharmacy,

Board of Optometry, Board of Physical Therapy, Board of Chiropractic Examiners, Board of Podiatry, Board of Examiners for the Practice of Veterinary Medicine, Board of Psychology Examiners, and the Board of Licensed Counselors and Examiners, and the Board of Social Work Licensure;

(3) receive, consider, and make recommendations on all bills relating to ambulatory care urgent care, and vocational rehabilitation programs;

(4) receive and consider bills relating to day care programs, foster care and placement of children, adult social services, public assistance and other social welfare programs;

(5) receive, consider, and make recommendations on all bills relating aging, gerontology, senior citizens and programs and protective services for senior citizens and persons with disabilities;

(6) receive, consider and make recommendations on bills relating to any other board, commission or agency whose operation or nature of business is relevant to the operation of the Committee on Health, Hospitals, and Human Services.

**RULE 516.** The jurisdiction of the **Committee Education and Workforce Development** encompasses, and the Committee shall:

(1) receive, consider and make recommendations on all bills relating to education, prekindergarten programs, elementary, middle school, and secondary educational institutions, adult education, the University of the Virgin Islands, charter schools, alternative education, and all matters pertaining thereto;

(2) receive, consider, and make recommendations on all bills relating to the Department of Education, the Board of Education, the Board of Career and Technical Education and the Scholarship Board;

- (3) receive and consider all bills relating to teachers and education personnel;
- (4) receive and consider all bills related to scholarship programs;
- (5) receive and consider bills and other matters relating to all cultural affairs, including cultural heritage, intellectual property rights and artistic activities, and other products of human works and thoughts; and
- (6) receive, consider, and make recommendations on all bills relating to labor, collective bargaining, civil service, retirement, workers' compensation, unemployment insurance, occupational, safety and health, training and retraining programs, and all matters pertaining them; and
- (7) receive, consider and make recommendations on bills relating to the Division of Personnel, employment agencies, the Virgin Islands Wage Board, the Virgin Islands Public Employees Relations Board, and any other board, commission or agency whose operation or nature of business is relevant to education, youth, or the operation of the Workforce Development.

**RULE 517.** (a) The jurisdiction of the **Committee on Disaster Recovery and Infrastructure** encompasses, and the Committee shall receive, consider and make recommendations on:

- (1) all bills and matters relating to mitigation, planning, response, and recovery actions in connection with natural disasters;
- (2) all government contracts for coordinating recovery efforts for recent hurricanes projects, including all contracts between the Public Finance Authority and consultants that are in the business of providing FEMA consulting services to assist the Public Finance Authority

in coordinating its recovery efforts with FEMA and other federal agencies, and other contracts for management of federal funds, construction of housing, house repair transportation , utilities, public building, and other projects coordinated by the office of Disaster Recovery, and all other such contracts of other department, agencies or instrumentalities of the Government.

(3) public works, water supply systems, sewage disposal systems, government-owned properties, roads and highways, and all other matters submitted to the Legislature under 31 V.I.C. § 3; and

(4) receive, consider, and make recommendations on all bills relating to the Virgin Islands Energy Office and the Water and Power Authority as it relates to energy matters and electrical power systems;

(b) The Committee on Disaster Recovery and Infrastructure has oversight and investigatory authority over all government agency operations, including the operations the Office of Disaster Recovery, Virgin Islands Territorial Emergency Management , the Public Finance Authority, the Department of Public Works, and the Department of Planning and Natural Resources, involved in disaster recovery and rebuilding the Territory's infrastructure and shall make specific findings and recommendations concerning their operations to the appropriate authority .

**RULE 518.** The jurisdiction of the **Committee on Housing, Transportation, and Telecommunications** encompasses, and the Committee shall:

(1) receive, consider, make recommendations on all bills relative to and have investigatory authority over all government agency operations, including, but not limited to the Housing Finance Authority, Housing Authority, Department of Public



Works, Waste Management Authority, and make specific findings and recommendations to the appropriate authority for final action;

(2) receive, consider and make recommendation on all bills relating landfill, Waste Management, and solid waste disposal systems and their impact on the environment and all matters pertaining to the environment;

(3) receive, consider and make recommendations on all bills relating to recycling and redemption centers, resource recovery, and disposal sites;

(4) receive, consider, and make recommendations on all bills relating to housing, housing projects, urban renewal programs, housing rehabilitation programs, housing financing, home mortgage rates, self-help housing, low-and moderate-income housing developments, rent control and all matters pertaining thereto;

(5) receive, consider and make recommendations on all bills and other matters relating to, building codes, housing codes, community planning and development, Relevant to the operation of the Committee on Housing, Public Works;

(6) receive, consider and make recommendations on all bills and other matters relating to, transportation, including VITRAN, ferry boat services, car ferry services, and matters pertaining to roads and highways; and

(7) receive, consider and make recommendations on bills relating to any other board, commission or agency whose operation or nature of business is housing, planned area affordable housing; transportation, and or telecommunications.

**RULE 519.** The jurisdiction of the **Committee on Homeland Security, Justice, Public Safety** encompasses, and the Committee shall:

(1) receive, consider, and make recommendations on all bills relating to the Virgin Islands Territorial Emergency Management Agency (VITEMA), the Virgin Islands Air National Guard, the Virgin Islands Fire Services, the Virgin Islands Police Department, the Bureau of Corrections, Department of Justice, Emergency Medical Services, the Virgin Islands Parole Board, the Criminal Victims Compensation Commission, the Virgin Islands Witness Protection Board, and all other agencies, board and Commissions that provide related services;

(2) consider all matters pertaining to all law enforcement-related departments, agencies and divisions, involved in public safety, civil defense, fire protection, first responders, crime, penal and correctional institutions and statutes of a penal nature unless closely related to a subject delegated to another committee;

(3) receive, consider and coordinate policy recommendations and bills concerning homeland security, statutes on counterterrorism, national and territorial defense and any other emerging external threats that relate to the United States security and Virgin Islands territorial security; and

(4) receive, consider and make recommendations on bills relating to any other board, commission or agency whose operation or nature of business is relevant to the operation of the Committee on Homeland Security, Justice and Public Safety.

**RULE 520.** The jurisdiction of the **Committee on Economic Development, and Agriculture** encompasses, and the Committee shall:

(1) receive, consider, and make recommendations on all bills relating to the Virgin Islands Port Authority, Economic Development Authority, Casino Control Commission, Department of Tourism, West Indian Company, Department of

Agriculture, Department of Planning and Natural Resources, Division of Fish and Wildlife, Fisheries Council, and the Division of Environmental Protection;

(2) receive, consider, and make recommendations on all bills and matters relating to Economic Park Development, Enterprise Zone Program, and the Hotel Development Program;

(3) receive, consider, and make recommendations on all bills relating to economic development, commerce, business institutions, industry, incentive programs, travel, tourism, real estate;

(4) receive, consider, and make recommendations on all bills relating to agriculture, mariculture and aquaculture, animal husbandry, farming, forestry management, fishing veterinary medicine, and all matters pertaining them;

(5) consider all bills and matters relating to the Virgin Islands Agriculture Business Incubator Center, the fisheries committees, the Endangered Species Preservation Commission; and

(6) receive, consider and make recommendations on bills relating to the any other board, commission or agency whose operation or nature of business is relevant to the operation of the Committee on Economic Development, Regulation, and Agriculture.

**RULE 521.** The **Committee on Government Operations and Consumer Protection** encompasses and the Committee shall:

(1) receive, consider and make recommendations on bills and all matters pertaining to and have investigatory authority over the Bureau of Motor Vehicles, and all government agency operations, and all other agencies not specifically provided by these

Rules to be delegated to another committee and make specific findings and recommendations to the appropriate authority for final action;

(2) receive, consider, and make recommendations on all bills and executive orders relating to the reorganization of the executive branch of the Government or any department or agency of the executive branch;

(3) receive, consider, and make recommendations on all bills and matters relating to Home Rule and the Territory's relationship with the Federal Government;

(4) unless otherwise specifically assigned to another committee, study and investigate the operation of government at all levels, to determine efficiency and economy, the implementation of legislation and the effectuation of legislative purposes and objectives, and evaluate the effect of laws and executive orders reorganizing the executive branch of the Government;

(5) receive, consider and make recommendations all bills related to the management of public records retained by Government agencies, including land and genealogical- related collections and related notaries public;

(6) serve as part of the Virgin Islands Commission on Interstate Cooperation established by 1V.I.C. §133 and perform all the functions and duties, consider and make recommendations on all bills relating to the participation of the Virgin Islands as a member of the Council of State Governments, the National Conference of State Legislatures, and the Uniform Law Commission, including the adoption of compacts, the enactment of uniform and reciprocal statutes and the interchange and clearance of research and information;

(7) receive, consider, and make recommendations on all bills relating to corporations other than financial institutions, utilities and their regulation, not specifically delegated to some other committee, codification;

(8) receive, consider, and make recommendations on all bills relating to cemeteries, memorials, and monuments;

(9) receive, consider and make recommendations on bills relating to land use, and development, building codes, planned area development permits, subdivisions, shorelines, and natural resources and historic preservation;

(10) receive, consider, and make recommendations on all bills relating to the naming of government property after persons pursuant to 31 V.I.C. § 4;

(11) receive, consider, and make recommendations on all bills relating to antiquities and historic preservation, including bills relating to museums, government collections and depositories housed in the Territory and other depositories outside of the Territory, cultural centers; receive;

(12) receive, consider, and make recommendations on all bills relating to the Department of Licensing and Consumer Affairs, the Public Services Commission, the Virgin Islands Real Estate Commission and any other board, commission or agency relating to consumer protections;

(13) receive, consider and make recommendations on bills relating to consumer protections, and licensing of businesses and professions; weights and measures, price controls, debt services businesses, consumer; contracts, and protection from fraud and deceptive practices;

(14) receive, consider and make recommendations on bills relating to veteran services, benefits, and other veterans' affairs and the operation of the Office of Veterans Affairs

(15) receive, consider, and make recommendations on bills relating to all matters concerning the government's operations and functions that have not been assigned to another committee; and

(16) receive, consider and make recommendations on bills relating to any other board, commission or agency whose operation or nature of business is relevant to the operation of the Committee on Government Operations.

**RULE 522** The **Committee on Youth, Sports, Parks and Recreation** encompasses, and the Committee shall:

(1) receive, consider, and make recommendations on all bills relating to youth; youth training schools, the Legislative Youth Advisory Council, youth apprenticeship programs, youth protective services, the Virgin Islands Commission on Youth, and other youth programs; and matters related to youth;

(2) receive, consider and make recommendations on all bills relating to sports, facilities and complexes, recreation centers, and physical fitness;

(3) receive, consider and make recommendations on all bills relating to public recreation, sports facilities and complexes, horse racing, parks, sports facilities and complexes, recreation centers, parks, horse racing, parks, game rooms, and other sports and recreational facilities;

(4) receive and consider bills on other sports and activities;

(5) receive, consider and make recommendations on bills relating to any matter that is relevant to the operation of the Committee on Youth, Sports; and

(6) all other bills related to youth programs.

### **Special or Select Committee**

**RULE 523.** (a) In addition to the standing committees provided in this chapter, the Legislature may, at any time and by resolution, provide for a special or select committee to investigate any matter or subject. The text of the resolution must provide for the size of the special or select committee, the manner in which members are appointed thereto, the manner in which a chairperson is chosen, the length of time in which the committee functions, and sufficient description of the matter or subject to be investigated, to identify clearly the extent of the committee's jurisdiction. No select or special committee may extend its jurisdiction or its investigation beyond the scope of the resolution creating the committee.

(b) The power of any special or select committee established under subsection (a) of this Rule, to the extent of its jurisdiction, supersedes the power of any standing committee during the life of the special or select committee.

### **Committee of the Whole**

**RULE 524.** (a) The Legislature, at any time during any of its legislative sessions upon motion by a member, or by order of the President, may resolve itself into a Committee of the Whole for the taking of testimony and discussing any subject it may consider proper, whether previously formally introduced or not. The President may call a Committee of the Whole at times other than during a legislative session to permit more free and informal discussion of any matter pending before the Legislature, including zoning applications, coastal zone permit applications, certain government contracts, and Governor's proposals.

(b) A motion to constitute the Legislature into a Committee of the Whole must, if an objection is raised, be voted on without debate.

(c) A Committee of the Whole has all the powers granted any standing committee with respect to the issuance of subpoenas and investigations connected therewith and such other powers as it may require consistent with laws of the Virgin Islands and the provisions of these Rules. However, the Committee of the Whole may not amend, lay on the table, or otherwise alter or affect the disposition of any bill, resolution, permit, lease, rezoning application, contract or other matter that it considers. A Committee of the Whole may restrict the subject matter to be considered by resolving itself into a Committee of the Whole for a specific and limited purpose.

(d) In addition to the limitations in subsection (c), a Committee of the Whole:

(1) may not entertain a question of priority.

(2) may not entertain a question of legislative or personal privilege.

(3) may not postpone the consideration of any question.

(4) may not reconsider a vote on a proposal no longer in possession of the Committee of the Whole.

(5) has no authority to appoint a subcommittee.

(6) may not punish members for disorderly conduct but must report any misconduct to the full body for its action.

(7) is dissolved by the absence of a quorum, and may not proceed with any matter, including taking testimony, until a quorum is obtained.

(e) A Committee of the Whole shall rise:

(1) on the order of the President; or



(2) on motion of any member duly seconded and, if objection is raised, carried by majority vote.

(f) The provisions of this chapter requiring public announcements of meetings (Rule 509) and reservation of meeting times (Rule 510) do not apply to meetings of the Committee of the Whole, except Rule 509 applies to a Committee of the Whole meeting held outside of a session.

#### **Oath of Office Ceremony Committee**

**RULE 524a.** (a) Not later than November 20 of each even-numbered year, the President shall appoint an Oath of Office Ceremonies Committee for planning and coordinating the ceremonies for the senators-elect for the succeeding Legislature.

(b) The Committee must consist of the executive director, the business director, the director of facilities management, the chief of transportation, or their respective designees, senators, senators-elect and designated employees of the Legislature.

(c) The Committee shall hold its first meeting by December 1.

#### **Authorization for Standing Committees**

**RULE 525.** Permanent standing committees, when created pursuant to these Rules exist and function both during and between sessions, pursuant to section 6 (g) of the Revised Organic Act.

**RULE 526. Subcommittees; Appointment; Final Report** (a) Not later than 15 days after the convening of the Thirty-Fourth Legislature the President, Vice President, and Majority Leader shall appoint three subcommittees, the Subcommittee on GERS Restructuring, Solvency, and Economic Development, the Subcommittee on Energy and Infrastructure

Development and the Subcommittee on Public Safety and Health, which are composed of five members each.

(b) Each Subcommittee shall prepare and submit a report and recommendations for a course of action and legislation to address the Subcommittee's findings and conclusions to the Senate at such time as the Subcommittee's appointing documents may provide.

(c) The President shall discharge the Subcommittees once the respective Subcommittee has submitted its final report.

### **Committee Televising and Conduct**

**RULE 527.** (a) Senate committee meetings may be taped or televised live through the equipment operated by legislative staff or contracted media entities.

(b) The use of all mobile, portable, or wireless communication devices that emit an audible signal, other than those authorized by the Senate President or used by licensed medical persons on duty, are prohibited in the Chambers while a committee is meeting or the Legislature is in session and must be turned off or left on non-audible alert. Failure to follow a warning issued by the chairperson or sergeant at- arm may result in the device's being confiscated upon direction of the committee chairperson or the President for the remainder of the meeting or session.

## **CHAPTER 6. BILLS AND RESOLUTIONS**

### **General Provisions**

**RULE 601.** (a) Any senator may initiate a bill by presenting a bill request form including detailed information on the purpose and intent of the bill to the Chief Legal Counsel. No bill that has not been pro formaed, and therefore does not have a bill number, may be placed on an

agenda of any committee meeting, hearing or session, or considered or even discussed during a committee meeting or session. All bills and resolutions must have printed on their face:

- (1) the bill number;
  - (2) listing of the committee to which the bill is assigned, and committee or Floor to;
  - (3) the words “Proposed by” followed by the name or names of those senators who caused it to be introduced or signed on as primary sponsors or cosponsors;
  - (4) an enacting clause, or a resolving clause;
  - (5) a bill summary, clearly explaining the intent and meaning of the bill; and
  - (6) a bill request number and the date the bill was introduced.
- (b) No person other than a member of the Legislature may introduce a bill.
- (c) Legislative proposals recommended by the Governor may be introduced by any Senator in the same manner as provided in subsection (a) of this Rule; but any Senator who introduces a bill for, and at the request of the Governor may, if the Senator so chooses, have printed on the proposal immediately after the Senator’s name in the parenthetical phase, “by request of the Governor”. A legislative proposal introduced “by request” may or may not carry the endorsement of the Senator whose name appears on the bill.
- (d) When a majority of the Senators on any standing committee cause a bill to be introduced and affix their names to it in the manner provided in subsection (a) of this Rule, that proposal is known as a committee bill or a committee resolution, if the committee in formal committee meeting so orders by majority vote, and the substance of the committee proposal is

germane to the jurisdiction of the committee as set forth in chapter 5 of these Rules. A committee bill or resolution must include the committee's name as the sponsor printed on it.

(e) A Senator may at any time have, as a matter of right, the senator's name removed as the sponsor or co-sponsor of a bill or resolution upon the submission of a request in writing to the Chief Legal Counsel. If no Senator's name remains on the bill or resolution, the name of the committee that last considered the bill must be inserted as the sponsor of the bill.

(f) Notwithstanding any other rule, a sponsor or co-sponsor's name may be removed from a bill only in accordance with subsection (e) of this Rule.

(g) Authorship or ownership of a bill request is on a first-to-file basis; except that a senator retains authorship without refileing a request from the previous term for six months into the next term of the Legislature. If a proposed bill has not been presented for pro forma within three months after filing a bill drafting request, the Senator must file a request for extension of time to produce the bill with the Office of Legal Counsel and must provide a written justification for the extension. If granted, the extension may be for a period not to exceed three months. When a proposed bill has not been presented for pro forma within six months after filing a bill drafting request, the Legal Counsel shall reveal the name of the sponsor to any Senator upon the Senator's written request. If a bill proposal has not been presented for pro forma after a period of six months and the senator has not been actively working on presenting a bill proposal, the senator loses authorship or ownership of the bill.

(h) The Legal Counsel's Office shall determine whether a bill request has been preempted by an earlier request on the basis of whether there is duplicity of subject matter of the earlier request, or whether the earlier request occupies the entire field of the subject matter of a later request. Upon determining a bill requested has been preempted, the Legal Counsel's

Office shall notify both the preempted Senator and the preempting Senator of the preempted request as soon as practicable.

(i) When a Senator files a request for the drafting of a bill or an amendment to a bill, the Senator is deemed to have consented to the disclosure of the proposal to the public only after the bill has been introduced during a pro forma session or reading during session, or in the case of an amendment, after an amendment has been circulated to the members.

(j) All requests for legal opinions and other information made to the Legal Counsel's Office and documents prepared by any employee of the Legal Counsel's Office for a Senator are confidential. Neither the sponsor nor the existence of the document may be revealed, nor may a copy of the document be provided to any person who is not staff of the Legal Counsel's Office, or the Senator's staff member, without the consent of the Senator, subject to subsection (m) of this Rule. A request for a legal opinion is not subject to preemption by an earlier request for an opinion addressing the same subject matter. Every Senator upon request is entitled to receive a legal opinion on any matter pending before the Legislature or relating to the legislative process or related legislative matters.

(k) A document prepared by a Legal Counsel staff member for a senator becomes available to the public when the document is a:

- (1) bill or resolution that has been introduced;
- (2) proposed amendment or committee substitute for a bill or resolution that has been offered or distributed at a committee meeting or session; or
- (3) memorandum, written analysis, letter, or other document resulting from a drafting or information request which was distributed at a standing committee or

subcommittee meeting or on the Floor of the Senate, but not held in executive session, or made available to a member of the public by or at the request a senator.

(l) A document prepared by a legal counsel staff member for any Senator and the request form and any supporting documentation that under this Rule are not available to the public, are not considered “public records,” as defined by 3 V.I.C. §881.

(m) Opinions of the Legal Counsel are confidential and privileged and are for the exclusive purpose of advising Senators to assist them in their deliberations and informed decision making. No senator, employee, or other person may give a copy or disclose the content of any legal opinion of the Legal Counsel to any person not a Senator or Senator’s staff, or employee of the Legislature, before the meeting, hearing, session or other event at which the subject matter or the opinion is to be heard or considered.

(n) No bill, except a general appropriation bill or a fiscal year omnibus bill, may be passed containing more than one subject, which must be clearly expressed in its title, nor may any bill dealing with the chairmanship, membership, or chairmanship and membership of any board, authority, or commission, and requiring an appointment or appointments to be made with the advice and consent of the legislature, relate to more than one such board, authority, or commission, nor may it relate to any other legislative matter, as mandated by section 16 (c) of the Revised Organic Act of the Virgin Islands.

(o) Bills that provide an appropriation must contain:

- (1) the phrase, “the sum of \$\_\_\_\_\_ is appropriated”, or “there is appropriated \$\_\_\_”;
- (2) identification of a specific fund type from which the sum is appropriated;

- (3) the amount to be appropriated from the fund identified;
- (4) a statement reflecting the purpose for expending the fun the time period during which such funds shall be expended; and
- (5) the time period during which the funds may be expended.

#### **Pro forma of Bills**

**RULE 602.** (a) The President may either during the order of business at a session or in a meeting with at least one other senator conduct the first reading of each bill and resolution. During the pro forma session, the President shall read the bill request number, the sponsor's name, and the title of the bill or resolution and state the name of the committee to which the bill or resolution is assigned, or state that the measure is assigned to the Floor. In assigning bills, the President shall, assign each bill to the standing committee of jurisdiction set forth in chapter 5 of these Rules.

- (b) All pro formaed bills and resolutions must be distributed to all Senators promptly.

#### **Reading of the Bills**

**RULE 603.** With the exception of bills introduced at the first session of a new term in odd-numbered years, a bill that has not been read twice may not be passed. The second reading of a bill must occur immediately preceding the debate on it and consists of the reading of its title unless a majority of the Senators present vote to have the bill read in its entirety. However, no bill may be passed on the day that it is introduced, except in the case of an emergency, as declared by a majority of members present and voting, a quorum being present.

#### **Method of Consideration**

**RULE 604.** (a) All bills assigned to a standing committee must be considered by the committee as soon as practicable, subject to the procedures set forth in chapter 5 of these Rules.

(b) A committee may, by majority vote, a quorum being present, amend a bill, recommend amendments to a bill, combine two or more bills, substitute an original text for a bill and report out or postpone a bill indefinitely, except that no committee may combine into one bill subjects that are not germane to one another.

(c) Drafting requests for amendments to bills in committees of jurisdiction must be filed with the Legal Counsel's Office no later than 24 hours before the meeting.

(d) If a committee substitutes a committee text for an original bill, that fact must be indicated in the manner prescribed in Rule 601 (d) of these Rules and contain the word, "Substitute", preceding the phrase "By the Committee on".

#### **Reporting Bills to the Committee on Rules and Judiciary**

**RULE 605.** Each standing committee, other than the Committee on Rules and Judiciary, favorably reporting out a bill or resolution, shall transmit the perfected copy of that bill to the Committee on Rules and Judiciary. Drafting requests for amendments to bills in the Committee on Rules and Judiciary must be filed with the Legal Counsel's Office no later than 48 hours before the meeting. At the close of each standing committee meeting, including the meetings of the Committee on Rules and Judiciary, the chairperson shall summarize, in writing, the actions of the committee, including all actions taken on every bill and present the summary to the Executive Director within five working days of the close of each meeting. The Chairperson of the Committee shall promptly deliver to the office of each Senator and to the Chief Legal Counsel a copy of the summary.

#### **Time Allotments**

**RULE 606.** The Committee on Rules and Judiciary shall consider each bill assigned to it by the President or reported to it by another standing committee. The allocated time permitted



is the maximum time for general debate by each Senator on the measure on the Floor of the Legislature, or such additional time as allotted by the President.

### **Floor Agenda**

**RULE 607.** (a) Not later than Tuesday preceding a week in which the Legislature meets in session, the President and such other member as the President considers necessary, shall meet and fix the Floor Agenda for the following calendar week. No bill may be on the agenda which has not previously been favorably reported out by the Committee on Rules and Judiciary or formally introduced and assigned to the Floor. The agenda must be prepared in writing and include the number and title of each bill or resolution to be called for consideration, the time allotted by the Committee on Rules and Judiciary for general debate, and the day of the week on which the bill or resolution will be called up. The agenda must include any other matters, such as nominations, lease agreements, and coastal zone permits that require a vote of the Senate.

(b) Not later than noon on the Wednesday preceding the week in which the Legislature meets in session, the President shall cause to be delivered electronically to the office of each Senator a copy of the agenda together with a copy of bills and resolutions named thereon, and the biography of each nominee for Senate approval.

(c) Not later than noon on the Thursday preceding the week in which the Legislature will meet notice of the session along with the agenda must be circulated to all persons listed in Rule 509 (a) (3).

(d) The order of consideration of matters on the agenda may not be rearranged or reordered, nor may a bill be called up on a day other than the day it has been scheduled, except by the consent of a majority of the Senators which must be given during Session, but the

President, in the President's discretion, may reschedule any matter on the agenda. If a session of the Legislature is recessed before the completion of each of the items on the agenda, the President may announce that the session will convene on a subsequent date for the purpose of completing the agenda. However, the advance notice requirement under these Rules do not apply to a reconvened Session. However, the Journal Division shall distribute a revised agenda for the reconvened session, as directed by the President.

### **Discharging a Committee**

**RULE 608.** (a) During a session when the order of business has proceeded to the item "Special Orders", any Senator may move to discharge a committee from further consideration of any matter properly assigned to it, and if a majority of the entire Legislature votes in the affirmative, the matters so moved must be ordered to the Floor. Any matter successfully discharged must be scheduled for consideration in the next scheduled session for the Floor, and the President shall determine the time allotted for debate. A matter may not be special ordered, unless the committee of jurisdiction has held at least one full committee hearing on the matter.

(b) A time certain may be fixed for the consideration of a matter specially ordered under subsection (a) which is sooner than the scheduled session, upon an affirmative vote of a majority of the members of the Legislature which must be given during session.

### **Matters Reduced to Writing**

**RULE 609.** Any Senator may demand, as a matter of right, that any matter upon which the Senator is called upon to vote be reduced to writing with the exception of motions.

### **Amendments**

**RULE 610.** (a) At the conclusion of general debate, the President shall call for amendments to the bill or resolution.

(b) Only amendments meeting requirements of this section may be offered unless the provisions of this section are waived by the affirmative vote of a majority of the members of the Legislature.

(c) All amendments must:

(1) be prepared in written form by the Office of the Legislative Legal Counsel; and

(2) bear a stamp showing that the amendment was requested at the Office of Legislative Legal Counsel at least 48 hours before the time the amendment is offered and must be distributed to each Senator at least 24 hours before the time the amendment is offered.

(d) The President may allow for technical amendments on the Floor which do not alter the meaning or intent of the bill. Except for technical amendments, all requests for amendments while on the Floor must be made in writing and checked for pre-emption before introduction.

(e) Any technical floor amendment containing more than five words must be reduced to writing.

(f) An amendment must be germane to the subject matter of the bill or resolution to which it is offered.

(g) If more than one amendment to a bill or resolution has been distributed under subsection (c), the President shall determine the order in which they may be ordered.

(h) All amendments offered during sessions must be read and seconded by another member after the reading. However, the reading of an amendment may be waived upon the majority vote of the members of the Legislature present and voting.

(i) During a Legislative Session with a majority vote of members, one bill may be designated for non-germane amendments.

(j) For purposes of this subsection in addition to the determination “germaneness” prescribed Mason’s Manual, the following checklist may be used to test whether an amendment to a bill is germane:

- (1) Does the amendment deal with a different topic or subject?
- (2) Does the amendment unreasonably or unduly expand the subject of the bill?
- (3) Would the amendment introduce an independent question?
- (4) Is the amendment relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal?
- (5) Would the amendment change the purpose, scope or object of the original bill?
- (6) Would the amendment change a private bill into a general bill?
- (7) Would the amendment require a substantial change in the bill title?
- (8) In the case of a committee meeting, would the amendment when considered as a whole be within the jurisdiction of the committee considering it?

### **Consideration of Executive Nominations**

**RULE 612.** (a) Subject to 3 V.I.C. § 64, nominations by the Governor for appointments to positions that require the advice and consent of the Legislature may not be considered on the Floor of the Legislature, unless the Committee on Rules and Judiciary has considered the nomination and reported to the Legislature for final action, or a majority of the members of the Legislature vote and determine otherwise.

(b) Pursuant to 3 V.I.C., § 64, once a nomination has been received by the Legislature, if the Legislature fails to either approve or disapprove the nomination by the ninetieth day following the first day the Legislature next meets in either regular session or in a special session the agenda of which includes consideration of the nomination, whichever meeting occurs first, then the advice and consent of the Legislature is deemed to have been given on the nomination at the end of that ninetieth day.

## **CHAPTER 7. PROCEDURES OF THE FLOOR**

### **Journal of Proceedings**

**RULE 701.** (a) The President shall cause to be kept a Journal of the Proceedings of the Legislature, including the proceedings of the Committee of the Whole. The Journal must include;

- (1) the title of each bill or resolution introduced and the names of the Senators who introduced it;
- (2) each recorded vote of the Legislature and how each Senator was recorded;
- (3) resolution reported to the Legislature and how each committee member was recorded;
- (4) each roll call kept by the Journal Director and how each Senator was recorded;
- (5) messages from the Governor unless otherwise ordered by a majority vote, a quorum being present;
- (6) The Governor's objections to vetoed bills or portions of the Governor's objections to bills, sections of bills or items within bills.

(7) letters of transmittal presenting reports of standing, select or special committees and reports of governmental departments and agencies that are made pursuant to laws or resolutions adopted by the Legislature; but the reports must be printed in the appendices to the Journal unless otherwise directed by the Legislature; and

(8) copies of all subpoenas issued.

(b) Care must be taken that the Journal is a true and accurate account of the proceedings of the Legislature.

(c) The Journal of the Legislature's proceeding must be published at the end of each term.

#### **Access to Floor, Floor Privilege and Conduct**

**RULE 702.** (a) No persons other than members of the Legislature, senate pages, and legislative employees are permitted to be present on the Senate Floor during a session of the Legislature, except as follows:

- (1) Senatorial staff;
- (2) The Governor & Lieutenant Governor of the Virgin Islands;
- (3) Delegate to Congress; and
- (4) Other persons as determined by the President.

(b) No lobbyist or lobbyist's agent, including a former Senator, is allowed on the Senate Floor. A lobbyist is not allowed in the hallway behind the Senate rostrum, unless en route to the President's office under escort from the Sergeant-At-Arms or other security personnel. No lobbyist is allowed anywhere in the well of the Chambers when a measure is being considered for which the lobbyist has been hired to promote.

(c) No person other than a member of the Legislature, the President of the Legislature, or the Governor, may address the Legislature while it is in session, but the Legislature may resolve itself into the Committee of the Whole and while sitting as such may be addressed by any person recognized for that purpose.

(d) The Senate Floor means the area within the Well.

(e) No person may engage in any conduct on the Senate Floor during any session of the Legislature which undermines the decorum of the Senate. All persons who are admitted to the Senate Floor shall observe the following guidelines:

- (1) Dress in accordance with the dress code as per Rule 207 or Rule 815;
- (2) Refrain from standing, and movement is restricted to specific instructions of the Sergeant-at-Arms; and
- (3) Refrain from using obscene or insulting language.

### **Lobbyist Registration**

**RULE 703.** (a) As used in these Rules:

(1) “Lobbyist” means any individual or entity that acts to promote, advocate, influence or oppose any matter pending before the Legislature or any department, agency, board, commission or other instrumentality of the Government of the Virgin Islands, by direct communication with the Legislature or with any of its members, and who in connection therewith either:

(A) has received or is to receive compensation in whole or in part from any person; or

(B) is authorized to act as a representative of any person who has a substantial purpose the influencing of legislative or administrative action; or

(C) expends any funds during the calendar year for the type of expenditures listed in this Rule.

(2) "Matter" includes any legislation, rule, coastal zone permit application, zoning amendment application, group dwelling permit application, petition, lease, franchise, concession agreement, business dealing, transaction or decision of any sort.

(3) "Person" means any individual, corporation, partnership, limited liability company, firm, association, or group however organized.

(b) Every person employed, retained, or authorized as a lobbyist shall, before commencing any lobbying activity at the Legislature, file an application with the Executive Director of the Legislature for registration as a lobbyist, and if the Executive Director is satisfied that the application has been properly prepared, the registration is considered to be complete. The application must be on a form prescribed by the Executive Director and approved by the Committee on Rules and Judiciary, and must include as a minimum the following:

(1) The name, permanent residence address, and office address of the lobbyist;

(2) The name and address of the principal of the lobbyist;

(3) The nature of the business of the principal and the amounts or sums given or to be given the lobbyist as compensation or reimbursement for lobbying. A lobbyist who is salaried or retained by a principal need only report that portion of compensation or reimbursement reasonably attributable to lobbying;

(4) A description of the business activity of the lobbyist and a copy of the lobbyist's business license;



(5) An identification of the matters on which the principal or lobbyist expects to lobby;

(6) If the principal is an industry, trade, or professional association, a specific description of the industry, trade, or profession represented by the principal and the names and addresses of its officers;

(7) If the principal is not an industry, trade, or professional association, a specific description of the interests and groups represented by the principal and the names and addresses of its officers; and

(8) The name and address of any official of the legislative or executive branch of the Government of the Virgin Islands, and of any members of any such official's staff or immediate family, who are employed by the lobbyist or any person acting on behalf of the lobbyist if the information is known or reasonably should have been known to the lobbyist.

(c) No former Senator may be registered as a lobbyist under this Rule or act as a lobbyist before the Legislature, as that term is defined in subsection (a), until one year after the expiration of the term for which the Senator was elected.

(d) If after the lobbyist is registered, the lobbyist is hired by another principal, or the registered principle hires the lobbyist to influence action on another measure, the lobbyist shall notify the Executive Director of any such new employment and provide all applicable information required in subsection (b).

(e) The registration of a lobbyist is valid for a period commencing with the filing of any application, as required by subsection (b) and ending at the end of the calendar year for which the lobbyist registered, and maybe renewed upon filing a new application as provided in

subsection (b) The registration may be terminated before the end of the calendar year for cause under subsection (h).

(f) The registration allows lobbyist after request to the respective committee chair to appear before the committee to be heard on bills of interest to the lobbyist's principal.

(g) The Executive Director shall issue each registered lobbyist a registration card. The registered lobbyist shall present the card to the Sergeant-at-Arms or the Sergeant's designee before attending every committee meeting at which the lobbyist intends to be heard on behalf of the principal.

(h) This rule does not apply to:

(1) Persons appearing pursuant to their official duties as employees or elected officials of the Government, and not as representatives of any other person;

(2) Persons who, in relation to the duties or interests of their employment or at the request or suggestion of their employer, communicate with the Legislature concerning any legislation or other matter before the Legislature if the communication is an isolated, exceptional or infrequent activity in relation to the usual duties of their employment;

(3) Persons communicating with the Legislature if the communication is undertaken by them as a personal expression and not as an agent of their employers as to matters of interest to a person by whom or by which they are employed and if they receive no additional compensation or reward, in money or otherwise, for or as a result of the communication;

(4) Persons testifying at public hearings conducted by the Legislature who do not otherwise act as lobbyists; and

(5) The Virgin Islands Bar Association's committee on legislation.

(i) No person engaging in lobbying at the Legislature may:

(1) attempt to influence any Senator or legislative employee by means of deceit or by threat of violence, or legal action, or economic or political reprisal against any person or property, with intent thereby to alter or affect the Senator's, or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by a Senator, committee, the full body or a legislative employee;

(2) knowingly provide false information to any Senator or legislative employee as to any material fact pertaining to any legislation or other matter;

(3) knowingly provide frivolous legal briefs or arguments;

(4) knowingly omit, conceal, or falsify in any manner information required by the registration application; or

(5) cause or influence the introduction of any bill or amendment for the purpose of afterwards being employed to secure its passage or defeat.

(j) The registration of any lobbyist who violates subsection (h) may be revoked, and the lobbyist's permission to testify before committees denied for violation of subsection (g).

(k) A senator may not request a lobbyist to make donations to any type of charitable organization and is subject to disciplinary action under Rule 813 for violation of this subsection.

### Debate

**RULE 704.** No motion or other matter may be debated until distinctly announced by the President, and debate must be germane to the matter being debated. No Senator may speak or debate except as provided in these Rules.

**RULE 705.** Except as may be otherwise provided in these Rules, no Senator may speak during a session of the Legislature or a meeting of the Committee of the Whole, unless

recognized by the President for that purpose. Senators who wish to be recognized during a session of the Legislature shall rise and address the President as “Mister or Madam President”, as the case may be, and during a Committee of the Whole, raise their hands and address the chair as “Mister or Madam Chair”, as the case may be. No Senator may interrupt the remarks of another Senator with repeated attempts to be recognized. When two or more Senators seek recognition at the same time, the President shall designate the Senator who is entitled to the Floor.

#### **Assignment of Time and General Debate**

**RULE 706.** (a) When a bill or resolution is called upon the agenda, the President or the President’s designee shall notify each member of time allotted for general debate on the bill, resolution, nomination or other matter. The President may establish a limited-time debate format in which the members on each side of an issue being debated are allotted an equal amount of debate time shared among debaters on each side under the direction of a designated manager for each side.

(b) During the remarks of any speaker, the speaker may yield to any other Senator for a question. The time used for the question and the answer may be deducted by the President, or the President’s designee, from the time allotted for general debate against the time of the Senator who asks the question.

(c) The President, or the President’s designee, shall record the time used by each speaker and advise the Senator of the time remaining.

#### **Amendments: Three-minute Rule**

**RULE 707.** (a) At the conclusion of general debate, the bill is open for amendment. The reading of the amendment may be waived by a majority of those present, a quorum being

present. A Senator is allowed three minutes, or such additional time as allotted by the President in opposition to the amendment, and there may be no further debate thereon; except that the proponent, the objector, or person speaking in opposition to any amendment may yield any unused time allotted to them to any other Senator or speaker to explain or discuss the amendment; and the same privilege of debate is allowed in favor of and against any amendment that may be offered to an amendment; The Senate may, by the vote of a majority of the members present, at any time after this Rule is applicable to debate, close all debate on further amendments to any section or paragraph of a bill or to the entire bill.

### **Questions and Motions, Generally**

**RULE 708.** The order and precedence of motions as contained in Mason's Manual of Legislative Procedure, to the extent they are consistent with these Rules, apply to the Legislature's Sessions and committee meetings.

### **Motion to Strike**

**RULE 709.** A motion to strike the enacting clause of a bill, if carried, is equivalent to rejection of the bill. A motion under this Rule must be seconded, is not debatable, and requires a majority vote for approval. If such a motion is approved, the bill is no longer eligible for consideration by the Legislature.

### **Motion to Adjourn**

**RULE 710.** A motion to adjourn or a motion to fix the day to which the Legislature shall adjourn is always in order, except:

- (1) while a member is speaking;
- (2) when a member has the floor;

(3) when a motion to adjourn has been defeated, until after some other business has intervened;

(4) during the Committee of the Whole; and

(5) after the final reading of a bill and during a roll call vote on the bill, or verification of the vote; except that a motion to adjourn to a time certain has precedence over a motion to adjourn; and a motion to recess takes precedence over either of such motions.

### **Reconsideration**

**RULE 711.** (a) By a majority vote of the members of the Legislature on any given day or subsequent day on which a vote has been taken on any question or motion, and before the adjournment, a Motion to Reconsider the vote may be offered by a member voting on the prevailing side; except, that the President has sole authority to grant approval for any additional motions for reconsideration.

(b) A vote on a Motion to Reconsider may be taken on the legislative day immediately following the day on which the motion to reconsider was made.

(c) A Motion to Special Order which fails on the Floor that day may not be brought back to the Floor again for the remainder of that legislative session, except that the President has sole authority to grant approval for an additional Motion to Special Order.

(d) No bill or resolution may be forwarded to the Governor if a motion to reconsider the vote by which the bill or resolution passed is pending, or the time in which the motion may be properly made has not yet run out.

### **Point of Order, Information, Parliamentary Inquiry, and Personal Privilege**

**RULE 712.** (a) A **POINT OF ORDER** may be raised only when a Senator thinks that a rule of the Legislature is being violated. The Senator must immediately identify the rule of the

Legislature the Senator believes is being violated. The President may make a ruling that may be challenged by a Senator.

(b) **A POINT OF INFORMATION** is a question directed to the Chair or through the Chair to another Senator or employee of the Legislature, for information relevant to the business at hand but not relevant to parliamentary procedure but is not allowed when another Senator has the Floor.

(c) **A PARLIAMENTARY INQUIRY** is a question directed to the President to obtain information on a matter of parliamentary law or the rules bearing on the business at hand but is not allowed when another Senator has the Floor.

(d) **A POINT OF PERSONAL PRIVILEGE** may be made only by a Senator to reveal some matter that concerns the rights and privileges of Senators collectively or individually. These matters do not include business matters that are already before the Legislature.

### Voting

**RULE 713.** Unless otherwise required by these Rules, all measures or questions before the Legislature or any of its committees require an affirmative majority vote, a quorum being present, for passage.

**RULE 714.** (a) A roll-call vote is required on any measure or question when demanded by three or more members or ordered by the presiding officer.

(b) When a roll-call vote is demanded, or required by these Rules, or ordered by the President, each member present on the Floor shall, without debate or other comment, answer “yea”, “nay” or “not voting” at the call of the Senator’s name. No Senator or other person may cast a vote for another Senator. The Senate shall punish any Senator who casts a vote or

attempts to cast a vote for another Senator as the Senate considers proper. The names of Senators must be called in alphabetical order and recorded by the clerk, and no Senator may be permitted to vote or to change a vote after the vote has been announced by the presiding officer.

**RULE 715.** (a) The vote on final passage of all bills, resolutions, and amendments must be taken by roll call. However, the vote on any other motion may be waived, at the discretion of the President, if there is no objection.

(b) During a roll call vote, senators must refrain from any loud conversation, congregating in front of the journal clerk's desk, or other conduct that may hinder the accurate recording of the vote.

(c) A Senator may not attempt to influence a Senator's vote by using financial pressure, threats, intimidation, derision or other wrongful conduct.

**RULE 716.** (a) A member may move only during the Order of Business concerning "Motions to Override" to take up a bill vetoed by the Governor. If the motion passes, the President shall pose the question: "Shall the bill pass, notwithstanding the veto of the Governor?"

(b) A bill becomes law, the Governor's veto notwithstanding, upon a two-thirds affirmative vote of the total membership of the Legislature.

(c) An appropriation is eligible for a vote by the body only if the Post Auditor reports the verified funding source.

### **Members of the Media**

**RULE 717.** Members of the media shall register with the Executive Director and the Security Division. The following provisions govern the registration process:

(a) "Member of the media" means a person employed by or working as:



- (1) A newspaper as defined in 1 V.I.C. §41;
- (2) A broadcast station licensed by the Federal Communications Commission, or a network serving one or more licensed broadcast stations;
- (3) A cable television system with a franchise granted by a Virgin Islands unit of government, or a network serving one or more franchised cable systems;
- (4) A wire service; or
- (5) An independent contractor on assignment to report territorial government news for an organization described in this subsection.

(b) The Executive Director, through the Sergeant-at-Arms, may register representatives of the media not defined above if it is determined to be in the public interest.

(c) Technicians for broadcast/cable stations must also be registered when accompanying members of the media and are subject to the same rules.

(d) The Sergeant-at-Arms may revoke the registration of any member of the media for cause. Cause includes, but is not to be limited to, a change in employment status, lobbying or acting as a lobbyist agent, disrupting Senate proceedings, or refusing to comply with Senate rules or the directives of the presiding officer, Senate Majority Leader, or Executive Director of the Legislature. A decision to revoke registration may be appealed to the Senate President or the Committee on Rules and Judiciary.

(e) Members of the media may talk with a Senator in the front of the Well or in the gallery area of the Chambers immediately following adjournment.

(f) Members of the media shall enter through the main entrance and clear media member's equipment with security prior to being allowed access into the Chambers or any legislative office.

Members of the media may not enter the cloak room or the restrooms of the Senate Chamber.

(g) Members of the media may film, videotape, or photograph the Senate Session from the media's designated area.

(h) A member of the media, including a broadcast technician, may record a Senate Session so long as the recording activities do not disrupt the proceedings of the Senate. "Record" under this rule means videotaping, photographing, filming, taping, or electronically transmitting Senate proceedings or activities from the Senate Floor when the Senate is in session.

### **CHAPTER 8. CODE OF ETHICAL CONDUCT**

**RULE 801.** A Senator or employee of the Legislature shall conduct himself or herself at all times in a manner that reflects respectfully on the Legislature of the Virgin Islands.

**RULE 802.** A Senator or employee of the Legislature shall adhere to the spirit and letter of the Rules of the Legislature of the Virgin Islands.

**RULE 803.** Senators, principal employees of the Legislature, principal assistants to members, and professional staff members on contract to the Legislature shall comply with the provisions of title 3 Virgin Islands Code, chapter 37, "Conflicts of Interest" and the dress code set forth in Rule 815 of these Rules.

**RULE 804.** Senators, their staff and employees of the Legislature may accept no gift of substantial value, directly or indirectly, from any individual, corporation or organization having a direct interest in legislation before the Senate.

**RULE 805.** Senators, their staff and employees of the Legislature may accept no honorarium for a speech, writing for publication, or other similar activity, from any individual, corporation or organization, in excess of the usual and customary value for such services.

**RULE 806.** (a) A Senator shall maintain campaign funds separate from personal funds. Unless, specifically provided by law, a Senator may convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures, nor may the Senator expend funds from the senator's campaign account not attributable to bona campaign purposes.

(b) An employee of the Legislature, including a member of a Senator's personal staff, must not participate in any campaign activity during working hours. The Legislature's resources, vehicles and facilities must not be used for campaign activities. For purposes of this rule, the term, "resources", includes motor vehicles, office equipment and supplies, including computers, copiers, telephones, paper, pens, pencils, envelopes, stamps, any building, the grounds and personnel services, such as the services of the personnel of the Office of Public Affairs, or the Division of Transportation.

(c) A Senator may not request an employee of the Legislature, including an employee of the Senator's own staff, to make a donation to the legislator's campaign or to any campaign activity.

(d) It is a violation of these Rules for any senator or employee to direct any member of the Division of Transportation to transport the Senator or employee for personal errands or personal non-work-related business, such as shopping or transporting relatives and friends.

**RULE 807.** A Senator shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events, if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

**RULE 808.** (a) A Senator may not discharge or refuse to hire any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or origin.

(b) Senator may not violate the Legislature's zero-tolerance policy against sexual harassment. Harassment on the basis of sex is a violation of section 703 of title VII and the Legislature's Policy and Guidance for Prevention of Sexual Harassment in the Workplace of the Legislature of the Virgin Islands issued February 9, 2005, by the Honorable Lorraine L. Berry, President of the Twenty-sixth Legislature or any updates thereto and hereby incorporated into these Rules by reference. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(c) Every Senator and every employee shall take all steps necessary to prevent sexual harassment from occurring, as provided in the Legislature's Policy and Guidelines.

(d) It is a serious violation of these Rules for any Senator, division head or supervisor a central staff employee or senatorial staff employee, or member of the public to create a hostile work environment through abusive conduct toward the employee, including slapping, hitting, pushing and other forms of assault and battery as defined in 14 V.I.C., § 292, cussing, or abusive language, threatening behavior, making unlawful or unreasonable demands, arbitrarily reducing compensation, or other adverse job actions based on nonmerit factors.

(e) The Committee on Ethical Conduct established in Rule 810, in addition to other duties prescribed in these Rules, shall receive, review, adjudicate and make recommendations for sanctions against Senators found in violation of the Legislature's policy on sexual harassment.

(f) Notwithstanding the provisions of Rule 810 relating to time limits for the conduct of proceedings, the committee shall conduct its investigation of and proceedings on sexual harassment complaints pursuant to the time limits established in the Policy and Guidance for Prevention of Sexual Harassment in the Workplace of the Legislature of the Virgin Islands.

**RULE 809. RESERVED.**

**Committee on Ethical Conduct**

**RULE 810.** (a) A Committee on Ethical Conduct may be established in the Legislature, consisting of not fewer than five members appointed by the President.

(b) The committee shall, at the request of any Senator, officer or employee of the Legislature, provide an advisory opinion with respect to any alleged violation of the standards of conduct of the Legislature on the general propriety of past, current, or anticipated conduct of a Senator, officer, or employee. The opinion must be rendered within 30 days unless the Chair or Vice Chair agrees otherwise. The committee may, with appropriate deletions to ensure the privacy of the individuals concerned, publish the advisory opinion for the guidance of other Senators, officers, or employees.

(c) The Committee shall receive and review complaints alleging violations of the standards of conduct by Senators, officers and employees of the Legislature, including violations of the Legislature's Policy and Guidance for Prevention of Sexual Harassment in the Workplace by Senators. The Committee may hold hearings and other proceedings and

recommend disciplinary action including but not limited to the types of disciplinary action contained in Section 813 herein to be imposed upon offenders.

(d) In performing its duties, the Committee shall give persons under investigation an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine witnesses.

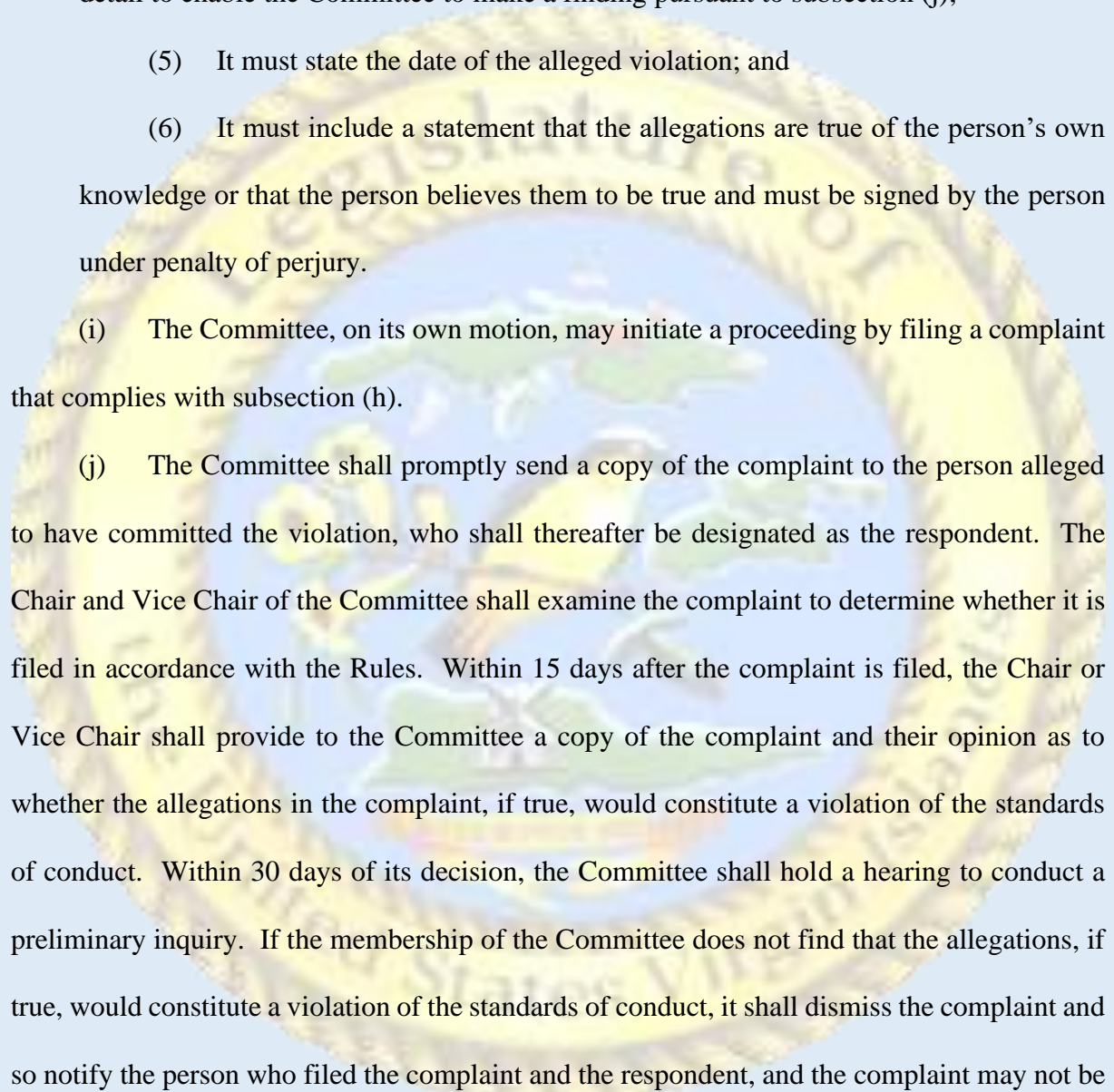
(e) Any person may file a complaint that alleges a violation of the standards of conduct, including sexual harassment with the Committee. Except as provided in subsections (f), a complaint may not be filed more than 60 days after the date that the alleged violation occurred.

(f) If the Committee determines that the person filing the complaint did not know, or through the exercise of reasonable diligence could not have known of the alleged violation within 60 days after the date that the alleged violation occurred, the complaint may be filed within 18 months after the date that the alleged violation occurred. If a complaint is filed within 30 days prior to an election at which a Senator is a candidate for elective office, the complaint must be returned to the person filing the complaint, and the person must be advised that the complaint may be filed with an appropriate enforcement agency and may be re-filed with the Committee after the election. The period of time for filing the complaint must be extended for 30 days.

(g) The Chief Legal Counsel or the Chief Legal Counsel's designee shall assist the Committee in carrying out its functions. The Committee may retain independent counsel when necessary.

(h) A complaint must satisfy all of the following requirements:

- (1) It must be in writing;
- (2) It must state the name of the person filing the complaint;

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- (3) It must state the name of the alleged perpetrator;
- (4) It must set forth allegations that, if true, would constitute a violation of the ethical standards of conduct. The allegations must be stated with sufficient clarity and detail to enable the Committee to make a finding pursuant to subsection (j);
- (5) It must state the date of the alleged violation; and
- (6) It must include a statement that the allegations are true of the person's own knowledge or that the person believes them to be true and must be signed by the person under penalty of perjury.
- (i) The Committee, on its own motion, may initiate a proceeding by filing a complaint that complies with subsection (h).
- (j) The Committee shall promptly send a copy of the complaint to the person alleged to have committed the violation, who shall thereafter be designated as the respondent. The Chair and Vice Chair of the Committee shall examine the complaint to determine whether it is filed in accordance with the Rules. Within 15 days after the complaint is filed, the Chair or Vice Chair shall provide to the Committee a copy of the complaint and their opinion as to whether the allegations in the complaint, if true, would constitute a violation of the standards of conduct. Within 30 days of its decision, the Committee shall hold a hearing to conduct a preliminary inquiry. If the membership of the Committee does not find that the allegations, if true, would constitute a violation of the standards of conduct, it shall dismiss the complaint and so notify the person who filed the complaint and the respondent, and the complaint may not be made public. At the preliminary inquiry, the respondent may respond to the allegations in the complaint by written statement or oral testimony. If the members of the committee find that probable cause exists that the respondent committed a violation of the standards of conduct, the

Committee shall issue a count-by-count statement of alleged violations. If the members of the Committee fail to find that probable cause exists, the Committee shall dismiss the complaint. In either event, the Committee shall immediately notify the respondent and the person who filed the complaint of its action. If the Committee finds that probable cause exists, except in the case of a sexual harassment complaint, the statement of alleged violations must be made public within seven days.

(k) Upon request of the respondent, the Committee may permit the respondent to inspect, copy, or photograph books, papers, documents, photographs or other tangible objects that relate to the allegations in the complaint. If the Committee finds that probable cause exists that the respondent committed a violation of the standards of conduct, the committee shall permit the respondent to inspect, copy, or photograph books, papers, documents, photographs, or other tangible objects that relate to the statement of alleged violations. At any time during the proceedings, the respondent may admit to committing a violation of the standards of conduct. If the respondent admits some, but not all of the violations constituting a violation alleged in the complaint or the counts set forth in the statement of alleged violations and the Committee finds that the admitted violations constitute a violation of the standards of conduct, the Committee may continue the proceedings to determine whether the other alleged violations constituted violations of the standards of conduct. If the respondent admits to all alleged violations, and the Committee finds that the admitted violations constitute a violation of the standards of conduct, the Committee may terminate the preliminary inquiry or disciplinary hearing, and take the action required under subsection (l) of this Rule.

(l) Within 20 days after the issuance of the statement of alleged violations, the respondent may file an answer that admits or denies each count. Upon request of the



respondent, the Committee may grant the respondent additional time to respond. Within 60 days after the issuance of the statement of alleged violations, the Committee shall hold a disciplinary hearing. If a majority of the members of the Committee do not find that the respondent committed a violation of conduct, the Committee shall dismiss the complaint. If a majority of the members of the Committee finds by a preponderance of the evidence that the respondent committed a violation of the standards of conduct, the Committee shall hold a hearing to determine an appropriate sanction.

At the conclusion of the hearing to determine an appropriate sanction, a majority of the membership of the Committee shall recommend that the Legislature take one or more of the following actions and shall transmit its finding and recommendation to the Legislature:

- (1) The denial or limitation of any right or privilege, if the violation bears upon the exercise of that right or privilege;
- (2) A reprimand for a serious violation;
- (3) A suspension for a more serious violation;
- (4) A censure for a more serious violation; or
- (5) An expulsion for a more serious violation pursuant to Rule 814 of these rules.

(m) The Legislature shall, within 15 business days after receiving the findings and recommendation, vote on the recommendation of the Committee. The Legislature may take the actions set forth in Rules 813 and 814. Where appropriate, the Committee or Legislature may defer any action required by this rule, if other proceedings have been commenced on the same matter.

(n) At the hearings, the Chair of the Committee shall present the case. All relevant and probative evidence is admissible unless it is privileged. Witnesses may be called, and cross

examined by the Committee and the respondent and exhibits, and other documents may be admitted. The respondent has the right to be represented by legal counsel or any other person of the respondent's choosing. Although formal, committee hearings are not judicial proceedings and the Committee is not bound by the Rules of the Evidence, or the Rules of Civil Procedure, or any other rules of any court.

(o) If the committee receives, at any time, any exculpatory information relating to the alleged violation, the Committee shall make the information available to the respondent. and the complainant. If the Committee determines that the complaint was filed with malicious intent, the Committee or the Respondent may request that the President reimburse the expenses incurred by the Respondent and the request must not be unreasonably denied. Expenses may be reimbursed in whole or in part.

(p) Meetings of the Committee are not open to the public. However, a session of the Legislature to impose sanctions under Rule 813 is open to the public; except that the Legislature may not take testimony or evidence or review de novo the Committee's deliberations but may only debate the sanctions proposed by the resolution. In the case of alleged sexual harassment, the names of all victims, complainants and witnesses must not be disclosed, and all findings and conclusions, reports and other documents presented before the Legislature must be redacted, excluding the names or other identifying information of all complainants, victims and witnesses in a sexual harassment complaint or investigation.

(q) A Senator or officer or employee of the Legislature may not directly or indirectly use or attempt to use the person's official authority or influence or intimidate, threaten, coerce, command, or attempt to intimidate, threaten, coerce, or command any person for the purpose of interfering with the right of that person to file a complaint with the Committee, testify before,

or in any way cooperate with, the Committee or any panel. For the purpose of this subsection “use of official authority or influence” includes promising to confer, or conferring any benefit, effecting or threatening to effect, any reprisal or taking, or directing others to take, or recommending, processing or approving, any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

(r) Nothing in this Rule may be construed to authorize any person to disclose information, the disclosure of which is otherwise prohibited by law.

(s) The Division of Human Resources shall maintain a record of investigations, hearings, and other proceedings. All records, complaints, documents, and reports filed with, submitted to, or made by the Committee, and all records and transcript of any investigations or hearings of the Committee are confidential and may not be open to inspection by any person other than a member of the Committee or the staff of the Committee, except otherwise specifically provided for in these rules. Verbatim transcripts and notes must be held in the custody of the Chief Legislative Reporter or the Executive Director, as determined by the President. Any member of the Committee or any person on the staff of the Legislature who discloses any record, complaint, document, report, transcript or other information that is confidential is subject to discipline. The Committee may, by a majority vote of the members of the Committee, authorize the release of any records, complaints, documents, reports, and transcript in its possession to the appropriate enforcement agency, if the Committee determines that there is probable cause to believe that the violation or violations alleged in the complaint would constitute a felony or if the Committee determines that the information is material to any matter pending before the enforcement agency.

**810a. Hearings by the Committee on Rules and Judiciary on Rule Violation by Senators.**

(a) If a Senator is alleged to have violated the provisions of the Rules, the Committee on Rules and Judiciary shall determine if the facts underlying the allegation are sufficient to merit a hearing. If a hearing is held, the Senator charged with a violation must be given notice and granted the opportunity to appear at the hearing and be represented by the Senator's counsel. The determination and any disciplinary action must be made and taken only by a two-thirds vote of the Senators elected and serving on the Committee on Rules and Judiciary.

(b) Any person may file a sworn complaint with the Chairperson of the Committee on Rules and Judiciary, or the President when the complaint is against the Chairperson of the Committee on Rules and Judiciary, alleging a violation by a Senator of the Rules regulating legislative conduct and ethics. The complaint must be based on personal knowledge, must state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, must have attached all documentation on which the complaint is based, and must identify the specific Rule alleged by the complainant to have been violated by the Senator.

(c) The complaint must be dismissed upon a determination by the Chairperson of the Committee on Rules and Judiciary, or the President when the complaint is against the Chairperson of the Committee on Rules and Judiciary that the complaint fails to state facts supporting a finding of probable cause.

(d) The complaint must be referred to a special master upon a determination by the Chairperson of the Committee on Rules and Judiciary, or the President when the complaint is against the Chairperson of the Committee on Rules and Judiciary, that the complaint states facts supporting a finding of probable cause. The special master shall conduct an investigation, shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant

the Senator an opportunity to be heard unless the investigation fails to reveal facts supporting a finding of probable cause. A special master's report and recommendation is advisory only and must be presented to the Chairperson of the Committee on Rules and Judiciary, or the President when the complaint is against the Chairperson of the Committee on Rules and Judiciary, as soon as practicable after the close of the investigation. If the special master's report and recommendation conclude that the facts do not support a finding of probable cause, the complaint must be dismissed by the Chairperson of the Committee on Rules and Judiciary, or the President when the complaint is against the Chairperson of the Committee on Rules and Judiciary.

(e) If the complaint is not dismissed, the Committee on Rules and Judiciary shall consider the special master's report and recommendation, shall grant the Senator an opportunity to be heard, and shall develop its own recommendation. If the complaint is against the Chairperson of the Committee on Rules and Judiciary, the chair is excused, and the vice chair shall conduct the deliberation. If the Committee on Rules and Judiciary votes to dismiss the complaint, the Chairperson of the Committee on Rules and Judiciary or the Vice Chair shall dismiss the complaint. Otherwise, the special master's report and recommendation and the recommendation of the Committee on Rules and Judiciary must be presented to the President. The President shall present the committee's recommendation, along with the special master's report and recommendation, to the Senate for final action.

(f) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rules regulating legislative conduct and ethics may be censured, reprimanded, or expelled. Such determination and disciplinary action

must be taken by a two-thirds vote of the Senate, on recommendation of the Committee on Rules and Judiciary.

### **Decorum**

**RULE 811.** (a) Each Senator shall conduct himself or herself at all times, including during sessions of the Legislature and meetings of its committees, in a manner complimentary to the Senate and with dignity and respect for the high office which the Senator holds. The Chair shall call to order any Senator who, in the opinion of the Chair, fails to conduct himself or herself with decorum and to abide by the procedures of the Floor, and such Senator shall remain silent, except to respond to a roll call, until recognized again by the Chair. However, the opinion of the Chair with respect to the conduct of any Senator may be overruled by a majority vote, a quorum being present.

(b) Such matters of decorum include, but not limited to:

(1) Confining remarks to the merits of the pending question. In a debate, a Senator's remarks must be germane to the question before the Legislature. The statements must have bearing on whether the pending motion should be adopted;

(2) Refraining from attacking a member's motives. A Senator must avoid personal, verbal and physical attacks on any other member or employee of the Body, testifier or member of the public, and under no circumstances may a senator attack or question the motives of another senator;

(3) Addressing all remarks through the Chair. Members of the Legislature may not address one another directly during a debate, but must address all remarks through the chair;

(4) Avoiding the use of members' names, and refraining from using indecent or abusive language or referring to another Senator in a disparaging way;

(5) Refraining from speaking adversely on a prior bill, resolution, or amendment, unless a motion to reconsider, rescind, or amend such bill is pending;

(6) Refraining from speaking against one's own motion;

(7) Reading from reports, quotations, etc. only without objection or with permission. If any Senator objects, another Senator has the right to read from any paper or book as part of the senator's speech, without the permission of a majority of the Legislature;

(8) Being seated during an interruption by the Chair;

(9) Refraining from disturbing the assembly; and

(10) Desisting from physically attacking any other member of the body, legislative employee or member of the public during any session or other meeting of the Legislature.

### Penalties

**RULE 812.** A member of the Legislature who violates the provisions of this chapter is in contempt of the Legislature and is subject to punishment as provided by a resolution adopted by the Legislature as pursuant to Rule 813.

### Censure

**RULE 813.** (a) Grounds for censure include, but are not limited to, repeated breaches of decorum, any conduct that inhibits the body from conducting its lawful business, conduct that brings disgrace upon the good name of the Legislature, seditious statements that portray a failure to uphold the oath of office; physical attacks or threats to any other member, legislative employee, or member of the public in the Chambers or other places within the Legislature and

its complexes; purposeful destruction of legislative or personal property; or refusal to obey the rules of the Legislature.

(b) A motion to censure in the form of a resolution is in order at any time, takes precedence over all other motions, and requires a second. The resolution must contain a statement of the charges against the Senator and the penalty or penalties prescribed. If seconded, the motion is subject to debate and amendment and must be voted on in a roll-call vote.

(c) The penalty or penalties prescribed by the resolution of censure may take the form of:

(1) A reprimand by the body, in which case an affirmative vote of a majority of the entire membership of the Senate.

(2) Suspension from the body for a specified item. If the motion is successful, the member must be removed from the Legislative Chambers and may not return for the period of time specified in the resolution of censure, may not participate in legislative affairs for the period of time specified in the resolution of censure, shall have a notation of “absent” recorded next to the member’s name during both the call of attendance and roll call votes during the period of suspension, shall lose the right to participate in the deliberations of all committees of the Legislature and all of its organs during the period of suspension, and shall not be paid his or her salary during the period of suspension.

### **Expulsion of Members**

**RULE 814.** A member may be expelled from the Legislature for cause by the following procedure:



(a) Formal charges must be drawn in writing and filed with the Legislature by the complaining member or group of members.

(b) If approved by a majority vote, a quorum being present, the charges must be submitted to a committee selected by the President specifically for the purpose of:

(1) reviewing the charges against the accused member;

(2) holding a hearing to allow witnesses to give evidence and be cross-examined by the accused member or their counsel;

(3) hearing testimony from witnesses favorable to the accused and hearing testimony by the accused; and

(4) receiving evidence of all kinds in support of or which refutes the charges against the accused.

(c) If the committee, by a majority vote, finds that the charges substantiated by the testimony and evidence it receives, it shall, by motion, recommend to the Legislature that the accused member be expelled.

(d) The Legislature shall expel the accused member from the Legislature by an affirmative vote of two-thirds of the entire membership of the Legislature.

### **Dress Code**

**RULE 815.** (a) Senators and employees of the Legislature, including employees on Senators' staffs must be neatly groomed and clean, and except as provided in subsection (g), must wear business attire as prescribed in subsections (b) through (f) during all working hours.

(b) Female employees may wear dresses, skirts and blouses/shirts, pants and blouses/shirt, skirt suits and pants suits. Clothes that reveal excess skin, tank tops, spaghetti

strap tops worn without a sweater or jacket, low-cut, revealing tops clothing revealing tattoos, tight fitting clothes, miniskirts or minidresses, shorts and capris are expressly prohibited.

(c) Male employees may wear slacks, dress shirts, jacket, tie, dress shoes and must be neatly shaven. Clothes that reveal excess skin, tank tops, open shirts clothing revealing tattoos, tight fitting clothes, are expressly prohibited.

(d) Male and female employees may wear appropriate nationally or internationally recognized formal or informal wear.

(e) Bib tops shredded or ripped clothing, sneakers, flip flops, shorts and ball caps are expressly prohibited during working hours.

(f) When appearing on the Floor of the Legislature during Sessions, male employees shall wear a coat and a tie at all times except when wearing appropriate nationally or internationally recognized formal wear. Female employees shall wear business dresses, pants suits or skirt suits, except when wearing appropriate nationally or internationally recognized formal wear. Male and female employees shall wear appropriate business footwear. The Sergeant-at-Arms shall enforce this dress code for members and employees appearing on the Floor during Sessions.

(g) Members of the Legislature and employees of the Central Staff, and employees of Senator's staff when authorized by the Senator, may wear appropriate casual attire, including jeans, on Fridays only when there are no sessions, or other business events scheduled, and subject to the following conditions:

(1) The attire worn, while casual, must be clean, neat and promote a professional, business image; and

(2) Shirts or tops with an advertising or other messages, shirts for election campaigns, shirts with foul language, tank tops, sweatshirts, strapless tops, midriff shirts or tops, tops with spaghetti straps, low cut tops or tops with a low neckline, flip flops, sneakers, sweat pants, sweat suits, wind suits; shorts, miniskirts. minidresses, torn or frayed clothing; see-through clothing, visible undergarments and any other attire inappropriate for work at the Legislature are prohibited and not allowed to be worn at any legislative complex, grounds or office of the Legislature.

(h) Division heads of the Central Staff and chiefs of staff of Senators' offices are responsible for monitoring the appearance of their respective employees. The division head or chief of staff shall make the determination as to what is acceptable appearance. If a division head or chief of staff determines that an employee is not in compliance with the Legislature's standards for appropriate workplace appearance, the employee may be sent home to change. Progressive disciplinary action may be taken for repeated violations of this policy.

## **CHAPTER 9. FINANCIAL DISCLOSURE**

**RULE 901.** Senators, principal employees of the Legislature, principal assistants to members, and professional staff shall file with the Commission on Ethics and Conflicts of Interest, established by title 3 Virgin Islands Code, chapter 37 a report disclosing certain financial interests as required by that chapter.

**RULE 902.** Financial management of the Legislature's Budget, including expenditures and reimbursements, if applicable, must comply with Generally Accepted Accounting Principles.

**RULE 903.** The Senate President and the Director of Business and Financial Management shall develop and implement standard operating procedures for travel advances, inter island travel, per diem, transportation, preapproved and senate expenditures.

**CHAPTER 10. AMENDMENTS TO REPEAL OF AND SUSPENSION OF RULES**

**RULE 1001.** These Rules may be amended by resolution, approved by an affirmative vote of ten members of the Legislature; except that the resolution must be in writing and be distributed to each Senator no later than forty-eight hours in advance of the vote thereon.

**RULE 1002.** A provision of these Rules may be waived by an affirmative vote of a majority of the entire membership of the Legislature, but a motion to suspend a rule or any part of a rule is not in order, except on forty-eight hours' notice in writing, specifying precisely the rule or part proposed to be suspended and the purpose for the suspension. A rule may be suspended without notice by unanimous consent of all the members of the Legislature.

**RULE 1003.** The repeal or amendment of any rule may be accomplished only by ten votes in the affirmative. All proposed amendments or repeals of these Rules must be referred to the Committee on Rules and Judiciary for consideration. The adoption of a proposed resolution for the repeal or amendment of any rule shall require a majority of ten votes in the affirmative.

**RULE 1004.** The suspension of any Senate rule or adopted parliamentary authority requires ten votes in the affirmative.

**RULE 1005.** These Rules and any amendments to these Rules must be published on the public drive of the Legislature's website.