

COMMITTEE ON YOUTH, SPORTS, PARKS
AND RECREATION

07/07/2022-AMENDED AND REPORTED OUT TO THE FLOOR

06/27/2022 – REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 34-0267

Thirty-Fourth Legislature of the Virgin Islands

June 22, 2022

An Act amending the Virgin Islands Code, title 3, chapter 18, section 302 relating the duties of the Department of Sports, Parks and Recreation to include the duty to develop neighborhood parks or recreation areas primarily designed to provide facilities for team, recreational or individual sports; amending title 3, chapter 22 section 401 to direct the Department to identify, supervise, administer, manage, regulate and control all sites within the Territorial Parks System; amending title 32, chapter 2 to establish the Division of Territorial Parks and Protected Areas within the Department of Planning and Natural Resources to establish and maintain a Territorial Parks System; amending title 33, chapter 111 to establish in the Treasury of the Virgin Islands The Territorial Parks System Revolving Fund and the Recreational Parks Revolving Fund; to establish a seven-member committee to develop the comprehensive conservation plan and program repealing title 3, section 308, title 32, chapter 4; and for other related purposes

PROPOSED BY: Senators Samuel Carrión, Marvin A. Blyden,
Novelle E. Francis, Jr., and Dwayne M. Degraff
Co-sponsors: Javan E. James, Sr., Genevieve R. Whitaker and
Carla J. Joseph

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 3 Virgin Islands Code, chapter 18, subchapter I, section 302,
3 paragraph (7) is amended at the end of the paragraph by inserting “and be responsible for the
4 development of neighborhood parks or recreation areas that are primarily designed to provide
5 facilities for team, recreational or individual sports”.

6 **SECTION 2.** Title 3 Virgin Islands Code, chapter 22, section 401, subsection (b) is
7 amended by striking paragraph (9) and inserting new paragraph (9) that reads as follows:

8 “(9) identify, supervise, administer, manage, regulate and control the use and

1 operation of all public campgrounds, natural areas, scenic waysides, historic sites,
2 recreational trails, monuments, marine parks, and such other sites within the Territorial
3 Parks System pursuant to 32 V.I.C., chapter 2;”.

4 **SECTION 3.** Title 32 Virgin Islands Code, chapter 2 is amended in the following
5 instances:

6 (a) The words, “Division of Parks”, wherever they appear throughout the chapter are
7 stricken are replaced with “Division of Territorial Parks and Protected Areas”, and the words,
8 “Director of Territorial Parks”, wherever they appear throughout the chapter are stricken and
9 replaced with “Director of Territorial Parks and Protected Areas”.

10 (b) Section 21 is amended as follows:

11 (1) In subsection (a) by striking “Department of Sports and Recreation” and inserting
12 “Department of Planning and Natural Resources” in its place and by striking “Commissioner
13 of Sports, Parks and Recreation” and inserting “Commissioner of Planning and Natural
14 Resources” in its place;

15 (2) At the end of subsection (b) by adding the following exception clause to read: “,with
16 the exception of those lands managed by another entity, authority, foundation, organization, or
17 government instrumentally under applicable law and the neighborhood parks or recreation areas
18 that are primarily designed to provide facilities for team, recreational or individual sports which
19 are managed by the Department of Sports, Parks and Recreation”.

20 (3) By re-designating the existing subsections (a) and (b) as (b) and (c), respectively,
21 inserting a new subsection (a) and adding subsections (d), (e), (f) and (g) to read as follows:

22 “(a) The Government of the Virgin Islands declares its intent to ensure that the unique
23 habitats and ecosystems and cultural and historical resources including, underwater
24 archeological resources of the Virgin Islands are not entirely destroyed by development
25 pressures and are preserved, protected, maintained and used for the long-term benefit and
26 enjoyment of present and future generations. To fulfill this mandate, the Department of

1 Planning and Natural Resources shall formulate and execute a long-range, comprehensive
2 conservation plan and program to acquire, maintain, preserve and protect, where appropriate,
3 privately and publicly-owned properties that are suitable for development as parks or protected
4 areas; and by operating a territory-wide system of terrestrial and marine parks and recreation
5 programs for the cultural, educational, recreational, environmental, and economic benefit of
6 the people of the Virgin Islands known as “The Territorial Parks System”. The park areas
7 developed in furtherance of these activities must be marketed and be suitable for such outdoor
8 leisure activities as camping, picnicking, hiking, biking, environmental education, sightseeing,
9 boating, fishing, swimming, or other similar outdoor recreational activities for both residents
10 of the Territory and visitors alike.”

11 “(d) The Division of Territorial Parks and Protected Areas shall identify, supervise,
12 administer, manage, regulate and control the use and operation of all public campgrounds,
13 natural areas, scenic waysides, historic sites, recreational trails, monuments, marine parks, and
14 such other sites classified as “Protected Areas” that constitute the Territorial Parks System, as
15 may be designated as such through regulations promulgated by the Commissioner.

16 (e) The Division of Territorial Parks and Protected Areas shall work in partnership and
17 collaboration with community-based organizations, private philanthropic organizations, and
18 other organizations, entities and individuals to invest in, maintain, preserve and protect areas
19 identified as constituting the Territorial Parks System.

20 (f) The Division of Territorial Parks and Protected Areas shall work in cooperation and
21 collaboration with the Department of Sports, Parks and Recreation and the Department of
22 Tourism to market, promote, maintain, preserve, and protect the Territorial Parks System.”

23 (g) (1) A seven-member committee is established to develop the comprehensive
24 conservation plan and program authorized in subsection (a) of this section. The Committee is
25 composed of Committee chairperson, the Commissioner of Planning and Natural Resources,
26 and the following members:

1 (A) The Commissioner of the Department of Sports, Parks and Recreation or a
2 designee;

3 (B) The Commissioner of the Department of Agriculture or a designee;

4 (C) The Commissioner of the Department of Tourism or a designee;

5 (D) The President of the University of the Virgin Islands or a designee; and

6 (E) Two members from non-profit organizations appointed by the Governor, one
7 member of from the district of St. Croix and one member from the district of St. Thomas
8 and St. John.

9 (2) The Committee shall meet at the call of the chairperson and work to develop
10 the comprehensive conservation plan in conjunction with Virgin Islands-based, non-
11 profit organizations with an existence and experience of not less than ten years working
12 in their respective fields. The plan must be made available to the public for 30 days for
13 review and comment “before it is adopted.”

14 **SECTION 4.** Title 32 Virgin Islands Code, Chapter 2, section 24 is amended-

15 (1) In subsection (a) by:

16 (A) striking “Division of Parks” and inserting “Division of Territorial Parks and
17 Protected Areas;

18 (B) striking “Territorial Park Fund”, which is hereby created” and inserting
19 “Territorial Parks System Revolving Fund created under 33 V.I.C. § 3100ee”;

20 (C) striking “subsection (b) of this section” and inserting “section 31 of this
21 chapter”; and

22 (2) In subsection (b) by striking all the language after “Territorial Park Trust Fund” and
23 inserting “established in section 31 of this chapter”.

24 **SECTION 5.** Title 32 Virgin Islands Code, chapter 2A is amended in the following
25 instances:

26 (a) Section 30 is amended by striking subsection (a).

1 (b) Section 31, subsection (d) is amended by inserting “, gifts, donations,” after
2 “Legislature”.

3 (c) Section 33 is amended by striking “Director of Territorial Parks” in the two places
4 it appears in subsection (a) and inserting “Director of Territorial Parks and Protected Areas”
5 and striking “Director of Parks” in subsections (c) and (g) and inserting “Director of Territorial
6 Parks and Protected Areas” instead.

7 **SECTION 6.** Title 33 Virgin Islands Code, chapter 111 is amended by adding sections
8 3100ee and 3100ff to read as follows:

9 **“§ 3100ee. Territorial Parks System Revolving Fund**

10 (a) There is established in the Treasury of the Virgin Islands a special, non-lapsing fund
11 designated the Territorial Parks System Revolving Fund.

12 (b) The Commissioner of Finance shall maintain and provide for the administration of
13 the Territorial Parks System Revolving Fund as a separate and distinct fund in the Treasury of
14 the Virgin Islands, and no funds therein may be made available for expenditure except as
15 provided in this section.

16 (c) The Territorial Parks System Revolving Fund consists of all funds collected from
17 the granting of concessions, the charging of rents, fees, or other amounts donated, transferred,
18 or appropriated from whatever source to the Division of Territorial Parks and Protected Areas
19 or to the Fund.

20 (d) The Commissioner of Finance shall disburse all monies pertaining to the Territorial
21 Parks System Revolving Fund exclusively for expenditure by the Department of Planning and
22 Natural Resources for administering, preserving, protecting, maintaining, managing, and
23 supervising the Territorial Parks System.

24 **§ 3100ff. Recreational Parks Revolving Fund**

25 (a) There is established in the Treasury of the Virgin Islands a special, non-lapsing fund
26 designated the Recreational Parks Revolving Fund.

1 (b) The Commissioner of Finance shall maintain and provide for the administration of
2 the Recreational Parks Revolving Fund as a separate and distinct fund in the Treasury of the
3 Virgin Islands, and no funds therein may be made available for expenditure except as provided
4 in this section.

5 (c) The Recreational Parks Revolving Fund consists of all funds received from the
6 granting of concessions, the charging of rents, fees, or other amounts donated, transferred, or
7 appropriated from whatever source to the Department of Sports, Parks and Recreation or to the
8 Fund.

9 (d) The Commissioner of Finance shall disburse all monies pertaining to the
10 Recreational Parks Revolving Fund exclusively for expenditure by the Department of Sports,
11 Parks and Recreation for administering, managing, and supervising neighborhood parks or
12 recreation areas that are primarily designed to provide facilities for team, recreational or
13 individual sports.”

14 **SECTION 7.** Title 3 Virgin Islands Code, chapter 18, section 308, establishing The St.
15 Croix Park Authority, is repealed.

16 **SECTION 8.** Title 32 Virgin Islands Code, chapter 4, The St. Croix Park Authority, is
17 repealed.

18 **SECTION 9.** The Department of Planning and Natural Resources shall develop and
19 submit the comprehensive conservation plan authorized in 32 V.I.C. § 21(a) to the Governor
20 and the Legislature not later than 180 days after the enactment of this act.”

21 **BILL SUMMARY**

22 The purpose of this bill is to establish the Division of Territorial Parks and Protected
23 under the Department of Planning and Natural Resources replacing the Division of Parks under
24 the jurisdiction of the Department of Sports, Parks and Recreation. Section 1 of the bill amends
25 3 V.I.C. §302 (7) by including among the duties of the Department of Sports, Parks and
26 Recreation the duty to develop neighborhood parks or recreation areas that are primarily
27 designed to provide facilities for team, recreational or individual sports. Section 2 amends 12
28 V.I.C. § 401(b)(9) to confer upon the Department of Planning and Natural Resources the duty
29 to identify, supervise, administer, manage, regulate and control all sites within the Territorial
30 Parks System under 32 V.I.C., chapter 2.

1 Section 3 replaces the Division of Parks of the Department of Sports, Parks and
2 Recreation with the Division of Parks and Protected Areas of the Department of Planning and
3 Natural Resources. Section 3 amends 32 V.I.C. § 21 to direct the Department of Planning and
4 Natural Resources to formulate and execute a long-range, comprehensive conservation plan
5 and program to acquire, maintain and preserve properties that are suitable for development as
6 parks or protected areas and to operate a territory-wide system of terrestrial and marine parks
7 and recreation programs known as “The Territorial Parks System”.

8 Title 32, section 21 of the Virgin Islands Code, as amended by this bill, provides for the
9 designation of the properties within the Territorial Parks System by regulations but excludes
10 from the Territorial Parks System the properties of the Magens Bay Authority and the
11 neighborhood parks or recreation areas that are primarily designed to provide facilities for team,
12 recreational or individual sports which are managed by the Department of Sports, Parks and
13 Recreation. Is also amended to establish a seven-member committee to develop a long-range
14 comprehensive conservation plan and program.

15 Section 4 amends section 24 of title 32 to reconcile references and citations to the
16 Territory Parks System Revolving Fund and the Territorial Park Trust Fund. Section 5 amends
17 32 V.I.C. § 31, the Territorial Park Trust Fund, to add gifts and donations as sources of revenue
18 for deposit into that fund. Section 6 amends title 33, chapter 111 of the Virgin Islands Code to
19 establish the Territorial Parks System Revolving Fund and the Recreational Parks Revolving
20 Fund for expenditure by the Department of Planning and Natural Resources and the
21 Department of Sports, Parks and Recreation to administer their respective parks and
22 neighborhood recreation areas.

23 Sections 7 and 8 repeal conflicting provisions. Sections 6 and 7 abolish the establishment
24 and the operation of the Croix Park Authority.

25 **BR21-0716-1/April 26, 2022/YLT**

26 [..\..\..\AMENDS\34th Legislature\SAMUEL CARRIÓN\Amend 34-571\34-571-](#)

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