An Act amending title 3, chapter 16, section 273 of the Virgin Islands Code by establishing minimum criteria for Public Services Commission members and changing the number of its members

PROPOSED BY: Senators Janelle K. Sarauw, Alma Francis Heyliger and Javan E. James

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 16, Section 273(b) is amended by:

(1) Striking “nine” and inserting “seven” in its place;

(2) In paragraph (1), striking the word “seven” and inserting “five” in its place;

(3) In paragraph (2) by:

(A) Striking “three” after “Governor,” and inserting “two” in its place;

(B) Striking “three” after “St. Thomas” and inserting “two” in its place;

(C) After “St. John” inserting an exception clause and a new sentence that read: “however, a maximum of two board members may reside outside of the territory. Members
residing outside of the territory must have been either born in the U.S. Virgin Islands or graduated from a U.S. Virgin Islands’ high school or the University of the Virgin Islands.”

SECTION 2. Title 3 Virgin Islands Code, chapter 16, Section 273(c) is amended by striking “four” and inserting “three” in its place; and by inserting a third sentence that reads “Virtual attendance of Commission meetings is allowed, and members attending virtually are included in the quorum count.”

SECTION 3. Title 3 Virgin Islands Code, chapter 16, section 273 (f) is amended by striking “$50” and inserting in its place “$100”; and by inserting “Members residing outside of the territory shall attend regular meetings of the Commission virtually” at the end of the section.

SECTION 4. Title 3, Chapter 16, Section 273 of the Virgin Islands Code is amended by adding subsections (h) through (l) as follows:

“(h) The Commission may sue and be sued in its own name. The Commission may retain counsel for its representation, notwithstanding Title 3, Section 114 of the Virgin Islands Code.

(i) Members of the Commission must have training and experience in at least one of the following categories:

(1) Engineering, Power Generation, Energy or Natural Resources Conservation; or

(2) Economics, Accounting, or Finance; or

(3) Public Administration, Telecommunications, or Law; or

(4) Solid Waste Engineering, Solid Waste Management, Water Treatment, or Environmental Protection.
(j) (1) No member of the Commission may have any financial interest in, or be an
agent or employee of, any public utility, as defined in 30 V.I.C., § 1

(2) If any member acquires a financial interest in, or becomes an agent or
employee of, any public utility, that member shall cease to be a member of the Commission
unless the member, within 60 days of acquiring the financial interest or the position, divests
himself of the financial interest or the position.

(3) For purposes of this subsection, “financial interest” means financial interest
as defined in 3 V.I.C., §1101(1)

(k) (1) No member of the Commission may be an immediate family member of a
person serving in an executive capacity at a public utility subject to regulation by the Commission.

(2) For purposes of this subsection,

(A) An immediate family member means a spouse, parent, child, aunt,
uncle niece or nephew.

(B) A person serving in an executive capacity means a person who holds
any of the following titles at a public utility:

(i) Chief Executive Officer or Assistant Chief Executive;

(ii) Chief Financial Officer or Assistant Chief Financial Officer;

(iii) Chief Operating Officer or Assistant Chief Operating Officer;

(iv) Executive Director or Assistant Executive Director;

(v) President;

(vi) Vice President; or
(vii) Any other senior management position responsible for strategic and tactical management of any portion of the public utility.

(1) No person serving in an executive capacity at a public utility may serve as a member of the Commission for at least two years after leaving employment with the public utility;

(2) No more than four members may be from the same political party;

(3) No member may hold any other public office or an elected office in the local or federal government; and

(4) (A) No member may raise funds or solicit contributions for any political candidate or political party, or actively campaign for any candidate for public office, except that a member may actively campaign for an immediate family member.

(B) The mere attendance of a member at a political event or politically oriented event does not constitute a violation of paragraph (1).

(5) No member may enter into an employment relationship, a consulting or representation agreement, or other similar contract or agreement with either an entity regulated by the Commission or a subcontractor of the entity for a period of one year after the member ceases to serve as a member of the Commission."

**BILL SUMMARY**

This Bill amends title 3, chapter 16, section 273 of the Virgin Islands Code by establishing minimum criteria for Public Services Commission members and reducing the number of members on the Commission.

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