

ACT NO. 7241

BILL NO. 28-0314

TWENTY-EIGHTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2010

An Act amending Acts 7214, 7206, 7198 relating to appropriations, amending section 5 of Act No. 7154 relating to the waiving of penalties and interest on delinquent real property taxes; suspending the appropriation from the proceeds of the Stamp Tax to the Virgin Islands Housing Finance Authority; providing for a \$3,000,000 appropriation to the Legislature for capital improvements and \$1, 500,000 appropriation to the Virgin Islands Waste Management Authority for solid waste and waste water management for St. John and providing for other purposes

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code, chapter 53A is amended in the following instances:

(a) Section 1482, paragraph (4) is amended by striking all of the language after means and inserting new language that reads: "a structure that has a roof and more than two substantial walls that have either":

- (A) has no opening;
- (B) has an opening that does not allow air in from the outside;
- (C) or has an opening that is less than 25% of the wall's surface area.

(b) Section 1496, subsection (a) is amended:

(1) in paragraph (1) by striking "misdemeanor" and inserting "an infraction that is a civil offense"; and

(2) in paragraph (2) by striking "misdemeanor and inserting an infraction that is a civil offense by inserting these words after the word "fine"; and

(3) by adding paragraph (3) that reads:

line item is inserted that reads: "BIT-Hansen Bay Tower Site \$75,000";

(5) After the line item that reads "OOG-PR/VI Friendship Day STT \$40,000", a new line item is inserted that reads: "OOG-Office of Economic Opportunity \$307,376";

(6) A new line item is added that reads: "BIT-Maintenance of IT infrastructure "\$592,092";

(7) The line item, "OMB Employee Reconciliations 463,000" is stricken in its entirety;

(8) A new line item is added after "DOP – GVI Employees' Recognition Activities" which reads as follows: "DOP – Buck Consultant \$252,000"; and

(9) The line item, "DOE-Longitudinal Data System Phase I", is amended by striking "2,500,000" and inserting in its place "3,000.000".

SECTION 5. Act No. 7152 (Bill No. 28-0086)(Uniform Power of Attorney Act Effective Date) is amended in SECTION 2 by striking "May 1, 2010", and inserting" July 1, 2011."

SECTION 6. Act No. 7150 is amended in the following instances:

(a) SECTION 1 is amended:

(1) In the title caption to read as follows: "Title 15 VIRGIN ISLANDS CODE SUBTITLE I. VIRGIN ISLANDS UNIFORM PROBATE AND FIDUCI[A]RY RELATIONS CODE ARTICLE I GENERAL PROVISIONS, DEFINITIONS AND PROBATE JURISDICTION OF COURT";

(2) In the first line after "51" by inserting "chapter 53, chapter 55";

(3) In internal §1-201 (23) the phrase ", according to the particular purpose of or matter involved in a proceeding" is stricken;

(4) In internal §2-103(b), paragraph (1) is amended by inserting "of" after "part";

(5) Internal §2-203 at the end caption, "Composition of the Augmented Estate," is amended by adding: "Marital Property Portion";

(6) In internal §2-212(b) the reference to "section 2-209(b) and (c)" is changed to "2-209(c) and (d)";

(7) Internal §2-603(a) is amended by striking all of the language in paragraph (3) and inserting new language that reads as follows: "Descendant of a grandparent", as used in subsection (b), means an individual who qualifies as a descendant of a grandparent of the testator or of the donor of a power of appointment under the (i) rules

of construction applicable to a class gift created in the testators will if the devise or exercise of the power is in the form of a class gift or (ii) rules for intestate succession if the devise or exercise of the power is not in the form of a class gift”;

(8) Internal §2-707(a) is amended by re-designating the existing paragraphs appropriately and inserting a new paragraph (4) that reads.

“(4) "Descendants", in the phrase "surviving descendants" of a deceased beneficiary or class member in subsections (b)(1) and (b)(2), mean the descendants of a deceased beneficiary or class member who would take under a class gift created in the trust”;

(9) Internal §2-707(a) is amended by striking all of the language in paragraph (7) and inserting new language that reads as follows:

"Surviving", in the phrase "surviving devisees" or "surviving descendants", means devisees or descendants who neither predeceased the distribution date nor are deemed to have predeceased the distribution date under Section 2-70”;

(10) Internal §2-707(b) is amended by striking all of the language in paragraph (4) and inserting in its place new language that reads as follows:

“If a governing instrument creates an alternative future interest with respect to a future interest for which a substitute gift is created by paragraph (1) or (2), the substitute gift is superseded by the alternative future interest if:

(A) the alternative future interest is in the form of a class gift and one or more members of the class is entitled to take in possession or enjoyment; or

(B) the alternative devise is not in the form of a class gift and the expressly designated beneficiary of the alternative future interest is entitled to take in possession or enjoyment” ; and

(11) Internal title 15 V.I.C. §1-201(17) is amended after “judge” by inserting “or magistrate” and in §1-201 (54) by striking “in chapter this title”;

(12) Internal §1-307 is amended after “judge” by inserting “or magistrate”;

(13) Internal §1-402 is amended by striking “an item[sic]” and inserting in its place: “ad litem”

(14) Internal §2-205 (3) is amended by striking “(ii) [sic] before “Any transfer” “and and inserting “(B)”;

(15) Internal §2-709 (c) is amended by striking “stripes [sic]” and inserting “stirpes”;

(16) Internal article 2 part 11 is amended after §2-1118 by striking the section designator, “§2-110 [sic]” before “SEVERABILITY CLAUSE” and inserting “§2-1119”;

(17) Internal §3-109 is amended by striking “shall” and “[sic]”;

(18) Internal §3-906 (b) is amended by striking “receivee [sic]” and inserting “received”;

(19) Internal §5-309 (a) (3) is amended by striking the second occurrence of the word, “the” and by striking “[sic]”;

(20) Internal §6-310 is amended in the third sentence by striking “stripes” and “[sic]” and inserting “stripes”; and

(21) Internal §19-106 is amended in subsection (b) by striking “[Act]” and inserting “article” and in subsection (c) by striking “10-7”, “10-15” and “[sic]” and inserting in their place “10-107” and “10-115”.

(b) SECTION 2, as amended by Act No. 7174, SECTION 12 (b), is amended by striking “January” and inserting “July”.

SECTION 7. (a) Notwithstanding title 33 Virgin Islands Code, section 130, one hundred percent of the proceeds of the stamp tax must be deposited into the General Fund of the Treasury of the Government of the Virgin Islands in fiscal years 2011 and 2012.

(b) This section expires September 30, 2012.

SECTION 8. Act No. 7198 (Bill No. 28-0263) is amended in sections 2 and 4 by striking “2010” and inserting in its place “2011”.

SECTION 9. Act No. 7154 (Bill No. 28-0208) SECTION 5 is repealed.

SECTION 10. Notwithstanding the penalty and interest provisions title 29 Virgin Islands Code, chapter 89, section 2494, no interest or penalty may be levied on any assessment for the property tax years 2006, 2007, and 2008 for six months after the date of issuance of the respective year’s tax assessment.

SECTION 11. (a) The sum of \$3,000,000 is appropriated from the interest earned on debt service reserves to the Legislature of the Virgin Islands in the fiscal year ending September 30, 2011, for capital projects and the repairs and renovation to St. Croix Legislature building at No. 1 Lagoon Street; replacement of damaged legislative vehicles; construction of new legislative offices in Cruz Bay, St. John; additional costs incurred for asbestos mitigation to the Capitol Building on St. Thomas; and for other capital projects.

(b) The sum appropriated in subsection (a) remains available until expended.

SECTION 12. The sum of \$1,500,000 is appropriated in the fiscal year ending

~~SECTION 44. (a) Pursuant to the provisions of title 2 Virgin Islands Code, §29, the sum of \$40,000 is appropriated in the fiscal year ending September 30, 2011 from Internal Revenue Matching Fund to the My Brother's Table, Inc., for the purpose of purchasing food and supplies to assist in feeding the homeless population.~~

~~(b) The sum appropriated in subsection (a) remains available until expended.~~

Thus passed by the Legislature of the Virgin Islands on November 22, 2010.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 24th
Day of November, A.D., 2010.



Louis Patrick Hill
Louis Patrick Hill
President
Samuel Sanes
Samuel Sanes
Legislative Secretary