

113TH CONGRESS
1ST SESSION

H. R. 85

To create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Mrs. CHRISTENSEN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN IS-**

4 **LANDS.**

5 (a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

6 (1) IN GENERAL.—The Governor of the Virgin
7 Islands shall appoint a Chief Financial Officer, with
8 the advice and consent of the Legislature of the Vir-
9 gin Islands, from the names on the list required
10 under section 2(d). If the Governor has nominated

1 a person for Chief Financial Officer but the Legisla-
2 ture of the Virgin Islands has not confirmed a nomi-
3 nee within 90 days after receiving the list pursuant
4 to section 2(d), the Governor shall appoint from
5 such list a Chief Financial Officer on an acting basis
6 until the Legislature consents to a Chief Financial
7 Officer.

8 (2) ACTING CHIEF FINANCIAL OFFICER.—If a
9 Chief Financial Officer has not been appointed
10 under paragraph (1) within 180 days after the date
11 of the enactment of this Act, the Virgin Islands
12 Chief Financial Officer Search Commission, by ma-
13 jority vote, shall appoint from the names on the list
14 submitted under section 2(d), an Acting Chief Fi-
15 nancial Officer to serve in that capacity until a Chief
16 Financial Officer is appointed under the first sen-
17 tence of paragraph (1). In either case, if the Acting
18 Chief Financial Officer serves in an acting capacity
19 for 180 consecutive days, without further action the
20 Acting Chief Financial Officer shall become the
21 Chief Financial Officer.

22 (b) DUTIES OF CHIEF FINANCIAL OFFICER.—The
23 duties of the Chief Financial Officer shall include the fol-
24 lowing:

1 (1) Develop and report on the financial status
2 of the Government of the Virgin Islands not later
3 than 6 months after appointment and quarterly
4 thereafter. Such reports shall be available to the
5 public.

6 (2) Each year prepare and certify spending lim-
7 its of the annual budget, including annual estimates
8 of all revenues of the territory without regard to
9 sources, and whether or not the annual budget is
10 balanced.

11 (3) Revise and update standards for financial
12 management, including inventory and contracting,
13 for the Government of the Virgin Islands in general
14 and for each agency in conjunction with the agency
15 head.

16 (c) DOCUMENTS PROVIDED.—The heads of each de-
17 partment of the Government of the Virgin Islands, in par-
18 ticular the head of the Department of Finance of the Vir-
19 gin Islands and the head of the Internal Revenue Bureau
20 of the Virgin Islands shall provide all documents and in-
21 formation under the jurisdiction of that head that the
22 Chief Financial Officer considers required to carry out his
23 or her functions to the Chief Financial Officer.

24 (d) CONDITIONS RELATED TO CHIEF FINANCIAL OF-
25 FICER.—

1 (1) TERM.—The Chief Financial Officer shall
2 be appointed for a term of 5 years.

3 (2) REMOVAL.—The Chief Financial Officer
4 shall not be removed except for cause. An Acting
5 Chief Financial Officer may be removed for cause or
6 by a Chief Financial Officer appointed with the ad-
7 vice and consent of the Legislature of the Virgin Is-
8 lands.

9 (3) REPLACEMENT.—If the Chief Financial Of-
10 ficer is unable to continue acting in that capacity
11 due to removal, illness, death, or otherwise, another
12 Chief Financial Officer shall be selected in accord-
13 ance with subsection (a).

14 (4) SALARY.—The Chief Financial Officer shall
15 be paid at a salary to be determined by the Governor
16 of the Virgin Islands, except such rate may not be
17 less than the highest rate of pay for a cabinet officer
18 of the Government of the Virgin Islands or a Chief
19 Financial Officer serving in any government or semi-
20 autonomous agency.

21 (e) REFERENDUM.—As part of the closest regularly
22 scheduled, islands-wide election in the Virgin Islands to
23 the expiration of the fourth year of the five-year term of
24 the Chief Financial Officer, the Board of Elections of the
25 Virgin Islands shall hold a referendum to seek the ap-

1 proval of the people of the Virgin Islands regarding wheth-
2 er the position of Chief Financial Officer of the Govern-
3 ment of the Virgin Islands shall be made a permanent part
4 of the executive branch of the Government of the Virgin
5 Islands. The referendum shall be binding and conducted
6 according to the laws of the Virgin Islands, except that
7 the results shall be determined by a majority of the ballots
8 cast.

9 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

10 (a) **ESTABLISHMENT.**—There is established a com-
11 mission to be known as the “Virgin Islands Chief Finan-
12 cial Officer Search Commission”.

13 (b) **DUTY OF COMMISSION.**—The Commission shall
14 recommend to the Governor not less than 3 candidates for
15 nomination as Chief Financial Officer of the Virgin Is-
16 lands. Each candidate must have demonstrated ability in
17 general management of, knowledge of, and extensive prac-
18 tical experience at the highest levels of financial manage-
19 ment in governmental or business entities and must have
20 experience in the development, implementation, and oper-
21 ation of financial management systems.

22 (c) **MEMBERSHIP.**—

23 (1) **NUMBER AND APPOINTMENT.**—The Com-
24 mission shall be composed of 8 members appointed
25 not later than 30 days after the date of the enact-

1 ment of this Act. Persons appointed as members
2 must have recognized business, government, or fi-
3 nancial expertise and experience and shall be ap-
4 pointed as follows:

5 (A) 1 individual appointed by the Governor
6 of the Virgin Islands.

7 (B) 1 individual appointed by the Presi-
8 dent of the Legislature of the Virgin Islands.

9 (C) 1 individual, who is an employee of the
10 Government of the Virgin Islands, appointed by
11 the Central Labor Council of the Virgin Is-
12 lands.

13 (D) 1 individual appointed by the Chamber
14 of Commerce of St. Thomas-St. John.

15 (E) 1 individual appointed by the Chamber
16 of Commerce of St. Croix.

17 (F) 1 individual appointed by the Presi-
18 dent of the University of the Virgin Islands.

19 (G) 1 individual, who is a resident of St.
20 John, appointed by the At-Large Member of the
21 Legislature of the Virgin Islands.

22 (H) 1 individual appointed by the Presi-
23 dent of AARP Virgin islands.

24 (2) TERMS.—

1 (A) IN GENERAL.—Each member shall be
2 appointed for the life of the Commission.

3 (B) VACANCIES.—A vacancy in the Com-
4 mission shall be filled in the manner in which
5 the original appointment was made. Any mem-
6 ber appointed to fill a vacancy shall be ap-
7 pointed for the remainder of that term.

8 (3) BASIC PAY.—Members shall serve without
9 pay.

10 (4) QUORUM.—Five members of the Commis-
11 sion shall constitute a quorum.

12 (5) CHAIRPERSON.—The Chairperson of the
13 Commission shall be the Chief Justice of the Su-
14 preme Court of the United States Virgin Islands or
15 the designee of the Chief Justice. The Chairperson
16 shall serve as an ex officio member of the Commis-
17 sion and shall vote only in the case of a tie.

18 (6) MEETINGS.—The Commission shall meet at
19 the call of the Chairperson. The Commission shall
20 meet for the first time not later than 15 days after
21 all members have been appointed under this sub-
22 section.

23 (7) GOVERNMENT EMPLOYMENT.—Members
24 may not be current government employees, except
25 for the member appointed under paragraph (1)(C).

1 (d) REPORT; RECOMMENDATIONS.—The Commission
2 shall transmit a report to the Governor, the Committee
3 on Natural Resources of the House of Representatives and
4 the Committee on Energy and Natural Resources of the
5 Senate not later than 60 days after its first meeting. The
6 report shall name the Commission’s recommendations for
7 candidates for nomination as Chief Financial Officer of
8 the Virgin Islands.

9 (e) TERMINATION.—The Commission shall terminate
10 upon the nomination and confirmation of the Chief Finan-
11 cial Officer.

12 **SEC. 3. DEFINITIONS.**

13 For the purposes of this Act, the following definitions
14 apply:

15 (1) CHIEF FINANCIAL OFFICER.—In sections 1
16 and 2, the term “Chief Financial Officer” means a
17 Chief Financial Officer or Acting Chief Financial
18 Officer, as the case may be, appointed under section
19 1(a).

20 (2) COMMISSION.—The term “Commission”
21 means the Virgin Islands Chief Financial Officer
22 Search Commission established pursuant to section
23 2.

24 (3) GOVERNOR.—The term “Governor” means
25 the Governor of the Virgin Islands.

1 (4) REMOVAL FOR CAUSE.—The term “removal
2 for cause” means removal based upon misconduct,
3 failure to meet job requirements, or any grounds
4 that a reasonable person would find grounds for dis-
5 charge.

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