Virgin Islands
Cooperative Extension Service
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LEARNING ABOUT OUR VIRGIN ISLANDS TAX SYSTEM

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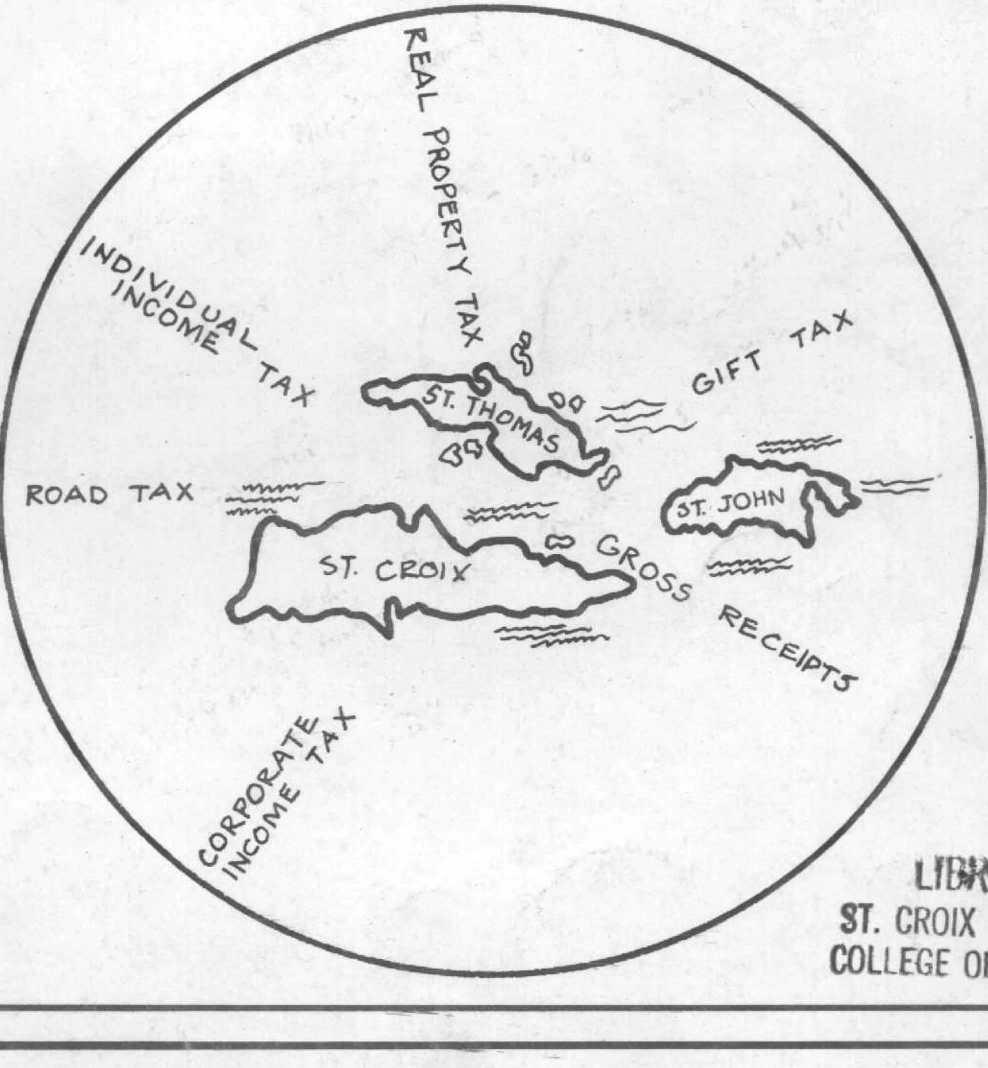

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College of the Virgin Islands - Cooperative Extension Service - Darshan S. Padda, Director - St. Croix, U.S. Virgin Islands

TABLE OF CONTENTS

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Community Resource Development
Cooperative Extension Service
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FOREWORD

The Cooperative Extension Service continues to serve as an informal educational agency with a mission of helping Virgin Islanders improve the quality of life. Within the few years since its beginning in 1972, when the college received land-grant status by the United States Congress, the Cooperative Extension Service has continually expanded its services in the field of Agriculture and Natural Resources, Home Economics, 4-H Youth Development and Community Resources Development.

With this bulletin which provides information on Virgin Islands taxes affecting not only those in the agri-business industry but also the members of our community as a whole, we hope to meet the changing needs of Virgin Islanders through a more diversified Community Resources Development Program.

The Cooperative Extension Service aptly demonstrates how the USDA, the land-grant college and the community can jointly work towards improving the quality of life for the people. I encourage all Virgin Islanders to utilize the educational opportunities offered by the Cooperative Extension Service of the College of the Virgin Islands.

Darshan S. Padda, Director
Cooperative Extension Service

INTRODUCTION

Our system of taxation is a very important part of our government. Revenues derived from taxes provide such services as law enforcement, education, fire protection, public housing and health care. Tax monies also assist the poor, train the handicapped and help preserve the environment.

Since, in one way or another, everyone is ultimately affected by taxes, it is important that there be a clear understanding of the system of taxation here in the territory. This bulletin is therefore intended to provide a preliminary exposure to those who are interested in learning more about our Virgin Islands tax system.

K.G.

OUR SYSTEM OF TAXATION

AN OVERVIEW

DIRECT AND INDIRECT TAXES

Taxes can be classified by whether they are directly or indirectly paid. Direct taxes are paid to the government with the knowledge and intent of the payer. An example of direct taxes are the individual income taxes. With this form of taxation, the burden of payment lies directly upon the individual.

The gross receipt taxes are examples of indirect taxes. Gross receipts taxes are levied on business concerns. However, the businesses may well pass these taxes on to the consumers in the form of higher prices. Thus, the burden of an indirect tax may not be borne by the enterprise on which the taxes are levied.

PROPORTIONAL, PROGRESSIVE and REGRESSIVE TAXES

A tax may also be classified by the rate or percentage of taxation in relation to the amount of the income.

The tax is proportional if the rate of taxation remains constant as the income base increases. The social security tax is proportional, but only up to a certain wage (income) limit. An employee is currently required to pay a social security tax of 6.13% on all income up to $25,900. This tax is, therefore, proportional up to that income level.

A tax is progressive if the rate of taxation increases as the income base increases. Individual income taxes are examples of progressive taxes. In 1978, a single person with one exemption whose income was $5,000 would have paid a tax of $283 at a tax rate of 5.66%. If that person had an income of $10,000, his tax liability would have been $1,227, for a tax rate of 12.27%. At income of $15,000, the tax would have been $2,472 for a rate of 16.48%. Clearly, an increase in income goes hand-in-hand with rising (progressive) income tax payments.

A tax may be considered regressive if the rate of payment decreases in proportion to the amount of income increase. The key concept is the rate of percentage of tax payment to income and not the actual amount of tax paid. Let's look at the Virgin Islands property tax which is currently levied at a flat rate of 1.25% of the assessed property value. Even though this tax is legally proportional, it may be considered regressive when compared with rising family income instead of with the value of the property itself. Because a rise in family income will not automatically increase the assessed value of the family home, the property tax therefore, tends to extract a larger proportion of income from lower income families than from families in middle and upper income brackets.

PRINCIPLES OF TAXATION

Students of taxation have long debated the issue of what constitutes an effective tax system. Among the basic principles of taxation generally agreed upon are that the tax must be:

- Easily understood
- Just and fair
- Easily administered
- Levied at an appropriate time, when the people are able to pay;
- And that the government must be able to decrease this tax in good times
- And be able to increase the tax in emergencies.

A system of taxation can also contribute to economic stabilization. According to some economists, during a depression there should be a reduction in taxes but not in government expenditures. This allows more money to remain in the economy and thus creates additional economic activities. During inflationary times, taxes, but not government expenditures, should be increased. This will serve to withdraw money from the economy. Thus, taxation is one of the instruments for regulating our economy.

Institutions such as churches, schools, hospitals, and even civic and community organizations are exempted from taxation for social reasons. On the other hand, government generally levies a heavy tax on cigarettes and alcoholic beverages. Similarly, luxury items tend to be taxed at a higher rate than necessities.

SOCIAL SECURITY TAX

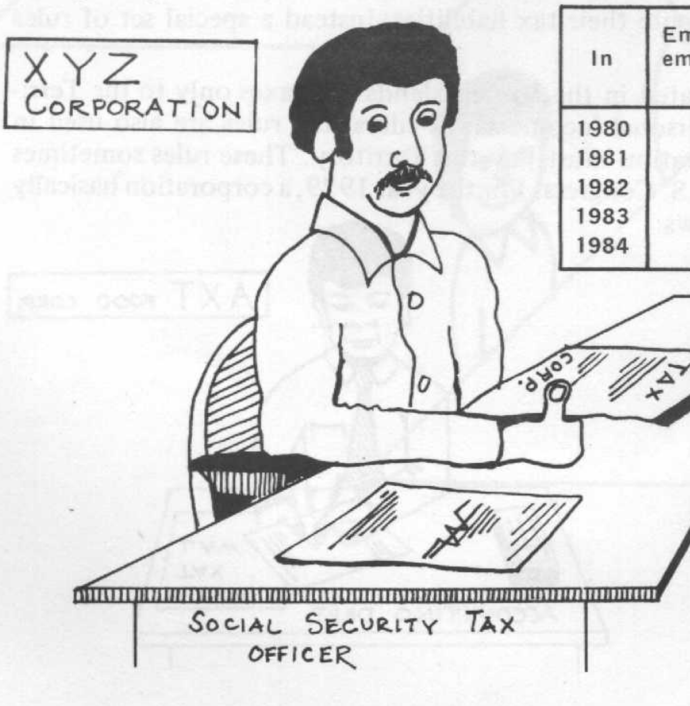
The Federal Insurance Contribution Act (FICA) provides for a national program which insures against loss of earnings because of age, death, or prolonged disability. The tax required under this program is referred to as the FICA tax, or the Social Security Tax and is applicable to the United States Virgin Islands.

Under this program, each employer is required to deduct a Social Security Tax from employees' wages. The employer is also required to deduct from his business revenues an amount equal to the total amount deducted from his employees' wages. The tax rate is currently 6.13% but will increase in the years ahead (see table below). The maximum employee's wage from which the tax is deducted in 1979 is $22,900, but this wage limit will also increase in the years ahead. Thus, a person earning $60,000 annually pays social security tax equal to that of someone earning $22,900.

For those who are self-employed, the Social Security Tax rates are higher than the rates for regular wage earners. However, self-employed persons do not have a matching requirement. For the tax year 1979, the self-employed person is required to pay a social security tax of 8.1% on wages up to a maximum of $22,900.

In addition to monthly benefits in retirement, Social Security also provides disability and survivor's insurance that protects the employees and their dependents throughout the working years. Social Security deductions also pay for Medicare hospital insurance for people 65 and older and for those who have been getting disability checks for two years or more.

The table below shows the tax rate for 1980 through 1984 and the wage base for 1980 and 1981. Starting with 1982, the earnings base will rise automatically according to increases in average wage levels.



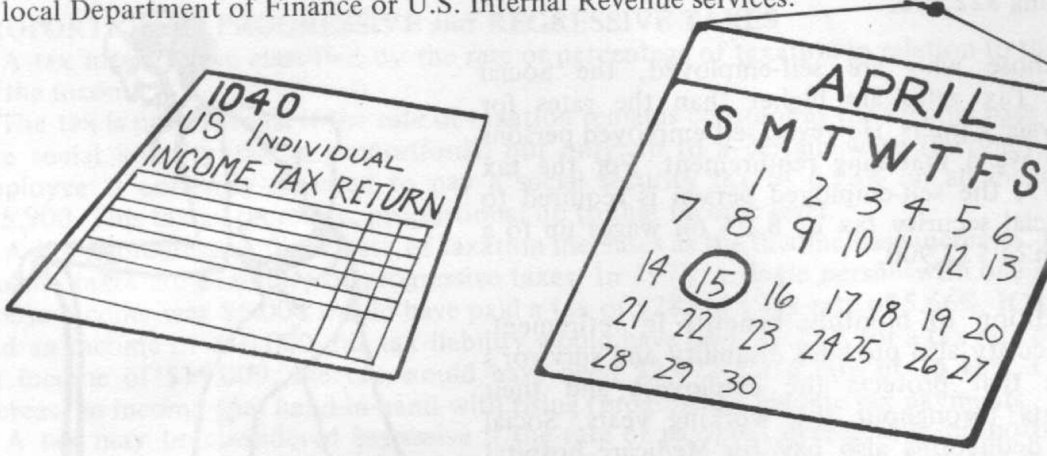
In	Employers and employees each will pay	If self-employed you will pay	On earnings up to
1980	6.13%	8.1%	$25,900
1981	6.65%	9.3%	$29,700
1982	6.70%	9.35%	*
1983	6.70%	9.35%	*
1984	6.70%	9.35%	*

***Wage base will increase according to average wage level increases.**

INDIVIDUAL INCOME TAX

In the Virgin Islands we have a public administration system which we call the Territorial government. Residents of the Virgin Islands pay income taxes to this single government structure. However, we are required to use the Federal income tax laws and regulations to compute our Territorial tax obligations. This means that the Federal income tax tables and such Federal tax forms as the 1040 and 1040A are used when filing the Territorial income tax. This also means that April 15th is the deadline for filing your tax on income earned during the preceding year. Changes in the Federal tax laws may affect us in the U.S. Virgin Islands. The relationship between the Federal and Territorial tax systems is sometimes referred to as the "mirror theory" of taxation.

The amount of tax an individual pays depends on the size of his income. The tax rates usually increase as the income gets larger. Booklets listing the various tax rates are issued by the local Department of Finance or U.S. Internal Revenue services.

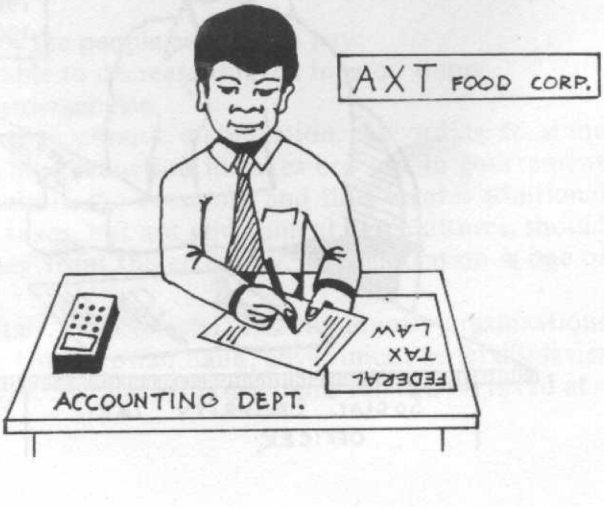


CORPORATE INCOME TAX

Many businesses in our community are formed by using a particular structure called a corporation. A corporation is a legal entity operated by a charter called the articles of incorporation. The profits of the corporation are taxed separately from the earnings of its owners. It is the corporation and not the owners that are liable for its taxes. Corporations do not use the individual income tax tables to compute their tax liabilities; instead a special set of rules is used for computing corporate tax.

Corporations and other businesses located in the Virgin Islands pay taxes only to the Territorial government. As in the case of personal income tax, Federal tax rules are also used in computing the amount of taxes a corporation must pay the Territory. These rules sometimes change as a result of legislation by the U.S. Congress. For the year 1979, a corporation basically computes its income tax liability as follows:

- It must pay a tax of 17% on the first \$25,000 of profit it achieves.
- It must pay a tax of 20% on the second \$25,000 of profit it achieves.
- It must pay a tax of 30% on the third \$25,000 of profit it achieves.
- It must pay a tax of 40% on the fourth \$25,000 of profit it achieves.
- It must pay a tax of 46% on all profit exceeding \$100,000.

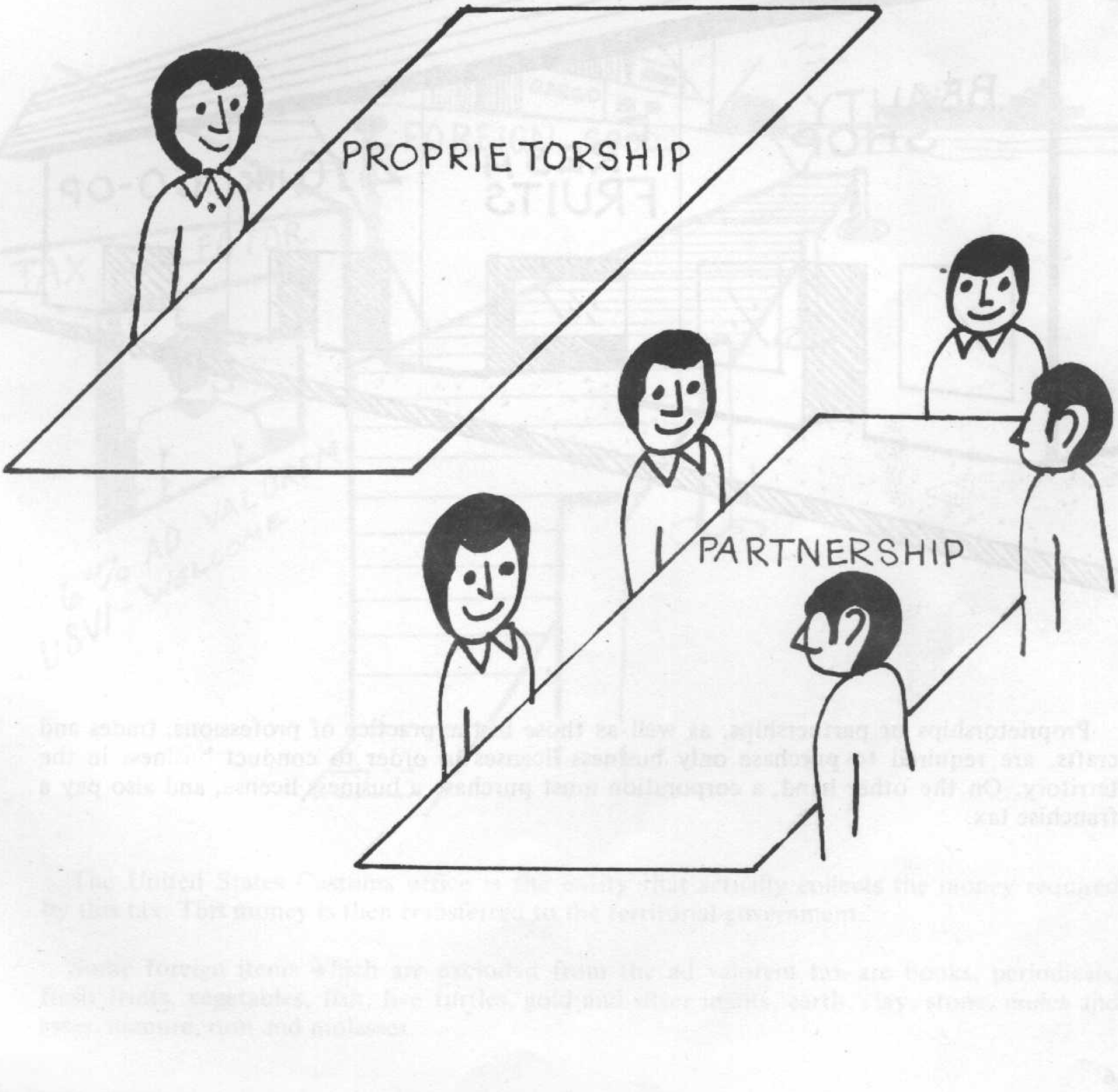


PROPRIETORSHIP AND PARTNERSHIP INCOME TAX

Business firms which are not corporations are usually organized as proprietorships or sometimes partnerships. A proprietorship is a business legally owned by a single individual for his or her own benefit. The proprietorship is the simplest form of business organization. The business liabilities, including income taxes, are the personal liabilities of the owner. The proprietorship terminates when the owner dies.

A partnership is a business legally owned by two or more persons. The partners are expected to share in the profit or loss of the partnership and are responsible for the payment of all taxes.

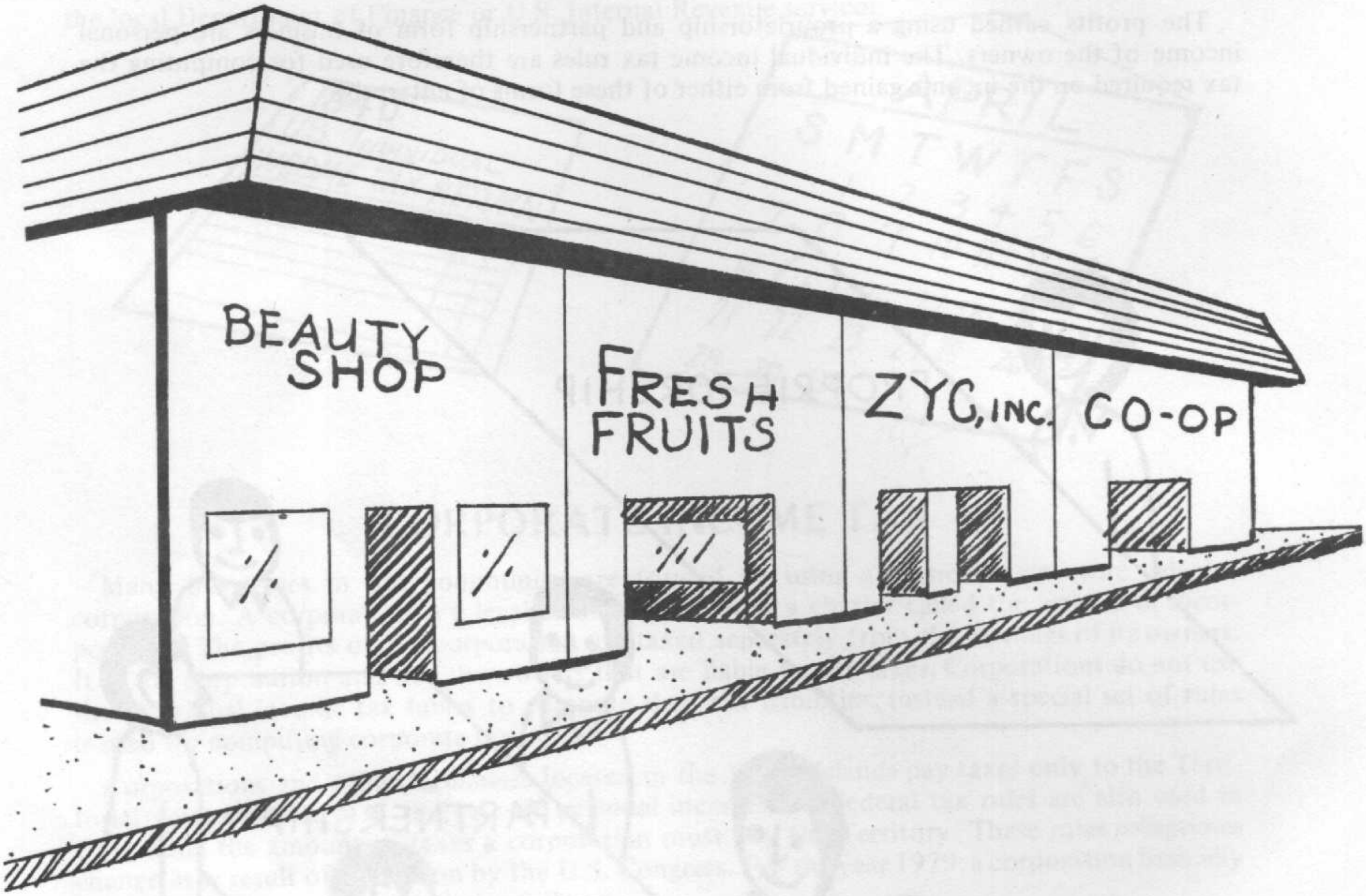
The profits earned using a proprietorship and partnership form of business are personal income of the owners. The individual income tax rules are therefore used for computing the tax required on the income gained from either of these forms of enterprise.



FRANCHISE TAX AND LICENSE FEES

Every legally established corporation or foreign corporation doing business in the territory is required to pay a franchise tax of $1.50 for each thousand dollars of capital stock. However, the minimum franchise tax is $100.00.

This franchise tax gives the corporation the right to conduct business in the territory, the right to exclusive use of its name, and to file court cases.



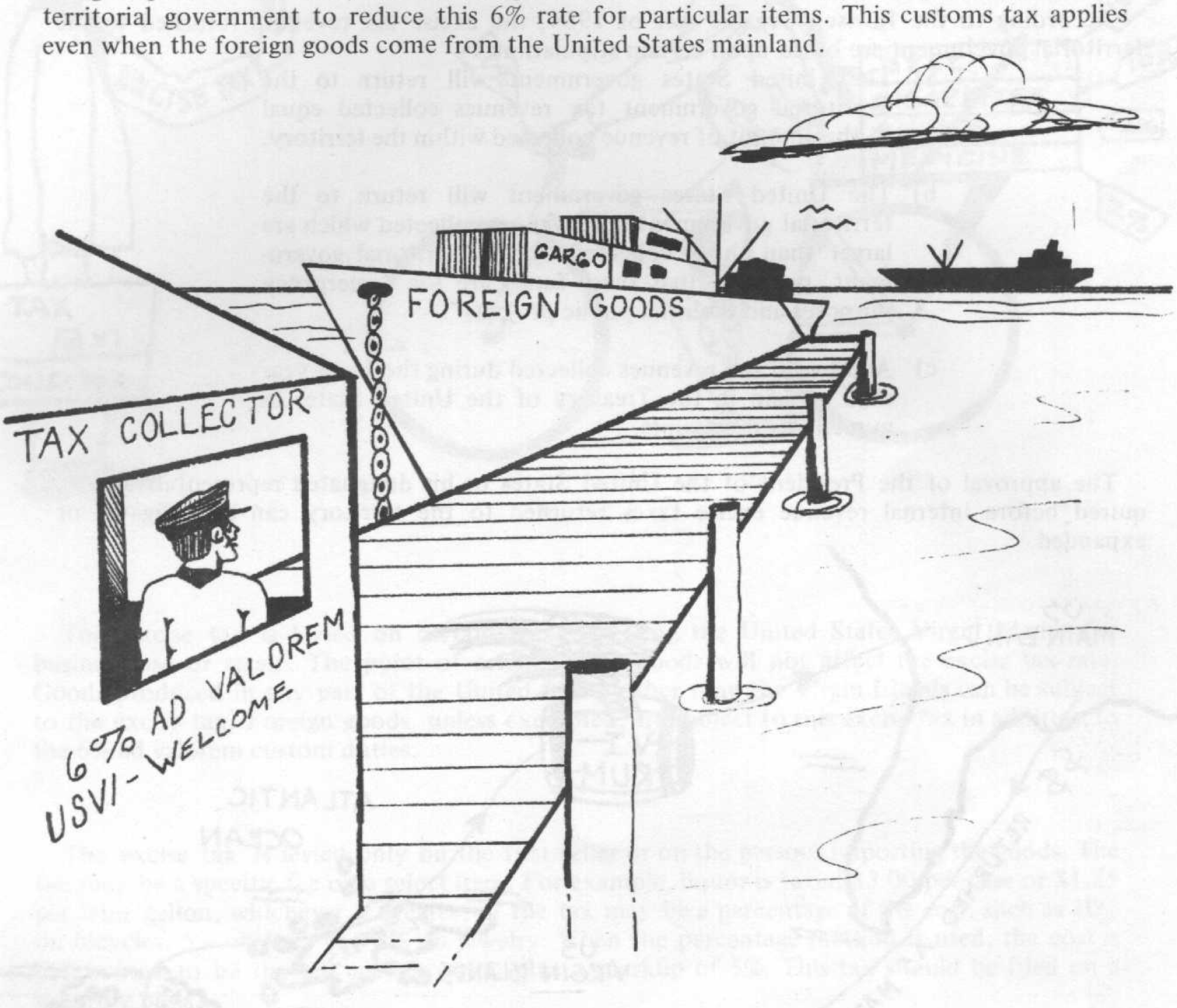
Proprietorships or partnerships, as well as those in the practice of professions, trades and crafts, are required to purchase only business licenses in order to conduct business in the territory. On the other hand, a corporation must purchase a business license, and also pay a franchise tax.

IMPORT TAX

The Danish Law – No. 64, 1914

The United States Virgin Islands were purchased from Denmark in 1917. The then Danish colonial government, including its system of taxation, was gradually transferred to our present territorial government. Among the Danish legal structures that have remained in effect until today is the Danish import tax law of 1914.

This law requires that ad valorem customs duties be levied on certain foreign goods which are imported into the Virgin Islands. This levy is not applied on goods made in the United States. Some of the foreign items taxable by this law include the following: automobile, clothing, furniture, and jewelry. The customs tax rate is 6% of the value of the foreign item being imported. However, the federal government has recently granted permission to the territorial government to reduce this 6% rate for particular items. This customs tax applies even when the foreign goods come from the United States mainland.



The United States Customs office is the entity that actually collects the money required by this tax. This money is then transferred to the territorial government.

Some foreign items which are excluded from the ad valorem tax are books, periodicals, fresh fruits, vegetables, fish, live turtles, gold and silver ingots, earth, clay, stone, mules and asses, manure, rum and molasses.

FEDERAL EXCISE TAXES ON V.I. PRODUCTS

The Revised Organic act of 1954 is the federal law which currently serves as the Virgin Islands Constitution. This Act requires that Federal excise taxes collected on Virgin Islands products should be returned to the territory.

Currently Virgin Islands rum is the major local product which is shipped to the United States mainland*. An excise tax is levied on this rum when it enters the mainland ports. The tax revenues collected on the rum are returned to the territory. Generally all revenues received from excise taxes on Virgin Islands products shipped to the mainland are referred to as the Internal Revenue Matching Funds or sometimes as the rum excise tax funds. However, other V.I. products, such as costume jewelry, also contribute a small amount of federal excise tax revenues to the territory.

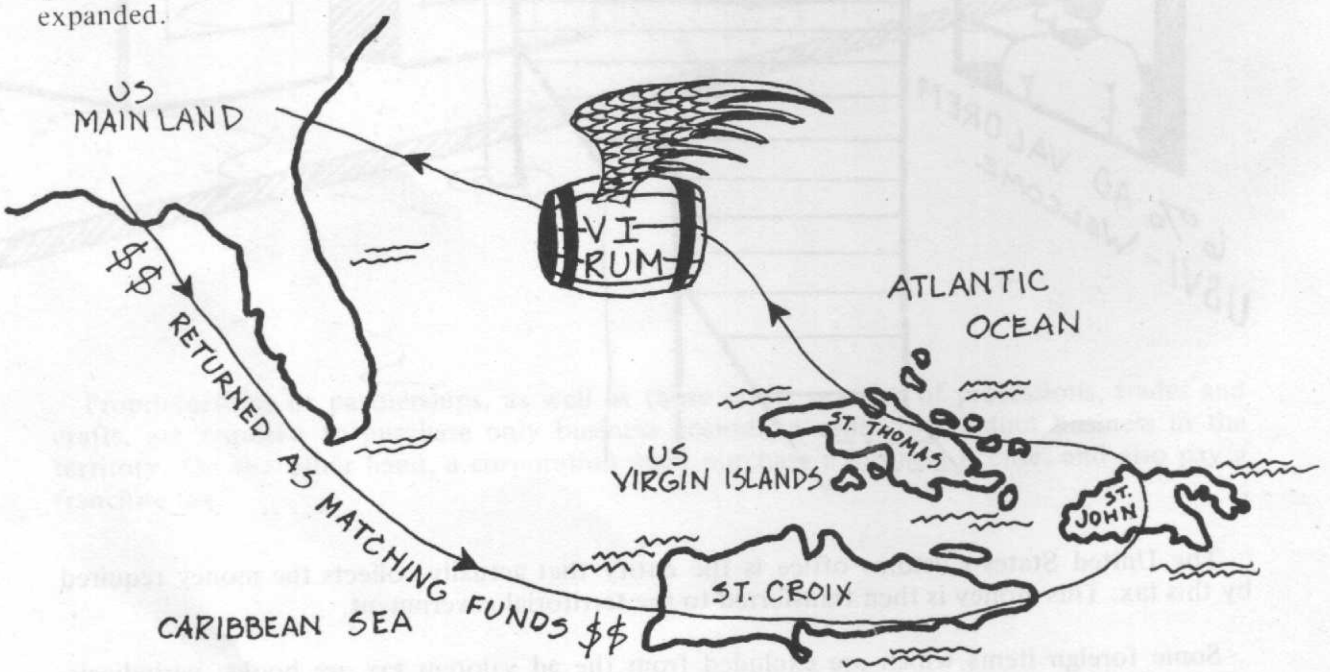
According to the Revised Organic Act of 1954, the excise tax revenues returned to the territorial government are based upon certain stipulations:

a) The United States government will return to the Territorial government tax revenues collected equal to the amount of revenue collected within the territory.

b) The United States government will return to the territorial government tax revenues collected which are larger than those collected by the territorial government, provided that these funds are for "emergency purposes and essential public projects".

c) Additional tax revenues collected during the fiscal year shall remain in the Treasury of the United States as miscellaneous receipts.

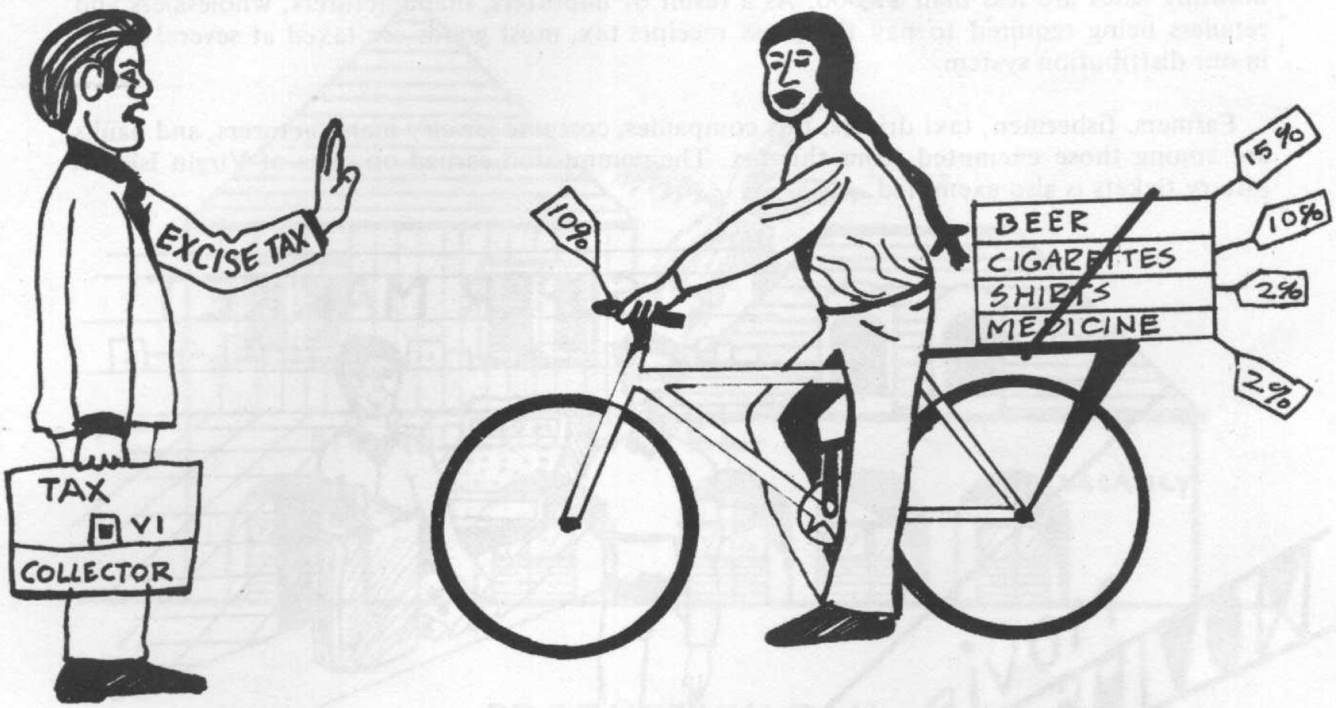
The approval of the President of the United States or his designated representative is required before internal revenue excise taxes returned to the territory can be obligated or expanded.



***The V.I. and the U.S. Department of Treasury at the time of this printing are in litigation to determine whether petroleum fuel refined locally and shipped to the mainland should be considered a V.I. product.**

LOCAL EXCISE TAX

We have seen that certain goods entering the United States Virgin Islands from foreign countries are subject to a 6% custom levy. There is also another import tax called the local excise tax.



This excise tax is levied on certain goods entering the United States Virgin Islands for business use or resale. The point of origin of the goods will not affect the excise tax rate. Goods produced in any part of the United States other than the Virgin Islands can be subject to the excise tax. Foreign goods, unless exempted, are subject to this excise tax in addition to the 6% ad valorem custom duties.

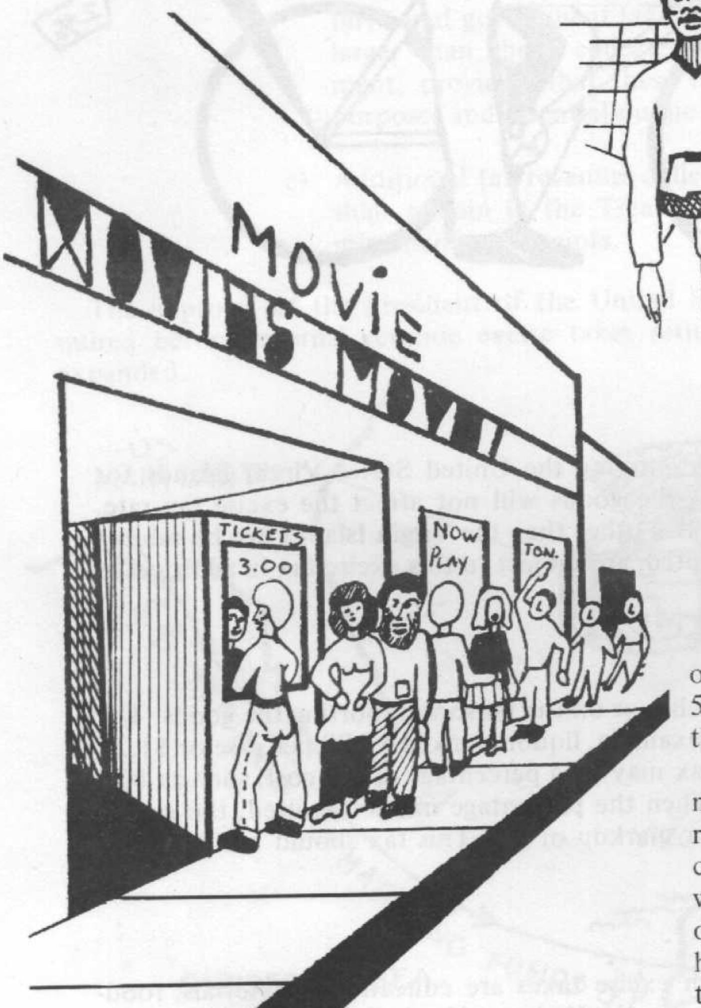
The excise tax is levied only on the first seller or on the persons importing the goods. The tax may be a specific fee on a select item. For example, liquor is taxed $3.00 per case or $1.25 per wine gallon, whichever is greater; or the tax may be a percentage of the cost, such as 10% on bicycles, 5% on tires and 3% on jewelry. When the percentage method is used, the cost is determined to be the net invoice value plus a markup of 5%. This tax should be filed on a monthly basis.

Among the items commonly excluded from excise taxes are educational materials, foodstuffs, livestock feed, and motor vehicles which pay the Highway User's Tax.

GROSS RECEIPTS TAX

Every firm or individual engaged in a business in the Virgin Islands is required to pay a gross receipts tax of two percent (2%) whenever the gross income exceeds a certain limit. In addition, service enterprises such as lawyers, doctors and accountants must also pay this gross receipts tax. This tax is based upon the gross sales and is computed on a monthly basis. For example, if a business had sales of $4,000 during the month, then a gross receipts tax of $80 is due. If in any month, the gross sales are less than $1,000, then no gross receipts tax is due during that month. However, the gross receipts tax return must be filed, even if the monthly sales are less than $1,000. As a result of importers, manufacturers, wholesalers and retailers being required to pay the gross receipts tax, most goods are taxed at several stages in our distribution system.

Farmers, fishermen, taxi drivers, bus companies, costume jewelry manufacturers, and banks are among those exempted from this tax. The commission earned on sales of Virgin Islands lottery tickets is also exempted.



PERFORMANCE AND ENTERTAINMENT TAXES

A tax of 5% of the gross receipts are levied on all performances or entertainment. This 5% tax serves as the gross receipts tax for those functions.

The type of functions on which the tax is normally levied includes the following: horse races, boxing matches, motion pictures, cockfights, and circuses. However, if these were held by a recognized religious, civic, or other community organization and were not held for business or profit-making purposes, then the tax would not apply.

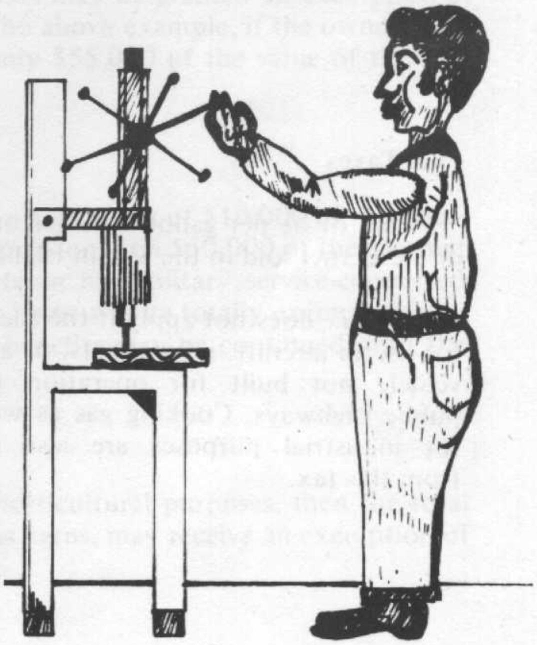
HOTEL ROOM TAX

A tax of 5% of the rental cost is levied on all guests of a hotel in the territory. The term "hotel" includes apartment hotels, guest houses, condominiums, boarding houses, residential clubs, and private clubs. If the hotel has less than three rooms then this tax does not apply.

The Hotelkeeper is required to collect this 5% room tax from the guest and hold it in trust for the government of the Virgin Islands. The Hotelkeeper is also required to file the room tax form and pay the appropriate fee with the government on a monthly basis.

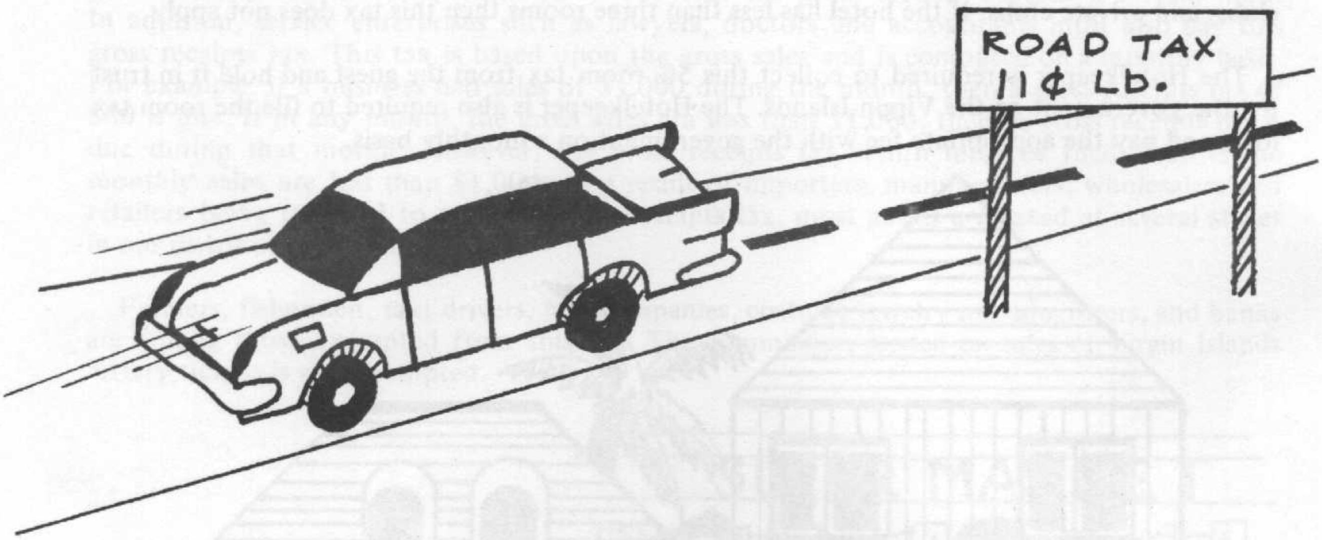
PRODUCTION TAX

A production tax is a specific fee levied on some measurable proportion of goods manufactured or processed in the Virgin Islands. For example, a tax of one cent (1¢) per yard is levied on woolen yard goods manufactured or processed in the Virgin Islands. This penny per yard tax applies whenever the amount of woolen material produced does not exceed a production limit called a "quota". Woolen material produced in excess of this limit or quota is levied a tax of 65¢ per yard.



The quota is determined by the Virgin Islands government and helps to provide for an acceptable commercial relationship between the levels of Virgin Islands and mainland productions. The initial tax of one cent per yard within the quota serves as a control device that monitors the amount of woolen yardages produced in the Virgin Islands. This is because producers are required to pay a tax on even low levels of production. On the other hand, the tax of 65¢ per yard beyond the quota will very likely render it not profitable to continue excess production.

HIGHWAY USER'S TAX (Road Tax)



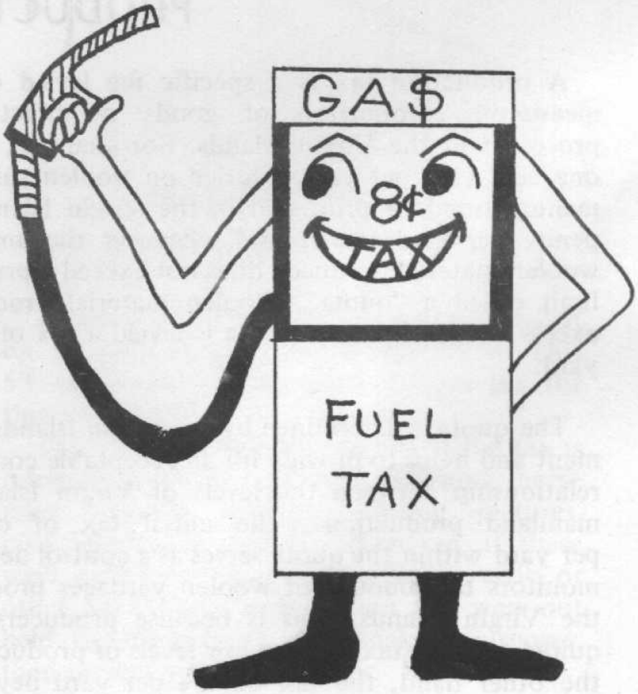
A tax is levied whenever a vehicle is brought into the Virgin Islands. This tax is based upon the weight of the vehicle. The rate is 11¢ per pound, with a minimum tax of $25.00.

Taxicabs and franchised buses are among those exempted from this tax. A vehicle may also be exempted from taxation if it was owned by a resident for two or more years before being imported.

Fuel Taxes

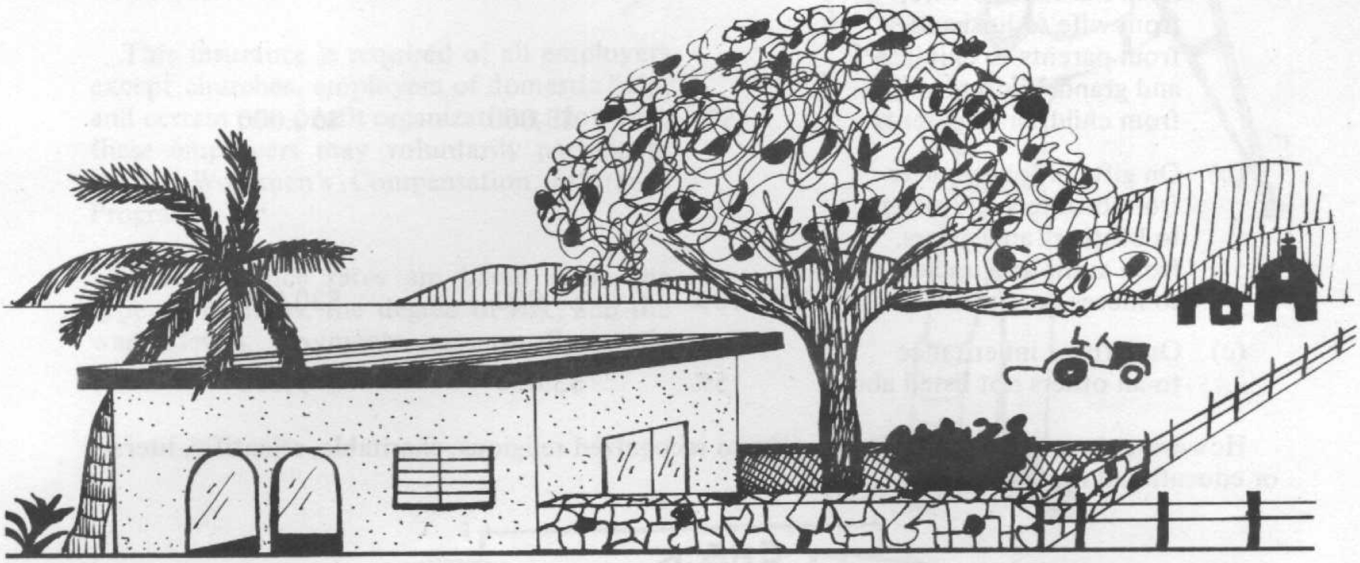
A tax of 8¢ per gallon is levied on gasoline or diesel fuel sold in the Virgin Islands.

This tax does not apply if the fuel was sold for use in aircraft, motorboats, or any motor vehicle not built for operation upon the public highways. Cooking gas as well as fuel for industrial purposes are also exempted from this tax.



REAL PROPERTY TAX

A tax of 1.25% is levied on the value of buildings and land areas in the Virgin Islands. This tax is levied on only 60% of the assessed value of the property. For an example, let us assume that the government's tax appraiser assesses a building to be valued at $100,000. The property tax due will be $750.00 or 1.25% of $60,000 ($100,000 x .60).



EXEMPTIONS

Homeowners

Homeowners who use their properties as living quarters may be granted an exemption of up to $5,000 of the assessed value of the property. In the above example, if the owners used the building as a home, then the tax will be levied on only $55,000 of the value of the building. The tax due will now be $687.50.

Veterans

If the homeowner is a veteran, the exemption goes to a maximum of $10,000 of the assessed valuation. Using the same example, the rate would apply only on $50,000 of the assessed value. Therefore, the tax would be $625.00. If the veteran has military service-connected disability, which is considered to be a 100% disability, his home will be totally exempted from property tax. In the event of the veteran's death, these benefits may be continued until the spouse remarries or dies.

Farmland

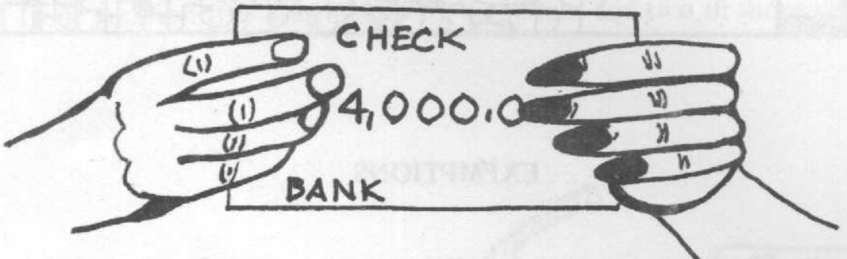
If the real property is being used for agricultural or horticultural purposes, then the total land areas, including structures related to farming, such as barns, may receive an exemption of 95% of the assessed value of the property.

GIFT AND INHERITANCE TAX

The transfer of property by gift or inheritance is taxed at a rate ranging from 5% to 15% depending upon the nature of lineal relationship of the partners in the transaction. The first $3,000 of a gift is exempted from taxation. In the case of inheritance, the exemptions vary from $5,000 to $50,000. The taxes are as follows:

	Tax	Allowable Deduction on Gift	Allowable Deduction on Inheritance
(a) On gifts or inheritances from husband to wife, from wife to husband, from parents to children and grandchildren, and from children to parents	5%	$3,000	$50,000
(b) On gifts or inheritances from brothers and sisters, to brothers and sisters, from aunts and uncles to nieces or nephews	10%	$3,000	$30,000
(c) On gifts or inheritance to all others not listed above.	15%	$3,000	$ 5,000

However, there is no tax levied on gifts to recognized religious, charitable, scientific, literary or educational organizations.

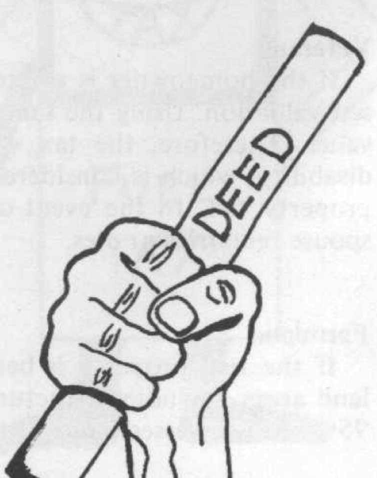


STAMP TAX

Certain real or personal properties such as buildings or land require a deed for their transferral. A tax of one percent (1%) is imposed on the value of such properties.

Certified copies of District Court documents are also levied a stamp tax. A tax of 40¢ is imposed on each judgment, order, or other document issued by the District Court of the Virgin Islands.

An additional fee may be charged for the cost of photocopying or notarizing documents. The funds collected go into the territorial treasury.



WORKMEN'S COMPENSATION

To provide for financial assistance in the event of employment-related accidents, Virgin Islands' employers are required to subscribe to the Virgin Islands Workmen's Compensation Insurance.

This insurance is required of all employers except churches, employers of domestic help, and certain non-profit organizations. However, these employers may voluntarily participate in the Workmen's Compensation Insurance Program.

The insurance rates are based upon the type of business, the degree of risk, and the wage levels. Payments are usually made annually or semi-annually.

UNEMPLOYMENT INSURANCE

Virgin Islands employers are currently required to pay an unemployment insurance fee of 4.4% on the first $6,000 of wages paid to each employee. This fee serves as an insurance premium to assist those who become unemployed.

The first 3.7% of this insurance fee goes toward the territorial unemployment insurance fund. The remaining .7% is paid to the Internal Revenue Service under the Federal Unemployment Tax Act (FUTA). A good experience rating or a low employee turnover rate may lower the unemployment fee for an employer.

Employers are required to pay this unemployment insurance tax whenever the employee's wages exceed $500 during any quarter.

TAX EXEMPTIONS AND SUBSIDIES

Virgin Island Businesses may apply for exemptions from local taxes or, in the case of federal taxes, for a refund on that part of the taxes remitted to the territorial treasury.

The government has a special program called "The Industrial Development Commission (IDC)" which handles requests for tax exemption on businesses. The IDC is organized to provide the economic inducements that might attract those industries to the Virgin Islands which contribute to the economic and social development of its people. The IDC may grant a firm up to 100% tax exemption from real property, gross receipts, and certain excise taxes. In addition, the IDC may grant up to 90% refund in customs duties and corporate income taxes. These exemptions or subsidies may be granted for a period as long as 20 years. Refunds are also granted to individual shareholders for taxes they pay on dividends from these tax exempt corporations.

The legislature, as the law-making body of government, can also grant tax exemptions.

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OTHER BOOKLETS

1. **Grain Sorghum and Forage: Production and Utilization Potential in St. Croix, U.S. Virgin Islands**
2. **Fruits and Vegetables: Production and Consumption Potentials and Marketing Problems in the U.S. Virgin Islands**
3. **Profitability of Beef Production in St. Croix, U.S. Virgin Islands**
4. **Profitability of Dairy Farming in St. Croix, U.S. Virgin Islands**
5. **Profitability of Poultry Production in the U.S. Virgin Islands**
6. **Profitability of Hog Production in the U.S. Virgin Islands**
7. **Potential Returns from Goat and Sheep Enterprises in the U.S. Virgin Islands**
8. **Marketing Potential for Livestock Products in the U.S. Virgin Islands**
9. **Virgin Islands Forestry Research — A Problem Analysis**
10. **Prospects for Growing Grapes in the U.S. Virgin Islands**
11. **Okra: A Beloved Virgin (Farmers Bulletin 1)**
12. **Sorghum in the Virgin Islands (Farmers Bulletin 2)**
13. **Native Recipes**

FACTSHEETS

1. **Vegetable Planting and Harvest Guide**
2. **Seeding Vegetable Crops**
3. **Growing Vegetable Slips**
4. **Transplanting Vegetable Crops**
5. **Mulch For Your Garden**
6. **How To Prepare Your Own Compost**
7. **Staking and Training Tomato Plants**
8. **Controlling Tomato Insects and Diseases**
9. **Non-Disease Tomato Disorders**
10. **Growing Spinach In The Virgin Islands**
11. **Controlling Nematodes In The Vegetable Garden**
12. **Propagation of Fruit and Ornamental Plants By Cutting**
13. **Propagation of Fruit and Ornamental Plants By Layering**
14. **Propagation of Fruit and Ornamental Plants By Grafting**
15. **Propagation of Fruit and Ornamental Plants By Budding**
16. **Fertilizing Your Garden For Optimum Yields**
17. **How Many Teaspoons is 5 Pounds Per Acre?**
18. **Organic Gardening: Soil Fertility**
19. **Organic Gardening: Pest Control**
20. **A Simple Home Drip Irrigation System**

These booklets are available free of charge by writing to the Extension Editor, College of the Virgin Islands, P.O. Box "L", Kingshill, St. Croix, U.S. Virgin Islands 00850. (Please request Factsheets by number.)

COLLEGE OF THE VIRGIN ISLANDS · 1962 ·

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Kwame Garcia

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