

The Virgin Islands Consortium

Senate Has Right To Amend Bills As It Sees Fit, Myron Jackson Says In Response To Mapp

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ST. THOMAS -- Senate President Myron Jackson, in his response to Governor Kenneth Mapp's statement accusing the 32nd Legislature of using bills that were different from what he transmitted to be heard during a special session called for May 10, did not deny that changes were made to the measures. Instead, Mr. Jackson reminded the governor that it's the Senate's duty to legislate, and that the body can and should change language as it sees fit.

"The bills that were provided to us were the governor's bills," Mr. Jackson told The Consortium in a phone interview on Tuesday. "The governor is not a senator; the governor may introduce legislation. It is the right of the Legislature to form the language

accordingly to the bills that are presented. The governor sent down a call to session on May 4, he sent down an amendment [to the Juan F. Luis Emergency measure to add the Schneider Regional Medical Center] on May 8, and he came with a substitute on May 9. Now, the governor sent down the letter and I will respond accordingly to the letter, but it is the right of the Legislature to change any language it deems appropriate for the bills that come down -- [the governor] could only introduce."

Government House said on Tuesday that the governor's chief legal counsel, Emile Henderson, compared the bills that Mr. Mapp transmitted to the Legislature against the bills that were introduced on the Senate floor on May 10.

"To my chagrin, the proposed bills prepared by Government House and submitted to the 32nd Legislature of the Virgin Islands were not the bills before the Legislature," Mr. Mapp said. "What is even more troubling is that the bills the Legislature numbered, authored as 'Request of the Governor' and subsequently voted to send to committees were not the proposals I sent to you and each member of the Legislature."

Mr. Jackson did acknowledge that the Senate may have made some technical errors while amending some of the bills, but he pushed back by stating that mistakes are made on both ends.

"Are we all perfect? No, we are not. The governor sends bills here all the time with technical errors and legal counsel has found other issues," Mr. Jackson said. He pointed to an apparent error that the Senate's legal counsel found in the measure that the governor forwarded to the Legislature that seeks to add anti-doping language to the horse racing bill, which passed the Senate last year during the 31st Legislature, and was signed into law by the governor. The same measure included language that would merge the St. Croix and St. Thomas districts' horse racing commissions into one; a move that would have been against the law, Mr. Jackson said, citing the Senate's legal counsel.

"As it relates to the Organic Act, the doping and the formation of the commission cannot be in the same bill, and thus it became separate," he said, pointing to yet another error in Government House's submissions.

Furthermore, Mr. Jackson said, the governor was preempted on the measure that seeks to acquire additional land to be used for Paul E. Joseph Stadium construction, as well as the anti-doping measure. The Senate's preemption rule gives introductory rights to the lawmaker who holds a measure with similar language over any bill that is introduced later. In essence, if a senator has a bill that has yet to be introduced that is indistinguishable to one being introduced later, the senator with the original measure can effectively block the new measure from being heard.

Tuesday was the first time, however, that Senate leadership had confirmed that it may have made errors while amending the Mapp measures. In last week's communication, Mr. Jackson only pointed to discrepancies in the bills made by Government House as reason for the inaction on the measures.

"The bills became problematic because of some errors. In some areas they were deficient, and we did our best to get them ready — we just did not have sufficient time to do what was necessary. But the best thing for us to do was to send them to committee,"

Mr. Jackson told The Consortium [last week](#).

Mr. Mapp encouraged Mr. Jackson to launch a review at the Senate, compare the drafts submitted by Government House to him and each Member of the Senate, to what was considered on the Senate floor and ultimately acted upon.

“Mr. President, this is a serious matter and this should not happen again. These errors substantially changed the content of or excluded language contained in my original proposals. The bills prepared by the Legislature’s legal counsel’s office now require extensive corrections before they can even be considered by the committees to which they were sent. Am I required to call another special session and submit my original submission of proposed bills for proper action by the Senate?” he asked.

But Mr. Jackson pushed back, again telling The Consortium that the Senate legislates and has the right to amend measures as it sees fit.