

The Virgin Islands Consortium

Senators Move To Rein In Governor Mapp On State Of Emergency Declarations

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ST. THOMAS -- Governors of the Virgin Islands may soon have to report to the Legislature in times of disasters, be it natural or man-made, when declaring a state of emergency more than twice, if a bill sponsored by Senator Tregenza Roach becomes law.

Today, senators who make up the Committee on Government Affairs, Veterans, Energy and Environmental Protection, chaired by Senator Samuel Sanes, supported [Bill No. 32-0185](#), which seeks to amend Virgin Islands Code, Title 23, Chapter 10, section 1005, that speaks to a governor's power during a state of emergency.

Currently, the powers afforded a governor by statute during a state of emergency are vast, including the authority to "suspend the provisions of any statute prescribing the procedures for conduct of territorial business, or the orders, rules, or regulations of any territorial agency." The governor may also utilize "all available resources of the territory," and can "transfer the direction, personnel, or functions of territorial departments and agencies or units thereof," among other powers.

The attempt to rein in the governor's state of emergency authority follows six state of emergency declarations by Governor Kenneth Mapp. Senators have argued that they've remained uninformed about the territory's state of affairs during the 10-month period after Hurricanes Irma and Maria. Mr. Roach said that as part of the bill, representatives of the governor would have to update lawmakers on progress before a final determination can be made to extend the declaration.

And [last week](#), House Natural Resources Committee Chairman Rob Bishop, R-Utah, and House Judiciary Committee Chairman Bob Goodlatte, R-Va, wrote a letter to the governor seeking clarification on the continued state of emergency declarations, and on language the Congressmen believe violates Second Amendment rights.

According to the bill, once the governor has twice called for a state of emergency, each lasting 30 days, "the governor shall submit legislation to the Legislature requesting an extension of the state of emergency. The request must include the specific reasons for the extension, the time-period of the extension, and a plan of action to address the conditions that necessitate the extension of the state of emergency. All subsequent requests for an extension must be submitted to the Legislature before the expiration of the extension that is in effect. The Legislature shall consider a request for an extension of the state of emergency not later than five days after its receipt. If the Legislature fails to consider the request within the five-day period, the state of emergency is automatically extended for an additional 30 days."

"I know my colleagues have encountered the reality when our constituents ask why are we're still under a state of emergency," said Mr. Roach while introducing the bill. "Why in a new hurricane season, why 10 months or more after [Hurricanes Irma and Maria] have passed are we still in a state of emergency? I don't generally have an answer; I don't know what you all tell them."

"The idea behind the bill is that it gives the legislature an opportunity to have the governor or his representatives say to the body what has occurred during the state of emergency, the actions that have been taken, and the actions that remain to be done which requires an extension of the state of emergency," Mr. Roach added. "This is about us, this is about the body. This is about the role of the Legislature and even in regards to the representatives of the governor when they tell us pointblank that they're not coming to hearings. And there are actions that are taken that continue to undermine the role of this body."

Mr. Roach stressed that the bill does not intend to take away the governor's authority of declaring a state of emergency. "I think it's very important to say that that authority remains intact, the renewal of a state of emergency remains intact that he can do it," he said. "But any where after a period of two months of whatever event that triggered that state of emergency, the governor must present a case to the Legislature why this must

be so."

Testimony provided by the Virgin Islands Territorial Emergency Management Agency Director Mona Barnes, read by V.I.T.E.M.A. Deputy Director of Planning & Preparedness Denise Lewis, as Ms. Barnes was off-island, vehemently opposed the measure.

"V.I.T.E.M.A. strongly opposes Bill No. 32-0185. This bill may unintentionally have an adverse effect on response efforts during an emergency. It is the agency's position that placing another level of approval to extend a state of emergency during a time of crisis may delay the ability to make extremely critical decisions on behalf of the residents of the U.S. Virgin Islands," reads the testimony.

Senator Marvin Blyden, a co-sponsor of the measure, said the bill seeks to give the Legislature a say in matters of the territory during disasters. "This bill is not about power, it is not about this governor in particular. It is about our role as legislators and this body as a whole when it comes to the state of the territory and emergencies," he said.

Senator Janette Millin Young said members of the community were questioning whether corruption influenced the declarations. "They're starting to question whether there may be instances of corruption. I don't want to believe that there is any corruption. But who am I -- speaking from the outside just like the general public -- to say whether anything funny is going on," she said.

Myron Jackson, another sponsor of the measure, highlighted the bipartisan support the measure enjoyed as a sign of its necessity and the consensus on the matter. "The Legislature sees wisdom in this piece of legislation," he said.

All senators who were present -- Mr. Blyden, Jean Forde, Alicia Hansen, Mr. Roach, Ms. Millin Young and Mr. Sanes voted in the affirmative. Senator Nereida Rivera-O'Reilly was absent.