

The Virgin Islands Consortium

Mapp Vetoes Bill Seeking To Curtail His State Of Emergency Declaration Power

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Governor Kenneth Mapp has vetoed a bill that sought to drastically limit the amount of times a governor can declare a state of emergency unilaterally, contending that approval of the measure, whose chief sponsor is Senator Tregenza Roach, would hamper the territory's recovery efforts.

"This measure is irresponsible; it reeks of politics," the governor wrote in his [transmittal letter](#) to Senate President Myron Jackson. "The Virgin Islands of the United States remains under a Presidential State of Emergency. The Presidential State of Emergency exists so federal agencies can respond and assist the people of the Virgin Islands in a more responsive and timely manner. The Virgin Islands' State of Emergency exists so

that we can expedite the procurement process and response to federal imposed cost share deadlines."

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 more than 8 declarations by the governor since the 2017 storms. Senators have argued that they've remained uninformed about the territory's state of affairs during the months following the hurricanes.

Mr. Roach has 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.

But in the transmittal letter to Mr. Jackson, the governor said the measure was an unnecessary roadblock in the way of the territory's recovery, as, according to Mr. Mapp, it would only snail the process. "While I understand the need of some members of the Legislature to ask for a 'go slow' process, this adds no benefit to the recovery of the territory... this measure will only result in delaying the executive branch's immediate response to disasters and increase the territorial cost as we rebuild," Mr. Mapp said.

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.”

Senators will surely attempt an override, but it remains to be seen whether such a move will garner the support of enough lawmakers to be successful.

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