

The Virgin Islands Consortium

Mapp Must Now Get Senate Approval Before Extending State Of Emergency

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Lawmakers during a Friday Senate session overrode Governor Kenneth Mapp's veto of [Bill No. 32-0185](#), sponsored by Senator Tregenza Roach, a lieutenant governor candidate on the Democratic ticket. The measure, now law, drastically limits the amount of times a governor can declare a state of emergency unilaterally.

Mr. Mapp will now need to seek Senate approval before extending the state of emergency past October. The bill's sponsor had argued that the vast powers afforded a governor following a disaster declaration should not go unchecked for so long, in Mr. Mapp's case over a year.

The powers given a governor by statute during a state of emergency are immense. They include 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.

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.”

In announcing [his veto of the measure in September](#), the governor decried the bill as politically driven. “This measure is irresponsible; it reeks of politics,” Mr. Mapp 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.”

With the veto now overridden, senators' complaints that they were left uninformed about to the territory's state of affairs during the months following the hurricanes, should now be allayed, as the new law mandates that representatives of the governor update lawmakers on progress before a final determination can be made to extend an emergency declaration.

“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 in July. “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.”

Both sides could attempt to use the new law to their advantage ahead of the November 6 general election. Mr. Mapp could argue that the Bryan-Roach team is stymieing the

territory's recovery progress, a talking point that could resonate with voters wary of government bureaucracy.

On the other hand, Mr. Bryan and Mr. Roach could argue that checks and balances are needed when billions of dollars are flowing into the territory, to ascertain that the job of recovery is actually accomplished, and that the bill was necessary for transparency.

The Nov. 6 general election is only 24 days away.

Feature Image: Governor Mapp met with President Trump and wife Melania on October 3, 2017, to discuss the territory's recovery efforts following the destructive storms Irma and Maria.

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