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As State of Emergency Automatically Extends For Third Time Because of Senate's Failure to Act, Lawmakers Mull Repeal of 2018 Law

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Governor Albert Bryan's request to the 34th Legislature to approve an extension of the state of emergency declaration due to Covid-19 from March 11 to April 10, was met with robust, emotional, and passionate discussion on Friday.

The request, which was again automatically extended because of the Senate's failure to act, was the final item for discussion for the Committee of the Whole. The meeting focused mainly on rezoning requests.

The state of emergency deliberation began with Senator Alma Francis-Heyliger seeking clarity on the difference between the request and the executive order signed by Mr. Bryan on March 6.

Though it was explained that the two are different but ultimately have the same objective, other senators used the occasion to express their objection to the request process which is a direct result of clauses in Bill No. 32-0185. The bill was passed in 2018, vetoed by then-Governor Mapp and overridden by lawmakers at the time. The legislation was proposed by then-Senator Tregenza Roach.

On Friday, lawmakers appeared to take issue with, among other things, the automatic renewal of the state of emergency after five days of no Senate action. Senator Kenneth Gittens, who openly objected to Bill 32-0185, gave the assurance that it will be repealed in the future. Speaking directly to all committee members, he said the day's discussion was mute because five days had passed.

"This will be the third extension of the state of emergency because of a lack of action from this body and we can't continue to kick the can down the road," he said. "I have been saying over and over that we need to repeal what was done in the 32nd Legislature and at the next session that repeal will be there because this is costly to the people of this territory..."

According to Bill No. 32-0185, 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."

Lawmakers in 2018 were attempting to rein in Governor Mapp, who they said was abusing his authority by continually extending the state of emergency. At the time, Mr. Mapp said the extensions were needed as the territory was still addressing the massive hurricane disasters of 2017. The governor vetoed the bill, [but senators overrode it](#) and the measure became law.

Mr. Mapp railed against the bill. "This measure is irresponsible; it reeks of politics," Mr. Mapp wrote in his [transmittal letter](#) to then-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."

On Friday, Senator Franklin Johnson, who in 2018 served as Mr. Mapp's advisor, also criticized the bill. "This should have never happened if you ask me, that is my opinion... There was a veto by the then-governor and an override by seven Democrats and four independents... those are the facts, that is why we are here today. We should not have to be here, and we are a day late because it automatically rolls over," he said.

Mr. Gittens said the Legislature can't keep going to St. Thomas every 30 days or every 25 days to set a state of emergency.

Other lawmakers, including Sens. Donna Frett-Gregory, Marvin Blyden, Kurt Vialet and Novelle Francis admitted that there are some concerns with the legislation, but they reminded lawmakers that it's currently the law and therefore the Senate must comply until it is changed.

