

BILL NO. 35-0268

Thirty-Fifth Legislature of the Virgin Islands

April 25, 2024

An act amending title 23 Virgin Islands Code, chapter 10, subchapter I relating to a declaration of a state of emergency by the Governor and matters related thereto

PROPOSED BY: Senators Alma Francis Heyliger, Dwayne M. DeGraff,
Franklin D. Johnson, Marvin A. Blyden, Donna A. Frett-Gregory,
Novelle E. Francis, Jr., Angel A Bolques, Jr., Ray Fonseca,
Diane T. Capehart, Kenneth L. Gittens, Milton E. Potter, and
Samuel Carrión

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 23 Virgin Islands Code, chapter 10, subchapter I is amended in the following instances:

(a) Section 1004, subsection (a) is amended by re-designating paragraphs (3)-(14) as paragraphs (4)-(15) and inserting a new paragraph (3) to read as follows:

“(3) “man-made catastrophe” means a disaster created or caused by deliberate or negligent human actions.”

(b) Section 1005 is amended as follows:

(1) Insert the following language after the last sentence in subsection (b):

“The Governor shall submit written notification to the Legislature of any actions taken under this subsection not later than 10 days after the action is taken.”

1 (2) Subsection (d) is amended by inserting the following language after the
2 second sentence:

3 “The members of the Legislature may meet on their own initiative and may,
4 by a two-thirds majority vote, terminate a state of emergency declared by the
5 Governor.”

6 (3) Subsection (g), paragraph (2) is amended by striking “Utilize” and inserting
7 “Except as provided in subsection (h), utilize”

8 (4) Strike subsection (h) and insert a new subsection (h) to read as follows:

9 “(h) The Governor shall obtain legislative approval for any expenditures of
10 government funds in response to emergencies or major disasters resulting from
11 man-made catastrophes. The Legislature shall consider the request to expend
12 government funds not later than five days after its receipt. If the Legislature fails
13 to consider the request within the five -day period, the request to expend
14 government funds is automatically approved.”

15 **BILL SUMMARY**

16 This Act amends title 23 Virgin Islands Code, chapter 10, subchapter I, section 1004 by
17 defining the term “man-made catastrophe”, and section 1005 by amending subsection (b) by
18 requiring the Governor to submit written notification to the Legislature of any actions taken
19 under subsection (b) which section allows the Governor to take any measures during an
20 emergency or major disaster that the Governor deems appropriate to effectuate any request of
21 the President and appropriate federal officers and agencies for any action requiring emergency
22 management coordination and cooperation; subsection (d) by allowing the Legislature, by a
23 two-thirds majority vote, to terminate a state of emergency declared by the Governor; and

subsection (h) by striking the existing language which allows the Legislature to limit or modify certain powers granted to the Governor in a state of emergency, and inserting a new subsection (h) requiring the Governor to obtain legislative approval for any expenditures of government funds in response to emergencies or major disasters resulting from man-made catastrophes. The Legislature must consider the request to expend government funds not later than five days after its receipt. If the Legislature fails to consider the request within the five -day period, the request to expend government funds is automatically approved.

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