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Senate Struggles to Assert Independence From Bryan, Admits Electric Bills Must be Paid

"We Are Not Weak": Senators assert their strength in the face of the Governor's unilateral decisions, even as they align on fiscal responsibilities

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L2r: Senators Alma Francis Heyliger, Samuel Carrion, Milton Potter, Marvin Blyden, Novelle Francis, Carla Joseph, Donna Frett-Gregory, Dwayne DeGraff, and Ray Fonseca. By. V.I. LEGISLATURE

Members of the 35th Legislature on Tuesday held a press conference at the Earl B. Ottley Legislative chambers, an event meant to show a united, strong stance against what lawmakers perceived as Governor Albert Bryan's hasty, unilateral decision to declare a WAPA-related state of emergency.

But the press briefing turned into an exercise that brought to the fore cracks in the body's attempt at a common position against Governor Bryan on the WAPA issue.

The event was also simulcast at the Legislature on St. Croix. It saw several senators — among them Senate President Novelle Francis, Finance Chair Sen. Donna Frett-Gregory, Minority Leader Sen. Dwayne DeGraff, and Majority Leader Sen. Kenneth Gittens — all providing comment rebuking Mr. Bryan's decision to use at least \$11 million from the Budget Stabilization Rainy Day Fund to pay WAPA suppliers and electric debt owed to the authority from the Juan F. Luis Hospital, the Schneider Regional Medical Center, and the V.I. Waste Management Authority. The debt obligation included \$2.3 million owed to Aggreko, which eliminated a looming threat of rotating power outages on St. Croix.

The senators chastised Mr. Bryan for announcing the state of emergency, and Sen. Francis contended that he only declared an emergency to circumvent legislative approval. The Consortium pointed out to Mr. Francis that a full day had passed since the emergency declaration, yet the Senate's legal counsel had not issued an opinion on whether Mr. Bryan was contravening local law by utilizing the rainy day fund through the declaration. "There are some issues that need to be further researched and a determination made," he said.

Sen. Frett-Gregory rhetorically questioned what would happen after WAPA was yet again provided with millions, the notion being that the authority would, like it has done in the past, return seeking more funding. The Consortium pointed out that the current crisis would not have been if the government entities had been making their payments to the utility. Frett-Gregory agreed. "I agree with you," she said, before pointing out that several government departments and agencies are in debt to the hospitals — Dept. of Labor and the Bureau of Corrections among them. She also pointed to [boarders currently at the territory's hospitals](#) costing the facilities. "The hospitals in particular, if we are going to start taking their allotments to pay their utility bills, then in fact we should be doing likewise to those departments and agencies who are responsible for paying the hospitals providing services to them," she said.

Pressed on the idea of the government holding all the departments and agencies to account in regards to their utility bills, Frett-Gregory stated, "I concur, and there are things that we have to contemplate when it comes to the Waste Management [Authority]. This body created the Virgin Islands Waste Management Authority; it used to be a part of Public Works, and we also have to take responsibility, so I agree with you because the Waste Management was never properly funded. There are some things that need to occur with Waste Management," she said. WMA's existence as a standalone entity has long been debated, but Frett-Gregory said lawmakers have steered clear of taking action because residents would have to pay for garbage collection. "When you look across the globe, in the world, trash is not free. So there are things and tough decisions that we have to make as a territory. We either do that or we figure out how to generate new revenues — not on the backs of the people — new revenues coming into the territory so we could take care of all these agencies," she said.

Asked if the Senate would finally take action in the area of WMA and create other revenue-generating avenues to deal with the territory's financial woes, Mr. Francis said consideration is being given to creating a single-payer system for WAPA similar to that of the central government agencies. This system would mandate that funds appropriated to government arms through the executive budget would be set aside to pay WAPA. However, Mr. Bryan in December asked the Senate to move legislation for this system, and it hasn't happened.

Asked if the Senate is being seen as weak if the Office of Management and Budget and the Dept. of Finance could reject an invitation to testify based on the governor's state of emergency declaration, and the Senate's press event yesterday essentially being held to speak instead of taking any material action, Mr. Francis rejected the assertion.

"We are here because we want the community to understand that the Legislature has a perspective," he said. Asked if subpoenas would be issued, Mr. Francis did not have a clear response. He said the Senate's hearing today and upcoming session on Thursday would yield actions based on the hearing's outcome.

"When the elephants fight the grass gets trampled," he said, utilizing a proverb suggesting that when the powerful engage in combat, the weak are negatively impacted. "We want to make sure that we are collaborating with the executive branch because we need that information in order to make that informed decision."

He added, "We are not weak at all. There is a mechanism that has been put in place that you can circumvent for a period of time, but certainly you need us, so at some point we'll be able to reel this in and be able to get these individuals here to be accountable for it."

Mr. Francis further stated that "real action" from the Senate will be seen today, "when we're able to hear from those stakeholders, then at session on Thursday where we will put in place what we believe will be an accountable, responsible, legislation to replenish [the Budget Stabilization Rainy Day fund]."