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Senators Move to Provide WAPA With Funding, Pass Bill To Rein In Power of Governor

Lawmakers authorize funds to cover WAPA's obligations and introduce checks on gubernatorial powers during emergencies

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Bill from Senator Alma Francis Heyliger empowers the Legislature to void an emergency declaration with a two-thirds majority By. V.I. LEGISLATURE

In an emergency legislative session punctuated by two lengthy recesses, the territory's lawmakers passed three bills. One authorizes central government to cover the Water and Power Authority's current obligations, another re-appropriates funds to pay current year WAPA bills for the territory's two hospitals and the Waste Management Authority. The third adds a category to state of emergency classifications, and seeks to insert some measure of legislative oversight over the process.

Senate President Novelle Francis began Thursday's emergency session by acknowledging that the consequences of not keeping WAPA "solvent and operational" would be "devastating to our residents, businesses and the economy." Every senator, he said, "is aware of their ... responsibility to do all that we can to support WAPA." He maintained that it remains imperative, however, to keep the authority accountable.

Chair of the Committee on Budget, Appropriations and Finance Senator Donna Frett-Gregory then special-ordered two measures to the day's agenda. The first, Bill 35-0266, would re-appropriate funds to cover the current year obligations of the Schneider Regional Medical Center, the Juan F. Louis Hospital and Medical Center, and WMA to WAPA. Instead of repaying a \$6 million loan to the government, Senator Alma Francis Heyliger explained, WAPA would issue a credit to each of the three entities.

During discussion on the measure, Senator Ray Fonseca disclosed that SRMC would be credited just over \$2 million while JFL would receive slightly more than \$3.6 million. In addition to their credit from WAPA, Schneider Regional will also receive a contribution from the Department of Health. "They are now going to be charging the Department of Health \$263,000," Senator Fonseca said. "The Department of Health is going to be required to negotiate an agreement for that." That figure was the amount that SRMC CEO Tina Commissiong had [suggested the DOH pay](#), based on DOH's occupation of 6 percent of the hospital's square footage. Mr. Fonseca declared that while WAPA has a long way to go, Bill 35-0266 would "help improve and get them going on track."

Bill 35-0267, meanwhile, authorizes the Government of the Virgin Islands "to use the budget stabilization fund to pay current WAPA obligations." The money used, said Frett-Gregory, would be replenished "based on the revenues that we had projected and now would have collected." Additionally, the executive branch would be expected to remit information to the Legislature at the end of the fiscal year detailing expenditures and revenues, so that the numbers could be tallied and reconciled. With this in place, "we could make some decisions around our outstanding obligations," Frett-Gregory said, arguing that the government has until now continuously failed to plan and budget around outstanding obligations.

Both bills received resounding support from all 12 senators present. Several touted the level of teamwork that went into crafting these short-term solutions on behalf of WAPA. Senator Alma Francis Heyliger described Bill 35-0266 as a "wise decision," and remarked that Bill 35-0267 was a "necessary evil." For Senator Samuel Carrion, "the time for blaming and pointing fingers has passed." He referenced making decisions that were in the "best interest" of Virgin Islanders.

However, Frett-Gregory pointed out that neither measure was a fix for WAPA's perennial challenges related to collecting from delinquent institutional customers, nor would they address deeper deficiencies within the "failing utility system." She urged her colleagues to stay focused on the WAPA problem, declaring that the work "we are doing today should not end here."

The final piece of legislation, Bill 35-0268, was added to the agenda by Senator Francis Heyliger. "Sometimes laws are being used to usurp the authority of this institution," she argued, explaining that the measure seeks to amend the powers of the governor under a state of emergency declaration. The draft legislation adds new language to Title 23 Chapter 10 of the VI Code, designating a "manmade catastrophe" as "a disaster created or caused by deliberate or negligent human actions." In the event of a manmade disaster, the governor would be required to submit to the legislature written notification of any actions taken to address the situation within 10 days of the actions in question. The legislature would also be empowered to void an emergency

declaration with a two-thirds majority.

Senator Franklin Johnson expressed his belief that Governor Bryan tries to “look at ways to circumvent and avoid coming to this body,” and praised his colleagues for coming up with a solution “that will bring him to the table.” Senator Kenneth Gittens told his colleagues he was “eager” to support the bill, citing a need to end what he called “rogue behavior.” That bill, and the two others passed on Thursday, now sit on the governor’s desk pending approval. Having all been unanimously passed by the 12 senators present, the measures seem to enjoy a veto-proof majority.

In the context of the current environment, with major private sector customers including supermarkets and shopping centers “jumping off the grid” while fuel, transportation, and operational costs remain high and growing, lawmakers seemed willing to confront the stark reality facing the territory, especially in the face of the utility’s over \$300 million debt. “This government has to subsidize WAPA,” Senator Novelle Francis summarized.

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