

Image not found or type unknown

Bryan Vetoes Emergency Session Bills as Legislative, Executive Branches Clash Over WAPA Solutions

Unanimous passage of bills suggests legislators may challenge governor's decisions

WAPA / **Published On May 10, 2024 06:22 AM /**

Janeka Simon **May 10, 2024**

Image not found or type unknown



On Wednesday, Governor Albert Bryan Jr. vetoed the three pieces of legislation that emerged from [last month's emergency legislative session](#) that was convened to deal with the Water and Power Authority's urgent financial needs.

Bills 35-0266, 35-0267, and 35-0268 were all rejected by the governor, who said in a statement that executive authority must be preserved as must the financial stability of the territory.

Bill 35-0266 sought to re-appropriate funds from a previous \$6 million loan to WAPA to cover the current year obligations of the Schneider Regional Medical Center, the Juan F. Louis Hospital

and Medical Center, and the Waste Management Authority to the utility company. Instead of repaying the loan, the measure would make WAPA issue a credit to each of the three entities. "This bill does not address the immediate financial needs of the Virgin Islands Water and Power Authority, which requires cash to continue operations and prevent service disruptions," Governor Bryan responded, as he vetoed the measure, arguing that if enacted, the bill would "place WAPA in a worsened financial position." He has already ensured that the outstanding bills from the three entities are paid, which has provided WAPA with the funds needed to maintain its operations.

Mr. Bryan says Bill 35-0267 is redundant, as a state of emergency — which he recently declared to address the WAPA crisis — already allows access to the Budget Stabilization Fund. The measure, which includes language compelling the executive branch to remit information about the fund to the Legislature at the end of the fiscal year detailing expenditures and revenues for tallying and reconciliation purposes, is a reactive one, according to the governor. "My administration has been proactive in funding the Budget Stabilization Fund since 2020, reinforcing our commitment to fiscal responsibility and readiness for emergencies," he remarked.

The final bill, which seeks to guide the actions of the governor in the event of an emergency due to a "manmade catastrophe", was also deemed unacceptable to Governor Bryan, as it would "dangerously limit" the executive branch's ability to respond quickly to emergencies, he said. The imposition of "cumbersome legislative contemplative action on emergency expenditures and operations," said Governor Bryan, referring to a reporting requirement contained in the bill, would not only "hinder timely and effective response to crises," but also pose "a direct threat to public safety."

On Thursday afternoon, Senator Kenneth Gittens, who has pushed for several reforms to WAPA that [have been vetoed](#) by Governor Bryan, responded to the latest raft of rejections from the governor's desk.

"It is quite sad that more than half the territory remains without power today, while the governor is vetoing legislation to help WAPA and describing senators' concerted efforts as 'knee jerk statutes,'" Mr. Gittens wrote in a statement issued to the press.

He noted the numerous funding appropriations made, hearings held, and pieces of legislation passed in an effort to stabilize WAPA over the past six years, and lamented the resistance from the executive branch. "Our legislation to help fix WAPA has been vetoed and fought in court. We have had to subpoena documents and officials," said Sen. Gittens, despite efforts to collaborate on a solution to the rolling WAPA crisis. "We have granted this administration just about every request it has made in regard to WAPA, as keeping this utility up and running could not be more critical," Mr. Gittens declared.

Even as lawmakers now confer on next steps, Sen. Gittens called for a collaborative approach to solving WAPA's pressing issues and chided the executive branch for its unilateral actions. "The Legislature must have a say in spending government funds and not be notified after the fact. We should be working collectively as we are ultimately responsible for the government's purse strings," he said.

With the vetoed measures having passed unanimously at the April 25 legislative session, the governor's vetoes seem likely to be overridden if the 35th Legislature is minded to do so. However, that would then set the stage for a challenge in court, [as is currently occurring](#) over previous legislation which changed the composition of WAPA's board.

