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## Power Crisis State of Emergency and Elected AG Bill Defeated in Final Legislative Session

**With WAPA's state of emergency expiring and the push for an elected Attorney General denied, lawmakers wrapped up 2024 with critical votes reflecting sharp disagreements on governance and accountability**

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**An aerial view of WAPA's Richmond Plant in Christiansted, St. Croix. By. ERNICE GILBERT, V.I. CONSORTIUM**

A power crisis at the Water and Power Authority prompted Governor Albert Byran Jr. to declare a local [state of emergency in April 2024](#) to — among other things — pay urgent attention to stabilizing WAPA's finances. However, even while WAPA says that it is still walking a fiscal

tightrope, lawmakers decided that the SOE will not continue into 2025. Senators rejected a further extension during the year's final legislative session.

In 2024, the heavily indebted water and electricity provider was often unable to provide continuous power generation throughout the territory. As components failed and fuel levels remained low, both unplanned and anticipated rolling blackouts became commonplace. Establishing the state of emergency allowed the Government of the Virgin Islands to tackle these challenges head-on, and an established incident command provided consistent guidance on the way forward for WAPA.

Since April, Governor Bryan and the WAPA team have requested that the Legislature authorize the extension of the state of energy emergency on several instances. Their most recent appeal was made in [October](#) when WAPA's chief executive officer Karl Knight told lawmakers that "the ability to keep the power on on any given day is a challenge for the Water and Power Authority." At the time, eight lawmakers, a slim majority, voted in favor of an extension. That extension, according to Act 8931 however, is set to expire on Friday December 20, 2024.

One week before Wednesday's legislative session, Government House communications director Richard Motta was pressed on the status of the state of emergency. "I don't have a specific update as to whether that will be extended," he replied at the time. "If there is an extension that's required for whatever reason, we'll go through the process and we'll request that approval from the members of the 35th Legislature."

The members of the 35th Legislature did not oblige. When Bill 35-0429 – introduced by Senator Angel Bolques and requesting a thirty-day extension of the SOE – reached the floor it failed, albeit by a slim margin.

Senators Alma Francis Heyliger, Dwayne DeGraff, Carla Joseph, Kenneth Gittens, Marvin Blyden, Ray Fonseca, and Samuel Carrion all voted against the measure that sought to extend the SOE to January 20, 2025. Affirmative votes were cast by Senators Diane Capehart, Milton Potter, Novelle Francis, Donna Frett-Gregory, Marise James, and bill sponsor Bolques. Senators Javan James and Franklin Johnson were not present to cast votes in either direction, and the motion was defeated 7 to 6.

With the state of emergency set to end in one day, attention will now turn to the actions of the executive branch.

Bill 35-0429 was not the only proposed legislation to fail on Wednesday. Senator Alma Francis Heyliger, as promised after being re-elected to the Legislature, continues to persist in her mission to petition the United States Congress to authorize the people of the Virgin Islands to elect the Attorney General for the territory, a request contained in Bill 35-0248. The measure was [killed by her fellow lawmakers](#) when it was introduced earlier this year; and again in October following Senator Francis Heyliger's unsuccessful attempt to special order the bill to the Legislative floor. Undaunted, the independent legislator again tried to add the measure Wednesday's agenda.

She received backing from Senators Dwayne DeGraff, Ray Fonseca, Samuel Carrion, and Marvin Blyden – a marked improvement from the October session when only Senator DeGraff supported her cause. However, Senator Francis Heyliger could not convince senators Donna Frett-Gregory, Marise James, Novelle Francis, Kenneth Gittens, Angel Bolques, Diane Capehart, and Milton Potter to support her. Senator Carla Joseph abstained from the vote, and Senators Javan James and Franklin Johnson were absent from the session.

A tense moment followed the bill, as Frett-Gregory remarked that Francis Heyliger had failed to circulate Bill 35-0248 despite it having not been amended in any way since the last Legislative session. “I have attempted to special order this piece of legislation about four or five times,” explained Francis Heyliger. “Because I have done this on several occasions, many of my colleagues told me 'do not give me any more copies'...So I find it very ironic that now, after it's already completed, we're hearing this story,” she shot back.

Frett-Gregory, meanwhile, had more luck in her final hours as a lawmaker. She successfully rallied support to override the governor's [veto of Bill 35-0403](#), which dealt with the issue of [abandoned and derelict vehicles](#). The outgoing legislator was also successful in overriding Lieutenant Governor Roach's [veto of Section 3 of Bill 35-0412](#), now Act 8954. The now-reinstated section was objected to by Government House over claims that it restricted the Governor's ability to respond to emergencies. Governor Bryan will be formally notified of the Legislature's decisions.

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