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Bryan Vetoes Bill Calling for Oversight of WAPA, Citing Separation of Powers Doctrine

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Governor Albert Bryan has vetoed a number of consequential measures that senators approved recently, including a measure that sought to create an oversight committee to manage the V.I. Water and Power Authority. On his decision, Mr. Bryan cited the Revised Organic Act of 1954 and the Separation of Powers Doctrine, and he blasted the senators for what he said was an overstep of their boundaries.

Bill 33-0211, which seeks to ensure that members of the Public Services Commission (PSC), which regulates WAPA and other utilities, have a level of expertise in an area specific to their duties, was vetoed.

Bill No. 33-0346, an Act establishing a new management board for WAPA named the Management and Oversight Review Committee, was vetoed as well.

The governor also vetoed Bill No. 33-0210, an Act amending V.I. Code by establishing a minimum criteria for the Virgin Islands Water and Power Authority Governing Board and changing the amount of board members.

In his transmittal letter to the 33rd Legislature, Mr. Bryan said the senators, with these measures, overstepped their authority and violated the Revised Organic Act. He also pointed to the Separation of Powers Doctrine, which refers to the division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another.

"In each of these bills the Legislature is attempting to usurp and hamper the governor's appointment power or impose direct Legislative control over the departments, bureaus, agencies, and other instrumentalities of the Executive Branch without the authority to do so," Mr. Bryan wrote. "Each of the four submitted bills proposes changes and new compositions as well as criteria for governing executive departments, instrumentalities, or boards."

The fourth measure Mr. Bryan was referring to is Bill No. 33- 0343, an Act to amend Title 19 of the Virgin Islands Code establishing minimum criteria for members of the Virgin Islands Government and Health Facilities Corporation Board, decreasing the number of its members, and increasing the stipend of its board members.

"I object to the Legislature's actions and tactics through these bills to usurp the clear executive branch authority and will take legal action against any violation of the ROA and the Virgin Islands law, if necessary. To allow this intrusion by the Legislature into the executive branch of Government would open the door to the gradual erosion of the restraints engendered by the doctrine of Separation of Powers," Mr. Bryan wrote. "There would be no logical termination point to the Legislature's power to give advice and consent. This was not the intention of the Framers of the Constitution nor Congress in promulgating the Revised Organic Act."

Senator Donna Frett-Gregory, a chief sponsor of the measure that sought to create an oversight committee for WAPA, said she was deeply concerned with the veto. "My colleagues and I crafted several WAPA-related measures that were all vetoed by the Governor for one reason or another, including Bill No. 33-0346, my joint legislation along with two of my colleagues to bring much needed oversight to the Authority. This measure was crafted well over a year ago in response to WAPA's deeply rooted issues," she said. "WAPA has proven to be a nightmare to many residents and it would be irresponsible for this Legislative body to stand idle. The Senate has oversight responsibilities, and it is our sworn duty to ease the burden of residents—with WAPA being a primary and prevalent issue. While I am deeply concerned by the Governor's veto, I hope to sit down with his team alongside my colleagues to find alternative solutions that benefit the people of this territory."

Senator Kenneth Gittens said, "I am very disappointed about these vetoes, given that this proposed legislation represented a concerted effort to enforce real and much needed change at WAPA and I have begun discussions with my colleagues as to how we can best proceed under the circumstances."