

BILL NO. 35-0429

Thirty-Fifth Legislature of the Virgin Islands

December 18, 2024

An Act extending the State of Emergency in the Virgin Islands based on the power and energy crisis for an additional 30 days from December 21, 2024, through January 20, 2025

PROPOSED BY: Senator Novelle E. Francis, Jr. by Request of the Governor

WHEREAS, title 23 Virgin Islands Code, section 1005(a), vests the responsibility for meeting the dangers to the Territory of the Virgin Islands and its people presented by emergencies or major disasters in the Governor of the Virgin Islands;

WHEREAS, for months leading up to April 2024, the inability of independent government agencies to timely pay the Water and Power Authority (WAPA) for its services impacted WAPA's ability to pay its critical vendors, resulting in curtailing of power generation;

WHEREAS, on April 22, 2024, the Governor issued Executive Order 537-2024, declaring a State of Emergency to avert an emergency crisis in the United States Virgin Islands;

WHEREAS, the Governor found it necessary to extend the State of Emergency on May 22, 2024, for an additional 30 days through Executive Order 537a-2024 to protect the lives and property of the residents of the Territory;

WHEREAS, on June 14, 2024, the Governor requested an additional 90-day extension from the Legislature of the Virgin Islands; and

1 **WHEREAS**, on June 27, 2024, the Legislature of the Virgin Islands passed Bill No. 35-
2 0292 that approved the Governor’s request to extend the State of Emergency through
3 September 19, 2024;

4 **WHEREAS**, the Governor signed Bill No. 35-0292 into law and is now Act No. 8839;

5 **WHEREAS**, under title 23 Virgin Islands Code, section 1005(d), the Governor must
6 submit a request to the Legislature to extend the State of Emergency beyond the first two 30-
7 day periods;

8 **WHEREAS**, on June 27, 2024, the Legislature approved the Governor’s request to
9 extend the State of Emergency for an additional 90-day period, beginning on June 22, 2024,
10 through September 19, 2024;

11 **WHEREAS**, on September 13, 2024, the Governor requested an additional 60-day
12 extension from the Legislature for the State of Emergency that expired on September 19, 2024;

13 **WHEREAS**, the Legislature failed to consider the Governor’s request for an extension
14 within five days of the request, consequently, under title 23 Virgin Islands Code, section 1005
15 (d) the state of emergency was automatically extended for an additional 30 days to October 20,
16 2024;

17 **WHEREAS**, on October 22, 2024, the Legislature approved the Governor’s request to
18 extend the State of Emergency from October 20, 2024, through December 20, 2024;

19 **WHEREAS**, the territory continues to work through the process of mitigating the severe
20 threat of insufficient and unreliable power generation in the Virgin Islands;

21 **WHEREAS**, the Government of the Virgin Islands continues to take action to stabilize
22 the production of energy in the territory to ensure the delivery of critical services to its
23 residents; and

WHEREAS, based on the progress made thus far and achievements accomplished, the Governor is requesting an extension of the State of Emergency for an additional 30-day period, beginning December 21, 2024, through January 20, 2025; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Pursuant to title 23 Virgin Islands Code, section 1005(d), having received the request of the Governor of the Virgin Islands to extend the State of Emergency in the Virgin Islands, which includes the specific reasons for the extension, the time-period of the extension, and a plan of action to address the conditions that necessitate the extension of the State of Emergency, the Legislature of the Virgin Islands, approves the extension of the State of Emergency, due to the power and energy crisis from December 21, 2024, until January 20, 2025, unless, before the expiration of the extension, the Governor finds that a state of emergency no longer exists and, as a result, terminates the State of Emergency.

BILL SUMMARY

The purpose of this bill is to ratify the Governor’s extension of the State of Emergency in the Virgin Islands due to the power and energy crisis for an additional thirty days from December 21, 2024, through January 20, 2025.

**BR24-1427/December 18, 2024/PFA
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