

(H. B. 1567)

(No. 16-2014)

(Approved January 3, 2014)

AN ACT

To add subsections i and ii to Section 2 and amend Sections 2 and 2-A of Act No. 133 of June 9, 1973, as amended, to authorize the granting of the surface rights on the land donated to the Roberto Clemente Sports City, Inc., and clarify that should ownership of said land be reverted to the Commonwealth of Puerto Rico or should any other real right of the Commonwealth of Puerto Rico or any of its instrumentalities entailing the right to use, enjoy, or exploit said land, be constituted, then it shall be released from any charge or lien; amend Sections 3, 5, and 6 of Act No. 164-2004, as amended, in order to modify the restrictions on the ownership of the Roberto Clemente Sports City, Inc., with respect to the land donated, limit the use of any valuable consideration that Roberto Clemente Sports City, Inc. receives from the lease, surface rights, or any other charge or lien created on the donated land; amend subsection (t) of Section 2.02 of Act No. 351-2000, as amended, known as the “Puerto Rico Convention Center District Act,” in order to provide that the Authority may enter into contracts with the Roberto Clemente Sports City Inc.; and for other related purposes.

STATEMENT OF MOTIVES

Roberto Clemente-Walker was born on August 18, 1934, in the San Antón Ward of Carolina. He began playing in the Puerto Rico Baseball League in 1952 with the Cangrejeros de Santurce.

Two years later, in 1954, Roberto Clemente made his Major League debut with the Pittsburgh Pirates, the team for which he played throughout his entire professional career in the big leagues. During his 18 seasons in the Major League Baseball, Roberto Clemente received countless accolades, including: two (2) World Series Championships; the World Series Most Valuable Player Award; the National

League Most Valuable Player Award; four (4) National League Silver Bat Awards; twelve (12) Gold Glove Awards; and fifteen (15) All-Star games, in addition to reaching the legendary milestone of recording three thousand (3,000) hits.

The Island mourned Roberto Clemente's passing after he died in a tragic plane crash on December 31, 1972, while en route to deliver food and medical supplies to earthquake victims in Nicaragua.

Shortly after, in 1973, Roberto Clemente became the first Puerto Rican and Hispanic to be inducted into the Baseball Hall of Fame. That same year, in honor of one of the greatest Puerto Rican athletes, the Legislative Assembly passed Act No. 133 of June 9, 1973, authorizing the Land Administration to donate lots A, B, G, and F of the Marina parcel located in the Cangrejo Arriba and Sabana Abajo Wards of the Municipality of Carolina to Roberto Clemente Sports City, Inc. This donation consisted of a total of two hundred and three (203) *cuerdas*, the use of which was limited to attain the purposes of Roberto Clemente Sports City, Inc.

After more than thirty years, by virtue of Act No. 164-2004, the Land Administration assigned free of charge to Roberto Clemente Sports City, Inc. seventy (70) additional *cuerdas* from a parcel of land owned by the Land Administration located within the limits of the municipality of Carolina. This parcel of land is bounded on the West, by the San Antonio Ravine; on the North, by the Suárez Channel and the Suárez Lagoon; and on the South and East, by the Roberto Clemente Sports City. As a result of this assignment, the Roberto Clemente Sports City became a two hundred seventy-three (273) *cuerdas*-theme park. Likewise, under said Act, the Legislative Assembly also empowered Roberto Clemente Sports City, Inc. to lease up to thirty percent (30%) of its real property through concessionaires, and authorized the posting of advertisements so that Roberto Clemente Sports City, Inc. could generate revenues to achieve its purposes.

Subsequently, through Act No. 177-2009, the Legislative Assembly modified the limits imposed on Roberto Clemente Sports City, Inc.'s authority to lease a portion of its land by allowing it to lease up to fifty percent (50%) of its real property. Act No. 177-2009 also provided that the Secretary of the Sports and Recreation Department and the Director of the Tourism Company would be members of the Board of Directors of Roberto Clemente Sports City, Inc.

Although forty (40) years have elapsed since the first land donation to Roberto Clemente Sports City, Inc., the latter has been unable to develop such lands to the fullest and, therefore, remain unused. Recently, several public instrumentalities of the Government of the Commonwealth of Puerto Rico had to intervene in order to clean the Roberto Clemente Sports City and surrounding areas due to their marked deterioration and abandonment.

Roberto Clemente Sports City, Inc. has stated that it has a concrete work plan to reopen the Sports City facilities, and once again make them available for the development of sports as well as physical activities in Puerto Rico. According to such plan, the facilities shall be renovated and open to the public on or before July 1, 2014.

Through this Act, the restrictions imposed on the land donated to Roberto Clemente Sports City, Inc. are revised to facilitate the development of the facilities and achieve the goals of the reopening plan. Likewise, Act No. 351-2000, as amended, known as the "Puerto Rico Convention Center District Act," is hereby amended to empower the Convention Center District Authority to enter into contracts with Roberto Clemente Sports City, Inc. establishing the terms and conditions under which the Authority shall disburse the funds appropriated by the Legislative Assembly to the Authority to be allocated to said nonprofit corporation for the rehabilitation, development, construction, or maintenance of the facilities of

the Roberto Clemente Sports City. Thus, the Authority may establish in said contracts the purposes and objectives for which Roberto Clemente Sports City, Inc. may use the funds to be allocated by the Authority. The conditions to be established by the Authority for the use and management of the funds to be allocated to Roberto Clemente Sports City, Inc. may include the following: (i) that such funds be deposited in a separate special account; (ii) that such funds may not be used by Roberto Clemente Sports City, Inc. to meet its outstanding obligations to public instrumentalities as of the approval of this Act.; and (iii) that such funds shall not be used to defray payroll expenses or any benefit of the employees, members, or directors of Roberto Clemente Sports City, Inc.

With the approval of this Act, this Legislative Assembly grants Roberto Clemente Sports City, Inc. the last opportunity to devote the land donated to the use projected since 1973 and develop the Roberto Clemente Sports City for the benefit of the people of Puerto Rico and sports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 2 of Act No. 133 of June 9, 1973, as amended, is hereby amended to read as follows:

“Section 2.-

i. The gift deed shall state that the ownership of the Roberto Clemente Sports City, Inc. shall be subject to the following resolutive conditions:

(a) It shall only be owned and used for the purposes of Roberto Clemente Sports City, Inc.

(b) ...

(c) Should Roberto Clemente Sports City, Inc. be dissolved or become inactive for any reason, ownership over the land and any improvements thereon shall revert to the Commonwealth of Puerto Rico.

ii. Any lease contract, surface right, or any other contract creating a lien on the parcel of land donated shall expressly state that, should ownership be reverted to the Commonwealth of Puerto Rico or should any other real right of the Commonwealth of Puerto Rico or any of its instrumentalities entailing the right to use, enjoy, or exploit said land be constituted, then it shall be released from any charge or lien previously created or recorded thereon.”

Section 2.- Section 2-A of Act No. 133 of June 9, 1973, as amended, is hereby amended to read as follows:

“Section 2-A.-

The leasing and subleasing of the land as well as the transfer of surface rights over the facilities, buildings, and structures of Roberto Clemente Sports City, Inc. to natural or juridical third parties shall be allowed subject to the provisions of this Act, of Act No. 164-2004, as amended, and the applicable regulations. However, if by virtue of this Act or any other present or future law, ownership of the lots donated to Roberto Clemente Sports City, Inc. reverts to the Commonwealth of Puerto Rico or any of its instrumentalities, or if by virtue of this Act, or any other present or future law, any other property right of the Commonwealth of Puerto Rico or any of its instrumentalities is constituted over said lots, entailing the right to use, enjoy, and exploit said land, it is hereby provided that, at the time ownership is reverted to the Commonwealth of Puerto Rico, or such new property right of the Commonwealth of Puerto Rico or any of its instrumentalities is constituted over said lands, then it shall be released from any charge or lien previously created or recorded thereon.”

Section 3.- Section 3 of Act No. 164-2004, as amended, is hereby amended to read as follows:

“Section 3.- The parcel of land to be donated to Roberto Clemente Sports City, Inc. shall not be mortgaged, alienated, sold, or otherwise have its title transferred to third parties, whether natural or juridical persons or entities. Provided, however, that

these restrictions shall apply to any land donated to Roberto Clemente Sports City, Inc. by virtue of Act No. 133 of June 9, 1973, as amended, and this Act.”

Section 4.- Section 5 of Act No. 164-2004, as amended, is hereby amended to read as follows:

“Section 5.- Roberto Clemente Sports City, Inc. is hereby authorized to lease the donated lands. It may also enter into lease contracts with natural or juridical persons, whether or not engaged in sports, and whether or not for profit, for an adequate valuable consideration and may likewise receive funds by posting publicity and advertisements in such facilities. The revenues collected by Roberto Clemente Sports City, Inc. on account of such leases, surface rights, and any other charge or lien created on the land donated by virtue of Act No. 133 of June 9, 1973, as amended, and this Act shall be used exclusively for the development and maintenance of the areas and facilities. The use to be given to the leased land or the facilities, buildings, or structures for whose surface rights have been assigned shall be consistent with and/or supplementing for the development of sports facilities within the land donated by the State.”

Section 5.- Section 6 of Act No. 164 of June 24, 2004, is hereby amended to read as follows:

“Section 6.- The lease contracts of Roberto Clemente Sports City, Inc. shall be approved previously by the Board of Directors of Roberto Clemente Sports City, Inc. and the terms of such contracts shall not exceed forty (40) years; however, said terms may be extended for additional terms of twenty (20) years with the Board’s approval. The effective terms of such lease contracts shall be those agreed on by the parties at the time of the execution thereof.

The foregoing notwithstanding, each lease contract to be approved or re-approved by the Board of Directors of Roberto Clemente Sports City, Inc. shall be approved by the affirmative vote of the two (2) members of the public sector who shall be Board members as of the approval of this Act, to wit, the Secretary of the Sports and Recreation Department and the Executive Director of the Tourism Company. Otherwise, the lease contracts shall not be legally binding. Provided, that after the approval of this Act, the current Board of Directors of Roberto Clemente Sports City, Inc. shall amend the bylaws as necessary in order to add, as official members thereof, the Secretary of the Sports and Recreation Department and the Executive Director of the Tourism Company who shall look after the best interests and the proper management of the lands owned by the Government of the Commonwealth Puerto Rico. If they are unable to attend the Board meetings, they shall delegate their participation to a high ranking official of the pertinent government entity who has the authority necessary to make decisions and adequately represent the Head of Agency thus substituted.”

Section 6.- Subsection (t) of Section 2.02 of Act No. 351-2000, as amended, known as the “Puerto Rico Convention Center District Act,” is hereby amended to read as follows:

“Section 2.02.- Specific Powers of the Authority.

The Authority shall have the following powers and rights:

(a) ...

...

(t) To enter into contracts and agreements, including, but not limited to sales contracts, leases, joint ventures, and partnerships, as deemed necessary to induce third parties to develop, improve, operate, and manage the private parcels within the District in accordance with any master plan, design criteria, and the conditions and restrictions adopted and imposed by the Authority. Likewise, the

Authority may execute contracts to use, rehabilitate, develop, build, or maintain the facilities of the Roberto Clemente Sports City, and to disburse, in accordance with the terms and conditions set forth in said contracts, all or part of the funds that are appropriated by the Legislative Assembly to the Authority for such purposes, whether said facilities are located within or without the District. Provided, further, that the Roberto Clemente Sports City shall be an improvement project as defined in Section 1.03(o) of this Act.

(u) ...

(ff) ...”

Section 7.- Rules of Interpretation.

The provisions of this Act shall not be interpreted in a manner that is inconsistent with the rights recognized under the Constitution of the Commonwealth of Puerto Rico or the Constitution of the United States of America, and any case law. Nothing provided herein shall be construed as to modify, alter, or invalidate any agreement, compact, or contract executed pursuant to the previous code of laws still in effect as of the effectiveness date of this Act.

Section 8.- Severability Clause.

If any clause, paragraph, subparagraph, article, provision, section, subsection or part of this Act were held to be unconstitutional by a court of competent jurisdiction, said holding shall not affect, impair, or invalidate the remaining provisions of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, article, provision, section, subsection, or part thereof thus held to be unconstitutional.

Section 9.- Effectiveness.

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 16-2014 (H. B. 1567)** of the **1st Special Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to add subsections i and ii to Section 2 and amend Sections 2 and 2-A of Act No. 133 of June 9, 1973, as amended, to authorize the granting of the surface rights on the land donated to the Roberto Clemente Sports City, Inc., and clarify that should ownership of said land be reverted to the Commonwealth of Puerto Rico or should any other real right of the Commonwealth of Puerto Rico or any of its instrumentalities entailing the right to use, enjoy, or exploit said land, be constituted, then it shall be released from any charge or lien; amend Sections 3, 5, and 6 of Act No. 164-2004, as amended, in order to modify the restrictions on the ownership of the Roberto Clemente Sports City, Inc. [...]

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 29th day of July, 2019.

Orlando Pagán-Ramírez
Director