

(S. B. 87)

(No. 72-2021)

(Approved December 27, 2021)

### **AN ACT**

To repeal Act No. 57 of April 24, 2002, known as “Hurricane Season Preparedness and Orientation Month”; designate the period beginning on May 1<sup>st</sup> and ending on July 30<sup>th</sup> of each year as “Weather Event Education Season”; amend subsection (k) of Section 5.04 and Section 5.08 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order delegate to the Bureau the responsibility of ensuring that the Interagency Committee for Natural and Technological Risk Mitigation created by virtue of this Act promotes the preparedness, awareness, strengthening, and empowerment of the citizens of Puerto Rico with regards to this subject; establish the composition of said Committee; and for other related purposes.

### **STATEMENT OF MOTIVES**

The Government of Puerto Rico has the nondelegable duty to be proactive in the face of the threat posed by the hurricane season. On September 2017, the Island endured the onslaught of hurricanes Irma and Maria. The passage of both natural disasters gave way to a period of reflection in light of the devastation caused and the vulnerable state of our surroundings. The threats to the health sector, the rise of infectious diseases, surface water pollution, and the accumulation of debris on public roads, among other factors, compel us to formulate public policy on the Government’s duty to act through the agencies engaged in safeguarding our health and our Island’s natural resources. Taking the aforementioned important factors into account, there is a pressing need to enact legislation that strengthens those mechanisms which help raise awareness and mitigate the effects of the hurricane season.

For such purpose, the Governor of the Commonwealth of Puerto Rico shall issue a proclamation to such effect, at least ten (10) days prior to May 1<sup>st</sup>, exhorting the People of Puerto Rico, as well as direct the various agencies and entities that comprise the Interagency Committee for Natural and Technological Risk Mitigation, to organize and sponsor activities that are appropriate for the season, in accordance with this Act.

Scientific literature focusing on emergency and disaster management establishes that natural disaster preparedness is the most important and decisive factor determining the possible adverse effects of a catastrophic event. For such reason, it is deemed a priority to establish initiatives and educational campaigns directed at promoting the preparedness in, and empowering our communities. The general citizen sentiment is that this process has not been entirely effective in the last few years. Thus, a coordinated interagency process before and during hurricane season must be established to mitigate any potential harm to life and property caused by a natural disaster.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Act No. 57-2002, known as “Hurricane Season Preparedness and Orientation Month,” is hereby repealed.

Section 2.- The period beginning on May 1<sup>st</sup> and ending on July 30<sup>th</sup> of each year is hereby designated as “Weather Event Education Season,” in order to promote the preparedness, awareness, strengthening, and empowerment of Puerto Rico’s citizens in general.

Section 3.- Subsection (k) of Section 5.04 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 5.04.- Functions of the Emergency Management and Disaster Administration Bureau.

The Bureau shall have the following functions:

(a) To develop and maintain up to date the State Emergency Management Plan for all of the emergency and disaster management phases, and coordinate the actions to be taken by state agencies and municipalities to provide essential services promptly in order to address the needs of our citizens and have a speedy recovery.

...

(k) To establish an education program on disaster prevention and emergency management where public and private entities as well as the media shall participate; and to implement it, as a mandatory program and free of charge, in the schools, universities, and postsecondary institutions, including seminars, trainings, conferences, workshops, and pertinent courses. During the period beginning on May 1<sup>st</sup> and ending on July 30<sup>th</sup> of each year, known as “Weather Event Education Season,” the Bureau shall ensure that the Interagency Committee for Natural and Technological Risk Mitigation created by virtue of this Act promotes the preparedness, awareness, strengthening, and empowerment of the citizens of Puerto Rico with regards to this subject.

...

(n) To secure the most effective use of the resources available whenever these are, pursuant to the laws, rules, and regulations of Puerto Rico and United States of America.”

Section 4.- Section 5.08 of Act No. 20-2017, as amended, is hereby amended to read as follows:

“Section 5.08.- Creation of the Interagency Committee for Natural and Technological Risk Mitigation.

The Interagency Committee for Natural and Technological Risk Mitigation is hereby created. The Committee shall be composed of the following agencies; the Department of Education; the Department of Natural and Environmental

Resources; the Department of Health; the Aqueduct and Sewer Authority; the Emergency Management and Disaster Administration Bureau; and any other Government agency whose inclusion in the Committee is deemed appropriate by the Commissioner of the Emergency Management and Disaster Administration Bureau. Said Committee shall be responsible for:

- a) Preparing and implementing the State Mitigation Plan.
- b) Establishing priorities of mitigation projects.
- c) Assessing the damages caused by the emergency or disaster and recommending mitigation actions to reduce future damages.

(d) Organizing, coordinating, and supervising, not later than February 1<sup>st</sup> of each calendar year, the activities to be carried out in accordance with the designation of the period beginning on May 1<sup>st</sup> and ending on July 30<sup>th</sup> of each year as “Weather Event Education Season,” in order to promote the preparedness, awareness, and empowerment of the citizens of Puerto Rico. The Committee may create an executive board or organize itself in any other way deemed convenient to ensure that the initiatives to be implemented are as effective as possible.

The agencies specified in this Section and by the Commissioner shall appoint a Mitigation Affairs Coordinator. Said Coordinator shall have the responsibility to:

- a) Participate as a member of the Risk Mitigation State Interagency Committee.
- b) Coordinate and prepare mitigation plans and activities for their respective agencies.”

#### Section 5.- Severability

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be void or unconstitutional, the ruling, holding, or judgment to

such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be void or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be void or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied.

It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance.

#### Section 6.-Effectiveness

This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 72-2021 (S. B. 87)** of the **2<sup>nd</sup> Regular Session** of the **19<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** repeal Act No. 57 of April 24, 2002, known as “Hurricane Season Preparedness and Orientation Month”; designate the period beginning on May 1st and ending on July 30th of each year as “Weather Event Education Season”; amend subsection (k) of Section 5.04 and Section 5.08 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” in order delegate to the Bureau the responsibility of ensuring that the Interagency Committee for Natural and Technological Risk Mitigation created by virtue of this Act promotes the preparedness, awareness, strengthening, and empowerment of the citizens of Puerto Rico with regards to this subject; establish the composition of said Committee; and for other related purposes.

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

In San Juan, Puerto Rico, on this 29<sup>th</sup> day of April, 2022.

Mónica Freire-Florit, Esq.  
Director