

(S. B. 1063)

**(No. 107-2014)**

(Approved July 23, 2014)

## **AN ACT**

To create the “Puerto Rico National Parks Program Act”; add subsection (n) to Section 5, amend paragraph (1) of subsection (a) of Section 6, amend subsection (a) of Section 8, and amend Section 22 of Act No. 8-2004, as amended, known as the “Sports and Recreation Department Organic Act”; amend Section 2, subsection (a) of Section 3, Section 5, the first paragraph and subsections (e) and (f) of Section 6, Section 7, the first paragraph of Section 8, and Sections 9, 10, 11, 12, 13, and 14 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act”; and repeal Act No. 114 of June 13, 1961, as amended, known as the “Puerto Rico National Parks Company,” in order to create the Puerto Rico National Parks Program attached to the Sports and Recreation Department; establish its duties, powers, and functions; create the National Parks Program Fund; establish transitory provisions; and for other related purposes.

### **STATEMENT OF MOTIVES**

Section 19 of Article VI of the Constitution of the Commonwealth of Puerto Rico provides that “[i]t shall be the public policy of the Commonwealth to conserve, develop and use its natural resources in the most effective manner possible for the general welfare of the community.” Undoubtedly, such an acknowledgement places the Island at the vanguard in regards to the handling of issues related to the protection and conservation of the environment because, at the time, few countries included protections equal to the aforementioned in their Constitutions.

The Daily Record of the Constitutional Convention states this unequivocal mandate formulated by the delegates elected by the People of Puerto Rico:

It is our purpose to point out, with absolute clarity, the convenience of and need for conserving the natural resources in Puerto Rico. Since Puerto Rico is an island with few natural resources, the Commonwealth must be constantly concerned about the use, development, exploitation, and conservation thereof. The conservation of lands, forests, fish, waters, birds, mines, and salt works, among others, must be one of the primary duties of our Government.” Daily Record of Constitutional Convention 3240 (1952). [translation supplied]

The need to take proactive actions to preserve important natural resources, as well as to protect areas of historic, recreational, cultural, scientific, and archaeological value or of any other type, for the benefit of future generations, is the basis for which the Legislative Assembly established a “National Parks System” through Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act.” A national parks system was thereby established in Puerto Rico as a means to preserve our parks, forests, beaches, marine reserves, and natural and historic monuments for the enjoyment of present and future generations of Puerto Ricans, and visitors from abroad. Through Act No. 9-2001, the areas and parks that constitute the Puerto Rico National Parks System were designated and the process for the future designation of other areas and facilities was established in order to ensure that the parks that are integrated to the System meet the requirements of the public policy that is to be enforced.

Act No. 10-2001 delegated the administration and operation of the National Parks System to the National Parks Company. The Company was created through amendments made to Act No. 114 of June 23, 1961, as amended, by Act No. 10-2001 which integrated the Trust for the Development, Operation, and Conservation

of the National Parks of the Island of Puerto Rico (Created through Public Deed No. 3 of December 23, 1988) and the Recreational Development Company to create the Puerto Rico National Parks Company. The National Parks Company was constituted as a public corporation and government instrumentality attached to the Sports and Recreation Department and with legal existence and personality separate from the Government and any official thereof.

Section 16 of Article III of the Constitution of the Commonwealth of Puerto Rico grants the Legislative Assembly the power to create, consolidate, or reorganize executive departments and to define their duties. Pursuant to the aforementioned constitutional provision, this Legislative Assembly has the authority to carry out the government restructuring it deems necessary to ensure that the Government of the Commonwealth of Puerto Rico operates properly and provides the services that are essential to the People. In fact, recently, the United States Court of Appeals for the First Circuit, in *Díaz-Carrasquillo v. García-Padilla*, No. 13-2277 of April 16, 2014, citing the United States Supreme Court in *Butler v. Pennsylvania*, 51 U.S. 402, 416-17 (1850) recently stated: “[I]n every perfect or competent government, there must exist a general power to enact and to repeal laws; and to create and change or discontinue, the agents designated for the execution of those laws.” This concerns the authority to configure the structure of all the government bodies that have been entrusted with the task of administering public resources and providing services to all citizens. The manner in which each public agency, administration, instrumentality, or corporation is configured in terms of the way it functions and operates determines the success or failure of the public policies which justified its creation in the first place.

Our fiscal and managerial government reality demands that the size of our Government be reduced so that the resources of the Commonwealth are directed to developing an agile and efficient Government whose main goal is the economic and social development of Puerto Rico. In view of this situation, and in our constant search for ways to optimize the services offered to the People, this Act eliminates the National Parks Company and establishes the Puerto Rico National Parks Program attached to the Sports and Recreation Department.

By attaching the National Parks Program to the Sports and Recreation Department, we seek the formal and concerted integration of the National Parks System to the strategies that promote recreation. Moreover, the integration of offices that work with finances, human resources, procurement, and any other types of similar administrative services is facilitated, which generates savings of public funds. In this manner, without creating additional bodies which entail greater disbursement of funds, the National Parks Program may focus its efforts, employees, and resources on the essential task of administering and operating our National Parks System.

This Act is part of a government transformation and restructuring effort directed towards achieving greater cost efficiency and reducing public spending without affecting the services offered to citizens of Puerto Rico. Through this Act, a government structure that responds to the real needs and resources of Puerto Rico is promoted thereby contributing to improving the quality of life of our citizens and the services provided to them through the strategic appropriation of resources.

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

Section 1.- Title.

This Act shall be known as the “Puerto Rico National Parks Program Act.”

## Section 2.- Definitions.

The following terms shall have the meaning stated herein below when used in the context of this Act:

- (a) “Department” - Shall mean the Sports and Recreation Department.
- (b) “Trust” - Shall mean the Trust for the Development, Operation, and Conservation of the National Parks of the Island of Puerto Rico, a legal entity created through Public Deed No. 3 of December 23, 1988.
- (c) “Park” - Shall mean any area, facility, building, beach, public beach, marine reserve, forest, and natural or historic resource that may be used to carry out recreational or outdoor sports activities.
- (d) “National Park” - Shall mean any area, facility, building, beach, public beach, forest, and natural or historic monument that, due to its importance for all Puerto Ricans, has been declared as such through an executive order or by the laws of the Commonwealth of Puerto Rico.
- (e) “Program” - Shall mean the Puerto Rico National Parks Program created herein.
- (f) ”Secretary” - Shall mean the Secretary of the Sports and Recreation Department.

## Section 3.- Creation of the National Parks Program.

The Puerto Rico National Parks Program is hereby created attached to the Sports and Recreation Department as the body that shall have, among the other duties provided herein, the responsibility of administering and operating all the natural, recreational, or historic parks that are declared national parks. By virtue of the National Parks Program, the Sports and Recreation Department is the successor of the National Parks Company which, in turn, is the successor of the Recreational Development Company for the purposes of the National Parks Trust.

#### Section 4.- Functions, Powers and Duties of the Program.

For the purposes of the Program, the Department shall have the following functions and responsibilities in addition to any others provided herein or by the laws or programs whose administration and implementation has been delegated thereto:

(a) Managing a system that integrates all natural, recreational, and historic parks declared as national parks. It shall also promote the protection, conservation, and recreational use of the parks, beaches, forests, and natural and historic monuments of Puerto Rico so that they are preserved and maintained in optimum conditions for the enjoyment of present and future generations of Puerto Ricans and visitors from abroad.

(b) Planning, designing, building, managing, maintaining, and conserving sports and recreational facilities.

(c) Selling, billing, and charging for services rendered to other government agencies, municipalities, and bodies, both quasi-public and private; including services rendered to committees, federations, and sports and recreational associations.

(d) Devoting its resources to the development of any activity or venture that directly or indirectly promotes means of recreation and relaxation for the People.

(e) It may lease all recreational and sports facilities at a reasonable rate; provided, however, that the Program may lend, without any cost whatsoever, its facilities to nonprofit organizations for them to hold their activities. The facilities that shall be available to be lended free of charge, as well as the number of times that they may be lended to be used by nonprofit organizations shall be established through regulations. The aforementioned regulations shall include the minimum cost to be charged for basic utilities such as electric power, water, and maintenance.

(f) Being a trustee of the National Parks Trust. All of the administrative and maintenance operations of the Trust shall be carried out by the Sports and Recreation Department through the National Parks Program in accordance with the purposes for which the Trust was constituted. In its capacity as trustee of the National Parks Trust, the Department shall have all the powers to administrate the Trust and shall be able to exercise its discretion on the management and transfer of funds, and real and personal property between both entities for the purposes of the Trust and the amendments made thereto that the Department may deem convenient.

(g) Protecting the integrity of the Puerto Rico National Parks System created under Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” exercising jurisdiction exclusively over the administration, management, and development of existing National Parks and those designated as such in the future. The Sports and Recreation Department shall hold the title and exercise control over any resource declared as a National Park to be protected in perpetuity; provided, that the real property of a National Park shall not be leased or transferred for purposes other than public use.

Section 5.- Powers and Duties of the Secretary of Sports and Recreation Regarding the National Parks Program.

The Secretary shall provide the administrative and fiscal support needed for the operation of the Program. The Secretary shall oversee Program operations; determine its internal organization which, as a minimum, shall be composed of the Reservation, Marketing, Superintendent, Federal Funding, and Finance units; and shall be empowered to approve the regulations that shall contain the criteria and norms which shall govern the duties thereof. The existing criteria and norms that have a purpose that is consistent with this reorganization shall remain in effect. In order to administer the Program and achieve the purposes thereof, the Secretary shall have the powers and duties that have been delegated to him to the extent that they

are not in contravention with what is established herein or any other act or document that governs the National Parks System or the National Parks Trust. The Secretary shall designate an official from a trust position to be the State Liaison Officer (SLO) who shall assist him in the execution and implementation of the Program. Nonetheless, this shall not imply that the power to terminate and hire personnel or to approve regulations shall be delegated to such official.

#### Section 6.- National Parks Program Fund.

The money obtained from rent, fees, or prices to be charged for goods and services rendered by the Program, as well as from the operation, administration, and disposal of National Parks, and any other revenues generated by properties under the authority of the Program, shall be maintained under the administration of the National Parks Program, which may receive any money that the public or private sectors allocate to it. These amounts, as well as any other resource covered into the Fund, shall be used to defray the operating costs of the Program.

Program accounts chargeable to the Fund shall be managed in such a way that they can be properly segregated, insofar as advisable, according to the different activities of the Program. The Comptroller of Puerto Rico, or his representative, shall examine the Program accounts and books chargeable to the Fund every three (3) years, including its loans, income, disbursements, contracts, leases, sinking funds, investments, and any other matters related to its financial situation, and shall report the same to the Governor, the Secretary of Sports and Recreation, and to the Legislative Assembly of Puerto Rico.

#### Section 7.- Promotion of Recreational Facilities.

The Department is hereby authorized and empowered to encourage and persuade private capital to establish and maintain in operation any project or activity that promotes the use of the Program's recreational facilities by the general public.



For such purposes, the Program shall provide the facilities and services that, in its judgment, justify every activity held.

Section 8.- Transfer of Funds and Properties Between the Sports and Recreation Department and Other Government Bodies.

The Commonwealth of Puerto Rico, its agencies, and political subdivisions, including the municipalities, are hereby authorized to cede and transfer to the Department with its consent, any property or interest thereon (including properties already devoted to public service), that the Department deems necessary or convenient to achieve the objectives of the Program, without the need to conduct a public bidding or additional formalities of law other than the granting of the corresponding deed. Government agencies may transfer to the Department, free of cost, the lands that, in the judgment of the Governor of Puerto Rico and the Legislative Assembly, are necessary to achieve the goals and purposes of the Program.

Each year, the Department shall submit a list of the properties assigned or transferred by Government agencies for purposes of the Program, by virtue of the authorization provided herein, and the appraisal value of each property to the Legislative Assembly. Likewise, the Department is empowered to accept donations and transfers of public property owned by the United States of America, as well as transfers and donations of private property for the purposes of the Program.

Section 9.- A new Subsection (n) is hereby added to Section 5 of Act No. 8-2004, as amended, known as the "Sports and Recreation Department Organic Act," to read as follows:

"Section 5.- Functions and Powers of the Sports and Recreation Department.

The Sports and Recreation Department shall have, but not be limited to, the following functions and powers:

(a) ...

...

(n) The development and implementation of a National Parks Program for the planning, organization, administration, and operation of the National Parks System.”

Section 10.- Paragraph (1) of Subsection (a) of Section 6 of Act No. 8-2004, as amended, known as the “Sports and Recreation Department Organic Act,” is hereby amended to read as follows:

“Section 6.- Duties and Powers of the Secretary.

(a) The duties of the Secretary shall include, but not be limited to, the following:

1) To advise the Governor, Legislative Assembly, and municipal governments on the formulation of a public policy to be followed concerning recreation and sports, and National Parks pursuant to the rules of this Act;

2) ...”

Section 11.- Subsection (a) of Section 8 of Act No. 8-2004, as amended, known as the “Sports and Recreation Department Organic Act,” is hereby amended to read as follows:

“Section 8.- Special Funds.

a) With the exception of the provisions regarding its own funds generated by the Facilities of the National Parks Program, collections by the Department shall be covered into a special account called Special Fund of the Sports and Recreation Department, under the custody of the Secretary of the Treasury, which shall be preferentially used to defray expenses for recreation and sports programs and services. Furthermore, they may be used to defray expenses of administration, conservation and development of recreational and sports facilities, and for the purchase and sale of real property. The existing balances in the accounts pertaining

to the different collections shall be reprogrammed in agreement with the aforementioned collections.

b) ...”

Section 12.- Section 22 of Act No. 8-2004, as amended, known as the “Sports and Recreation Department Organic Act,” is hereby amended to read as follows:

“Section 22.- National Parks Program.

The National Parks Program is hereby created, attached to the Sports and Recreation Department, for the planning, administration, organization, and operation of the National Parks System. The Secretary shall provide all the administrative and financial support needed for the operation of the Program. The Secretary shall have all the powers and duties delegated herein to administer the National Parks Program.”

Section 13.- Section 2 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 2.- Definitions.

The following terms shall have the meaning stated below, except when the context clearly indicates otherwise:

- (a) Department. - the Sports and Recreation Department.
- (b) Trust. - the Trust for the Development, Operation, and Conservation of the National Parks of the Island of Puerto Rico.
- (c) Governor. - the Governor of the Commonwealth of Puerto Rico.
- (d) Park. - every area, facility, structure, beach, public beach, forest, marine reserve, historic or natural resource or monument that is used or can be used to carry out recreational activities or outdoor sports.

(e) National Park. - every area, facility, structure, beach, public beach, forest, marine reserve, historic or natural resource, or monument that due to its importance for all Puerto Ricans is declared as such through an Executive Order or under the laws of the Commonwealth of Puerto Rico.

(f) Program. - the National Parks Program in the Sports and Recreation Department.

(g) Secretary. - the Secretary of Sports and Recreation.

(h) System. - the National Parks System established in this Act.

(i) Government Agency. - the agencies, departments, offices, dependencies, municipalities, and public corporations of the Commonwealth of Puerto Rico.”

Section 14.- Subsection (a) of Section 3 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 3.- Declaration of Purpose.

The public policy of the Commonwealth of Puerto Rico for the preservation of natural, historic, recreational, cultural, scientific, and archaeological resources is hereby reaffirmed as well as the responsibility of the Government and that of the people to conserve the natural wealth that surrounds us and to promote its enjoyment for the present and future generations.

The establishment and administration of the National Parks Systems created herein shall achieve the following objectives:

(a) To designate all the parks of the Puerto Rico National Parks Program and the Trust as National Parks so that, upon their integration to the System, their enjoyment and conservation is promoted.

(b) ...

...”

Section 15.- Section 5 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 5.- National Park Designation Procedure.

As of the effectiveness of this Act, and upon identification of the eligible areas to be incorporated to the National Parks System, the procedure to be followed shall be:

(a) To require, through an Executive Order issued by the Governor, that the Secretary prepare a detailed report with recommendations pursuant to the provisions of Sections 7 and 8 of this Act.

(b) Once the Secretary renders reports with findings and recommendations for the designation of a National Park, the Legislative Assembly shall make the determination it deems pertinent through an enactment to such effect, in which it shall incorporate the conditions and conclusions contained in the report directed towards complying with the objectives of this Act, if this were the case.

(c) Once an Act is approved, the area in question shall be integrated into the system and shall be under the administration and custody of the Program.”

Section 16.- The first paragraph and subsections (e) and (f) of Section 6 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” are hereby amended to read as follows:

“Section 6.- Powers of the Secretary of Sports and Recreation.

In order to comply with the objectives of this Act and the National Parks Program, the Secretary of Sports and Recreation shall have, without it being understood as a limitation, the following duties and powers:

(a) ...

(b) ...

(c) ...

(d) ...

(e) Borrow money for the acquisition of areas of national value to be designated as National Parks, pursuant to the provisions of the applicable legislation.

(f) Recommend to the Planning Board that it designate as a reserve any area identified as having a natural, historic, recreational, cultural, scientific, or archaeological value, or any other value, that the Program proposes to evaluate for its designation as National Park.

(g) ...”

Section 17.- Section 7 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 7.- Inventory.

To direct the acquisition and management of areas of national value the Program shall prepare and maintain an inventory which shall include, without it being understood as a limitation, the following:

(a) The areas that have the greatest potential to achieve the national value criteria for the purposes of this Act.

(b) Themes, sites, and resources different from those represented in the National Parks System.

(c) The Planning Board list indicating those areas that should be conserved or declared a nature reserve and developed as National Parks.

The Program shall establish priorities within said inventory and shall review it periodically. It shall also establish the appropriate procedures so that the members of the community are able to recommend areas to be included in the inventory, furnish useful information for the preparation of the inventory, and give access to it within a reasonable time.”

Section 18.- The first paragraph of Section 8 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 8.- Studies for the Designation of National Parks.

The Secretary shall determine if an area being studied has significant natural, cultural, historic, or recreational resources and represents a typical example of a particular type of resource of the Island and deserves to be designated as a National Park, and if the area is suitable for inclusion in the Puerto Rico National Parks System.

...”

Section 19.- Section 9 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 9.- National Park Usage.

The National Parks that are owned by the Department, as well as any other park that is henceforth designated as a National Park, shall be used solely and exclusively in accordance with the provisions of this Act and the applicable special Act, for the management thereof and the implementation of the public policy for their use and enjoyment by the People, and the provisions of law that create the National Parks for specific uses.

No park shall be designated as a National Park except by legislative designation or Executive Order stating the purpose and the use to be given to the park, and the funds for its operation.”

Section 20.- Section 10 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 10.- National Parks Management.

All areas totally or partially acquired, conserved, or restored with Program funds shall be managed for the purposes established in this Act, and pursuant to the

provisions of the National Parks Program Act. Likewise, each National Park shall be administered pursuant to the provisions of this Act that specifically apply to such park.”

Section 21.- Section 11 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 11.- Financial Resources.

The Program shall be funded through legislative appropriations and other sources provided by law or regulations, as well as by any funds received as a contribution from private or public sources.

The income and interests derived from the investment of the Program’s money shall form part of the economic resources thereof. Any balance that remains in the National Parks Program Fund at the end of a fiscal year shall be maintained in the same for its use in any fiscal year.”

Section 22.- Section 12 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 12.- Property Title.

The property title of the areas of national value designated as National Parks shall belong to the Sports and Recreation Department. Said title shall be held solely by the Department, which shall not be able to transfer it to any person or entity, whether public or private, nor to any municipality. These properties shall be exempted from property taxes.”

Section 23.- Section 13 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 13.- Annual Report.

The Secretary shall render an annual report to the Governor and the Legislative Assembly on the National Parks System Designation Program. Said report shall be rendered no later than June 30 of each year and shall include, in



addition to the steps taken, a detailed explanation of the income and disbursements during the year, and an explanation of the acquisition and management plan proposed for the next year.”

Section 24.- Section 14 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act,” is hereby amended to read as follows:

“Section 14.- Report to the Governor.

As of the effective date of this Act, the Department shall prepare and maintain an up-to-date inventory of the areas of national value to be designated National Parks that are at present property of the Commonwealth or of its agencies or instrumentalities. The Secretary shall render an annual report to the Governor regarding the areas included in the inventory with his recommendations on the same.”

Section 25.- Transfer of Employees.

Within a term of sixty (60) days as of the approval of this Act, the career and regular employees of the National Parks Company shall become employees of the Sports and Recreation Department. The career and regular employees who are transferred shall have a salary and benefits that are comparable, but not inferior to, those they enjoyed in the National Parks Company.

The provisions of this Act shall not be used as grounds for the dismissal of any employee holding a regular or career position or construed as a requirement or basis for reducing or raising the salary and fringe benefits received by the employees of the agency to which they were transferred. Until the Classification Plan of the Sports and Recreation Department is amended, the Classification Plan of the National Parks Company shall be used concurrently for the employees transferred from the National Parks Company.

As of the effective date of this Act, the Sports and Recreation Department shall recognize the labor unions representing the employees transferred from the National Parks Company, if any. The Sports and Recreation Department shall honor any collective bargaining agreement in effect at the time of the transition until the same expires, in accordance with the legal provisions applicable thereto. In these cases, personnel transferred between components or other government entities that are part of an appropriate collective bargaining unit shall keep said right and, as an exception, may continue to be an appropriate unit without being subject to the provisions of any preceding law.

The rights of employees to self-organization; to form, join, or assist labor organizations; and to bargain collectively, including the establishment of procedures to discuss complaints or grievances through chosen representatives, are recognized in accordance with Act No. 130 of 1945.

Any employees who hold positions equal or similar to the positions that compose the appropriate collective bargaining unit recognized in the National Parks Company's collective bargaining agreement in effect, shall be included as a bargaining unit in the succeeding agency or instrumentality, with all the vested rights and duties it entails with the existing certification when carrying out the consolidation or merger.

#### Section 26.- Transfer of Property.

Within a period of time that shall not exceed sixty (60) calendar days as of the date of approval of this Act, the Sports and Recreation Department shall request, and the National Parks Company carry out, the transfer to the Department of the documents, files, materials, equipment, budget, and any real or personal property of the National Parks Company.

The term established herein shall also apply to any necessary, appropriate, and convenient actions to be taken by the Sports and Recreation Department to achieve the purposes of this Act including, but not limited to, the creation of the internal, programmatic, and budgetary structure, as well as the account structure required for accounting the funds thereof and the relocation of offices.

The Sports and Recreation Department shall assume and be liable for any debt, obligation, or financial responsibility of the National Parks Company and, in turn, shall assume and be the creditor of any asset and rights thereon.

Section 27.- Budget.

Any balance from special appropriations made to the National Parks Company in preceding fiscal years that are available as of the approval of this Act shall be accounted in favor of the Sports and Recreation Department maintaining the use and balance thereof at the time of the transition.

Likewise, as for the budget approved for the National Parks Company for Fiscal Year 2014-2015, whether from the operating budget allocated under the Joint Resolution on the General Budget or from appropriations allocated under the Joint Resolution on Special Appropriations, the Office of Management and Budget shall determine the amount it deems necessary to operate and give continuity to the Program and shall transfer the same to the Sports and Recreation Department. If there exists a surplus between what was approved and transferred, the difference shall be transferred to the Budget Fund to be used pursuant to the provisions applicable to the same.

Section 28.- Transitory Provisions.

(a) The Secretary of Sports and Recreation shall direct the transition and address all administrative matters that arise from the same. For such purposes, he may establish, through administrative orders, all the rules he deems necessary to

ensure a prompt and orderly transition process, including that which concerns the transfer of employees.

(b) The Executive Director of the National Parks Company shall prepare and make available to the Secretary of Sports and Recreation, within a term that shall not exceed thirty (30) calendar days as of the approval of this Act, a transition report which shall include, among other things, the following:

- i. a report on the status of any case to which it is a party before any state or federal Court, as well as before any administrative forum;
- ii. a report on the status of administrative transactions;
- iii. an account statement including the balance of the agency's accounts and the balance of the budget appropriated for the current fiscal year;
- iv. an inventory of the real and personal property, resources, materials, and equipment of the entity;
- v. a copy of the last reports that by law are required to be filed before the different Government Branches;
- vi. a report on the personnel of the entity including the positions, whether filled or vacant, the names of the person holding such positions, and the payroll expense entailed;
- vii. a report on the entity's contracts in effect;
- viii. a report on the agreements or contracts entered into with state or federal public entities;
- ix. any other information that the Secretary of Sports and Recreation may require.

(c) During the transition process, the Executive Director of the National Parks Company shall make available to the Secretary of Sports and Recreation any personnel deemed necessary by the latter during the transition process. Likewise, the

Secretary shall have access to any record, file, or document generated or to be generated by the Company.

(d) During the transition process, the Executive Director of the National Parks Company shall inform the Secretary of Sports and Recreation on and request his authorization for any disbursement of funds that must be made.

(e) All the regulations, orders, resolutions, circular letters, and other administrative documents of the National Parks Company shall remain in effect in all that is consistent with the provisions of this Act until the same are amended, supplemented, repealed, or rendered ineffective.

(f) During the transition process, each of the bodies shall continue operating regularly, until the Program begins its operation, subject to the transitory measures provided herein.

(g) The Secretary of Sports and Recreation shall have a term of fifty (50) days as of the approval of this Act to submit to the Office of Management and Budget any proposal in connection with the transfer of funds or any other transaction that may be necessary to enforce this Act and that, in the regular course of business, would require the approval of said Office.

(h) The employees of the National Parks Company shall become employees of the Sports and Recreation Department pursuant to the provisions of this Act within a term of sixty (60) days as of the approval of this Act. Therefore, the Executive Director of the National Parks Company and the Secretary of Sports and Recreation shall take all actions required to enforce said transfer. Upon the conclusion of sixty (60) days as of the approval of this Act, the National Parks Company shall be under the direction of the official of trust designated by the Secretary of Sports and Recreation in accordance with Section 5 of this Act, and the position of Executive Director of the National Parks System shall be vacant and eliminated.

(i) In the event that the Executive Director of the National Parks Company is unavailable or does not carry out the measures contained in this Section, the Secretary of Sports and Recreation may designate an official of trust to discharge all the duties entrusted to the Executive Director in this Section.

Section 29.- Integration Report.

The Secretary of Sports and Recreation is hereby directed to file an Integration Report to the Governor, the Office of Management and Budget, and the Legislative Assembly stating in detail the results of the integration of the Program into the Sports and Recreation Department, the reallocation of resources, and any other information requested by the Office of Management and Budget. Said Report shall be filed within thirty (30) days after the close of Fiscal Year 2015-2016.

Section 30.- Amending Clause.

Any reference made to the National Parks Company in any other Act, regulations, or official document of the Government of the Commonwealth of Puerto Rico shall be deemed to be amended so as to refer to the Puerto Rico National Parks Program.

Section 31.- Incompatibility.

If the provisions of this Act are inconsistent with any other act or regulation, the provisions of this Act shall prevail.

Section 32.- Repealing Clause.

Act No. 114 of June 23, 1961, as amended, known as the “Puerto Rico National Parks Company,” is hereby repealed.

Section 33.- Disclosure.

This Act and the impact thereof constitute public interest information. Therefore, the Sports and Recreation Department is hereby authorized to educate and provide information about this Act and the impact thereof, since it is of vital importance that the citizenry be informed of the changes and duties of the entities

concerned, the new services, as well as of the rights and obligations of the people and the Commonwealth of Puerto Rico.

Section 34.- Severability.

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

Section 35.- Exclusion.

This Act is hereby excluded from the provisions of Act No. 182-2009, as amended, known as the “Act for the Reorganization and Modernization of the Executive Branch of the Government of Puerto Rico of 2009.”

Section 36.- It is hereby provided that in the event that the terms of this Act are contrary to or in conflict with the terms of Act No. 66-2014, better known as the “Government of the Commonwealth of Puerto Rico Special Fiscal and Operational Sustainability Act,” the provisions of Act No. 66-2014 on the matter shall prevail.

Section 37.- Effectiveness.

This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 107-2014 (S. B. 1063)** of the **3<sup>rd</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to create the “Puerto Rico National Parks Program Act”; add subsection (n) to Section 5, amend paragraph (1) of subsection (a) of Section 6, amend subsection (a) of Section 8, and amend Section 22 of Act No. 8-2004, as amended, known as the “Sports and Recreation Department Organic Act”; amend Section 2, subsection (a) of Section 3, Section 5, the first paragraph and subsections (e) and (f) of Section 6, Section 7, the first paragraph of Section 8, and Sections 9, 10, 11, 12, 13, and 14 of Act No. 9-2001, as amended, known as the “Puerto Rico National Parks System Act”; [...]

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

In San Juan, Puerto Rico, on this 6<sup>th</sup> day of December, 2018.

Orlando Pagán-Ramírez  
Director