

(S. B. 953)

**(No. 110-2020)**

(Approved August 14, 2020)

## **AN ACT**

To repeal Act No. 1 of June 29, 1977, as amended, the “Natural and Environmental Resources Rangers of the Department of Natural and Environmental Resources Act,” and create the new “Government of Puerto Rico Natural and Environmental Resources Ranger Corps Act” within the Department of Natural and Environmental Resources; determine the powers and authorities thereof; and for other purposes.

### **STATEMENT OF MOTIVES**

The Ranger Corps of the Department of Natural and Environmental Resources carries out the irreplaceable task of preventing the destruction of the Island’s natural resources. Since the approval of Act No. 1 of June 27, 1977, as amended, the need to provide a more efficient instrument in order to take administrative and judicial action, against persons who violate environmental laws and regulations has become evident. Therefore, and in view of the ongoing environmental threats, it is necessary to create a structure that is more efficient than the one currently in place, while avoiding the creation of a body with similar duties, which would result in the duplication of services.

Through this Act, we empower the Ranger Corps of the Department of Natural and Environmental Resources of the Government of Puerto Rico to broaden its functions in order to enforce environmental laws and public order, as well as clarify its duty to intervene with regards to other laws in which Rangers are authorized to intervene while in the performance of their duties. Moreover, the obligations of Rangers as Law Enforcement Officers are herein established, and the Corps’ legal framework is hereby broadened in order to endow the Rangers

with additional powers and make their natural and environmental resources surveillance, conservation, prevention, investigative, and custodial work easier. In addition, the Secretary of the Department of Natural and Environmental Resources is hereby empowered to enter into Collaboration Agreements with any agency of the federal Government.

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

Section 1.- This Act shall be known as the “Government of Puerto Rico Natural and Environmental Resources Ranger Corps Act” within the Department of Natural and Environmental Resources.

Section 2.- Public Policy.

It is hereby declared that it is the public policy of the Government of Puerto Rico to ensure the most effective protection and conservation of Puerto Rico’s natural resources, which are the patrimony and wealth of our People. In recognition of the continuous increase of social and economic pressures that jeopardize these resources, and in an effort to preserve them for the enjoyment of future generations, the Government acknowledges the need to create an environmental law enforcement body under the direction of the Secretary of the Department of Natural and Environmental Resources. This organization shall use all the appropriate means available to protect, supervise, conserve, defend, and safeguard our natural resources. It shall also be authorized to offer any kind of orientation, guidance, and assistance to citizens, pursuant to the laws enforced by the Department of Natural and Environmental Resources.

The members of the Natural and Environmental Resources Ranger Corps of the Government of Puerto Rico, who are authorized to take any administrative or judicial action against those who violate environmental laws, shall be deemed to be law enforcement officers.

To designate environmental protection and conservation as an essential service is hereby declared as public policy of the Government of Puerto Rico.

Section 3.- Definitions.

For the purposes of this Act, the following terms shall have the meaning stated hereinbelow:

(A) Ranger.- Means any member of the Natural and Environmental Resources Ranger corps of the Government of Puerto Rico, whose duties include protecting persons and property, maintaining order and public safety, and making arrests.

(B) Cadet.- A member of the Corps who has yet to take, or has not completed the basic training that certifies him as a member of the Corps.

(C) Commissioner.- The Director of the Ranger Corps.

(D) Corps.- The Natural Resources Rangers Corps of the Department of Natural and Environmental Resources.

(E) Department.- The Department of Natural and Environmental Resources.

(F) Inspection.- The act of verifying and investigating permits, franchises, resolutions, licenses, or documents that certify the authorization of activities or operations and are issued under the jurisdiction and competence of the Department of Natural Resources, the Environmental Quality Board, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws.

(G) Environmental Laws.- All the laws of the Government of Puerto Rico pertaining to the protection, conservation, preservation, supervision, development, contamination, surveillance, custody, and safeguard of natural and environmental resources.

(H) Members of the Corps.- The officers, sergeants, rangers, and the rank system are empowered, as provided in this Act, as law enforcement officers, to enforce compliance with the laws and regulations pertaining to the protection of the environment and natural resources, and the cadets, although the latter shall not be vested with the foregoing power until they have successfully completed the ranger training.

(I) Person.- Any natural or juridical person, including the Government of Puerto Rico, and the agencies, departments and instrumentalities, public corporations, or political subdivisions thereof, the states of the United States, and the federal government and its instrumentalities.

(J) Secretary.- The Secretary of the Department of Natural and Environmental Resources.

(K) Puerto Rico.- The Island of Puerto Rico, the Islands of Vieques, Culebra, La Mona, Monito, Caja de Muertos, and any other islets and keys, and the territorial waters under the jurisdiction of the Government of Puerto Rico.

(L) Surveillance.- Intervention, care, inspection, observation, custody, protection and defense.

(M) Conservation.- Protection, defense, custody, safeguard, and control of natural resources.

(N) Bodies of water.- Includes, but is not limited to surface, underground, and coastal waters within the jurisdiction of the Government of Puerto Rico, including reservoirs.

(O) Maritime-terrestrial zone.- The area of the coast of Puerto Rico touched by the sea during its ebb and flow, where tides are noticeable, as well as the largest waves during a storm, where tides are less noticeable, including the lands reclaimed from the sea, and the river banks up to the place where they are

navigable or the tides are noticeable; and the term without conditions means the maritime-terrestrial zone of Puerto Rico, as defined in the applicable laws.

#### Section 4.- Creation of the Ranger Corps.

The Natural and Environmental Resources Rangers Corps is hereby created within the Department of Natural and Environmental Resources, a law enforcement entity whose main duty shall be, among others, to investigate, preserve, conserve, and safeguard natural resources and the environment, as well as to guarantee their use and enjoyment by the general public, to enforce the administrative determinations issued by the Secretary of the Department of Natural Resources, and to take any administrative or judicial action against those that violate the environmental laws and regulations of Puerto Rico. This entity shall be within the Department of Natural and Environmental Resources. In addition, the Rangers Youth Corps and the Civilian Volunteers Environmental Rangers are hereby created. The Secretary of Natural and Environmental Resources shall prescribe by regulations the functions, duties and responsibilities of the Rangers Youth Corps and the Civilian Volunteer Environmental Rangers.

#### Section 5.- Duties of Rangers.

Under the direction of the Secretary of the Department of Natural and Environmental Resources the Corps shall have the following powers and duties:

(A) The Corps shall have the following duties:

(1) To enforce strict compliance with the provisions of Act No. 430-2000, as amended, known as the “Puerto Rico Navigation and Aquatic Safety Act” and faithful compliance with the regulations prescribed thereunder.

(2) To enforce strict compliance with the provisions of Act No. 241-1999, as amended, known as the “New Wildlife Act of Puerto Rico” and faithful compliance with the regulations prescribed thereunder.

(3) To exercise control over the activities and operations involving the components of the earth's crust in public or private lands, pursuant to Act No. 132 of June 25, 1968, as amended, known as the "Act to Regulate the Taking of Components of the Earth's Crust," and Act No. 144 of June 3, 1976, as amended, known as the "Sand, Gravel, and Stone Act," as well as ensure faithful compliance with the regulations prescribed thereunder.

(4) To assume the duties assigned to forest rangers, as set forth in Act No. 133 of July 25, 1975, as amended, known as the "Puerto Rico Forest Act," and ensure faithful compliance with the regulations prescribed thereunder.

(5) To assume the powers vested in fishing inspectors, as set forth in Act No. 278-1998, as amended, known as the "Puerto Rico Fisheries Act," and ensure faithful compliance with the regulations prescribed thereunder.

(6) To inspect and keep watch over the bodies of water of Puerto Rico, as set forth in Act No. 136 of June 3, 1976, as amended, known as the "Act for the Conservation, Development and Use of the Water Resources of Puerto Rico," and ensure faithful compliance with the regulations prescribed thereunder.

(7) To keep watch over and protect the mangrove swamps belonging to the Government of Puerto Rico, which are under the supervision of the Department of Natural and Environmental Resources, as established in Act No. 6 of February 29, 1968, as amended, and its regulations, in addition to the mangrove swamps located in private property.

(8) To keep watch over and protect the property, land, and bodies of water of the Municipality of Culebra, as established in Act No. 66 of June 22, 1975, as amended, known as the "Culebra Conservation and Development Act," in coordination with the Culebra Conservation and Development Authority.

(9) To enforce compliance with all the laws and regulations of the Government of Puerto Rico in connection with the conservation and development of its natural resources.

(10) To enforce compliance with the provisions of Act No. 21 of June 4, 1969, as amended, which imposes penalties for discarding waste in public or private areas.

(11) To enforce strict compliance with the environmental laws and regulations enforced by agencies and departments, such as the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforce environmental laws.

(12) To enforce strict compliance with Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” pursuant to the powers vested in the Corps.

(13) To enforce strict compliance with Act No. 168-2019, known as the “Puerto Rico Weapons Act of 2020,” pursuant to the powers vested in the members of the Corps, as law enforcement officer.

(14) To enforce strict compliance with any federal or state law, administrative order, executive order, municipal ordinance, or any other statute in which Rangers are designated as Law Enforcement Officer.

(B) The Corps shall be empowered to perform the following functions:

(1) To make arrests for attempted violation or violations of the laws provided in subsection (A) of this Section when the attempted violation or violation has been committed in the presence of any member of the Corps or as provided in the rules of Criminal Procedure, as amended. Provided, that the laws or procedures applicable to arrests by law enforcement officers shall be equally applicable to the Natural and Environmental Resources Rangers Corps. Said Rangers may enter the property and waters of the State without it constituting

trespass. Entry to private property requires the authorization of the land owner, except when conducting an activity regulated by the Department of Natural and Environmental Resources or when an offense is being committed in the presence of the Ranger, or if in pursuit of any person who violated the environmental laws and regulations enforced by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws.

(2) The Natural and Environmental Resources Rangers Corps shall be authorized to enforce all the laws in connection with the protection, conservation, and supervision of Puerto Rico's natural resources. As part of such authority, Rangers may:

(a) Inspect and request the presentation of any permit, franchise, resolution, license, or document issued by the Secretary of the Department, which authorizes any activity or operation under the jurisdiction and competence of the Department of Natural and Environmental Resources in public or private land, as well as in jurisdictional waters within the limits of the Government of Puerto Rico. The foregoing includes the authority to board vessels to comply with the purposes of this Act.

(b) Act as a federal representative under an interagency agreement entered into with the National Oceanic and Atmospheric Administration (NOAA), the National Marine Fisheries Service (NMFS), and the Office of Law Enforcement (OLE), and the Department of Natural and Environmental Resources.

(c) Issue verbal orders to immediately cease or paralyze any activity or operation which is being conducted in an area under the Secretary's jurisdiction without his due authorization, or if said operation has been duly authorized, but is being conducted in an irregular manner or in violation of the environmental laws and regulations in effect.



(d) Issue subpoenas, tickets, file complaints, and conduct any type of intervention for violations of the laws enforced by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws. In addition, Rangers are further authorized to issue tickets for violations to environmental laws and regulations, as well as to any other provision of any other law, which empowers the Ranger Corps to intervene.

(e) Execute search and arrest warrants issued by the courts of justice.

(f) Execute subpoenas issued for the examination, investigation, and prosecution of any violations to the laws enforced by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws.

(g) Bear arms as provided by Act No. 168-2019, known as the "Puerto Rico Weapons Act of 2020." Rangers from maritime or air units, as well as those assigned to the islands of Mona and Caja de Muertos are hereby authorized to carry long guns property of the Department, provided they are thus authorized by a Supervisor.

(h) Conduct searches in connection with violations of laws enforced by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws, pursuant to the Rules of Criminal Procedure of Puerto Rico, App. II, Title 34 in effect.

(i) If a Natural and Environmental Resources Ranger is discharging his duties pursuant to this Act and comes across any violation of any state or special law or an offense is being committed in this presence, he shall be

authorized to intervene, arrest, and proceed according to the Rules of Criminal Procedure of Puerto Rico. He shall be empowered to report said violation of law to the appropriate judicial or administrative authorities and prosecute to the full extent of the law.

(j) Obtain and execute search warrants in compliance with the duties, functions, and obligations provided herein.

(k) Seize and confiscate any wildlife, aquatic life, earth crust or forest material in the possession or under the control of persons who intend to transport by land, air, or sea, any wildlife, aquatic life, earth crust or forest material, in violation of the laws enforced by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws, as well as to seize, confiscate and keep any weapon, ammunition, device, vehicle, boat, vessel, airplane, truck, trailer, mechanical digger, loader, or any equipment used in violation of the laws enforced by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or other agency that enforces environmental laws. Any seizure shall be carried out pursuant to Act No. 119-2011, as amended, "Uniform Forfeiture Act of 2011." To resist or help to resist an arrest, detention, summons, search and/or seizure executed by a Natural Resources Ranger, pursuant to the provisions of this Act or the laws enforced by the Department of Natural and Environmental Resources, shall be deemed to be unlawful.

(l) Inspect permits issued by the Department of Natural and Environmental Resources, the Permit Management Office, the Department of Health, specifically Environmental Health, or any other agency that enforces environmental laws.

(m) Rangers are authorized to make arrests when an offense is committed and/or during a pending investigation in connection with environmental laws, and may file cases and prosecute individuals to the full extent of the law.

(n) Rangers shall have access to the DAVID system of the Puerto Rico Department of Transportation and Public Works when inspecting a motor vehicle and while discharging their duties.

(o) Rangers shall have access to the Department of Justice's Criminal Investigation System.

(p) Intervene with persons who violate the laws and regulations prescribed by the Government of Puerto Rico, when an offense is committed in their presence, upon request by any other law enforcement officer, upon request of a particular citizen, or if discharging his duties as a federal representative.

#### Section 6.- Duties of Off-duty Rangers.

For purposes of any intervention in accordance with the provisions of this Act, the members of the Ranger Corps of the Department of Natural and Environmental Resources of the Government of Puerto Rico shall keep their status as such at all times and in any place within the jurisdiction of the Government of Puerto Rico, even when they are off-duty. To such effects, they shall have all the duties and responsibilities imposed under this Act on the members of the Ranger Corps of the Department of Natural and Environmental Resources.

In their free time, the members of the Ranger Corps of the Department of Natural and Environmental Resources may engage in any other tasks, trade or profession in the private sector or in the Government through a special employment contract provided that said functions are not inconsistent with the objectives and purposes of the Corps under this Act.

The Secretary shall be empowered to establish in the bylaws the tasks, trades, and professions that, in accordance with the foregoing provisions, the members of the Ranger Corps of the Department of Natural and Environmental Resources may perform outside of their legal working schedule as well as the maximum hours that they may work, and any other necessary conditions.

The members of the Ranger Corps shall request authorization from the Secretary to engage, in their free time, in any other tasks, trade or profession and shall notify the identity and locations of the employer or employers to whom they shall render services in their free time. The Secretary shall keep an updated register of all the members of the Corps that request an authorization prior to engaging in other tasks, trade or profession in the private sector in their free time in the private sector or the Government. This rule shall be an exception to the rules imposed in Section 177 of the Political Code of 1902.

The members of the Corps who are authorized by the Secretary to engage, in their free time, in any other tasks, trade or profession in the private sector or the Government, through a special employment contract, that is not inconsistent with the objectives and purposes of this Act, may use their service weapons, uniform and/or his official credentials while performing such duties, provided they are rendering security services and said activities are covered by a liability insurance and attesting evidence of such fact is provided to the Secretary prior to engaging in such tasks, trade or profession.

The employer shall include said member of the Corps in a policy provided by the State Insurance Fund Corporation as a protection in case of work-related accidents or illness, which the member of the Corps shall provide attesting evidence thereof to the Secretary prior to performing his duties. The Government of Puerto Rico shall not be held liable for any claim that results from the services

rendered by the Ranger in his free time pursuant to this Section and the juridical person who hired the Ranger shall be held liable for any damages.

Section 7.- Licenses.

As a special measure, taking into account that the members of the Ranger Corps of Natural and Environmental Resources are law enforcement officers and high-risk officials, the Secretary of the Department of Natural and Environmental Resources shall not charge against any vacation or sick leave the period in which a Corps member remains hospitalized or under medical treatment as a result of an accident or injury that occurred while on duty and without any negligence on the part of the Ranger. In the case of interventions or arrests, if the officer is injured or impaired from discharging his duties, the officer shall have the same benefits as other law enforcement officers.

Section 8.- Corps Organization.

The Secretary is hereby empowered to determine through regulations the organization and administration of the Corps, the obligations, responsibilities, and any other matter as necessary for the operation thereof. The Secretary shall appropriate the funds necessary and administer said funds to achieve the effective operation of the Corps, pursuant to this Act. The clothing that shall constitute the official uniform as well as the equipment thereof shall be prescribed by regulations. The use of the uniform or any combination of uniform component by any person other than the member of the Corps is hereby prohibited. Any person who violates this prohibition shall be punished by a fine not to exceed five hundred dollars (\$500) or imprisonment for a term not to exceed six (6) months.

The members of the Ranger Corps shall be subject to and protected under Act No. 8-2017, as amended, "Government of Puerto Rico Human Resources Administration and Transformation Act."

Regular, provisional, or trust employees shall keep all of their vested rights pursuant to the applicable laws, collective bargaining agreements, rules, and regulations, as well as the privileges, obligations, and status concerning any pension or retirement system in effect, or any savings and loan fund established by law in which they participated before the approval of this Act and that are compatible with the provisions of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act.” The employees of the Department of Natural and Environmental Resources who currently have the right to organize labor unions and collectively bargain pursuant to Act No. 45 of February 25, 1998, as amended, known as the “Puerto Rico Public Service Labor Relation Act,” shall keep said right.

The Secretary may authorize Rangers, through regulations, to avail themselves of retirement for years of service pursuant to the applicable rule of law and may authorize those who are authorized to have and possess a firearm to keep their service weapon. Likewise, he shall provide an identification card certifying that holder is a retiree. The purpose of the foregoing is to enable officers to avail themselves of the Law Enforcement Officers Safety Act (LEOSA) 18 USC §§926 B & C.

#### Section 9.- Coordination with other Agencies, Rules, and Regulations.

In order to achieve the purposes for which the creation of the Ranger Corps is hereby authorized, the Secretary shall coordinate, as necessary, with the federal, state, and municipal agencies concerned, which shall also take any measures necessary so as to achieve effective coordination therewith. Likewise, the Secretary is hereby empowered to adopt rules and regulations as are necessary to enforce this Act, pursuant to Act No. 38-2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act,” which shall take effect ninety (90) days after the date of approval of this Act.

#### Section 10.- Economic Assistance.

The Secretary shall have the authority to accept economic assistance of any kind, including donations in money, technical services, or equipment from private individuals or entities, nonprofit institutions of the Government of the United States of America, state governments, the Government of Puerto Rico or from any government instrumentality, agency, or subdivision for the purpose of fulfilling the purposes of this Act. This, in accordance with Act No. 57 of June 19, 1958, as amended.

#### Section 11.- Hiring.

The Secretary is hereby empowered to enter into any kind of agreement and contract with natural or juridical persons, whether public or private, as well as with federal, state, or municipal agencies and entities within the terms and conditions deemed necessary or convenient to best apply this Act and achieve the purpose thereof. The employees who currently discharge natural resources surveillance, protection, conservation, and supervision functions shall keep their offices, duties, status, and any other rights acquired under the offices they hold upon the effectiveness of this Act.

#### Section 12.- Budget.

The funds needed to achieve the purposes of this Act shall be allocated in the General Expense Budget of the Department of Natural and Environmental Resources.

#### Section 13.- Effectiveness.

This Act shall take effect immediately after its approval.