

“Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act”

Act No. 211 of August 2, 1999, as amended

(Contains amendments incorporated by:

Act No. 445 of December 28, 2000

Act No. 447 of December 28, 2000

Act No. 3 of January 3, 2002

Act No. 447 of September 23, 2004

Act No. 69 of March 10, 2006

Act No. 53 of May 8, 2008

Act No. 35 of July 1, 2009)

(Amendments non-incorporated:

Act No. 134 of November 5, 2009)

To establish the public policy of the Government of Puerto Rico concerning those emergency situations that could affect the Island; create the Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency, attached to the Puerto Rico Public Safety and Protection Commission; grant special powers to the Governor in emergency or disaster situations; fix penalties; and repeal Act No. 22 of June 23, 1976, as amended, known as the “Puerto Rico Civil Defense Act.”

STATEMENT OF MOTIVES

The main function of every government is to protect the life and property of its citizens. Throughout history, attempts have been made to anticipate the unexpected in order to reduce the risks to the life and safety of human beings caused by natural events and those created by man. The Island of Puerto Rico is vulnerable to a great diversity of natural phenomena due to its geographic location in the tropics and in an active seismic zone. The extensive industrial, commercial and urban growth of the Island during the second half of this century has increased the exposure of our Island to these natural phenomena, as well as to certain risks created by technology and human activity.

The proper management of emergencies caused by these events, based on the principle that man is unable to avoid the occurrence of most, though able to prevent and mitigate their consequences, has become very important in recent years. For a number of years, emergency management as a function of government was mainly limited to preparation and response efforts.

At present, the concept of emergency management refers to the rational process through which a society is prepared to deal with the consequences associated with natural events or

those created by man. This process requires a consolidated approach to the necessary activities that must be conducted before, during and after an emergency or disaster. This correlation of time and space defines the dynamics by which the four (4) phases of emergency management interact: preparation (before); mitigation (before and after); response (during); and recovery (after).

The coordination of all these activities by both the government and the private sectors requires the presence of an agency or entity that will consolidate all the efforts of these components in view of the multiple possible risks.

It is therefore necessary to adopt a new Emergency Management and Disaster Administration Act suitable to the present reality of Puerto Rico in terms of the risks that threaten the Island, and thus provide the necessary mechanisms to prevent or minimize their consequences.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Short Title. (25 L.P.R.A. § 172 note)

This act shall be known as the "Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act".

Section 2. — Public Policy Statement. (25 L.P.R.A. § 172a)

It is hereby stated that the public policy of the Government of Puerto Rico is to protect our inhabitants in those emergency situations or disasters that affect the Commonwealth of Puerto Rico and to provide them with the necessary assistance in the speediest and most effective manner possible to ensure the protection of their lives and property before, during and after the event. Likewise, it is the obligation of the Government to achieve the earliest recovery and stabilization of the services essential to our citizens and to our industrial, commercial and governmental activities.

In order to execute this public policy, the Government of Puerto Rico hereby creates the Commonwealth of Puerto Rico Emergency Management Agency, with the power and responsibility of coordinating all pertinent Commonwealth, federal, municipal and private plans. The Commonwealth Agency shall coordinate its efforts with other states and territories of the union to achieve this purpose, within the scope of the laws, standards, and regulations of Puerto Rico and the United States.

The Commonwealth Agency may solicit, receive and process offers of help from natural or juridical persons from the private sector of any part of the world, and shall be responsible for the most effective use of the human and economic resources available wherever they may be, within the laws, standards and regulations of Puerto Rico and the United States.

Section 3. — Definitions. (25 L.P.R.A. § 172b)

The following terms shall have the meaning indicated below, except when a different meaning can be construed from the context:

- (a) Commonwealth Agency — Means the Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency.
- (b) Federal disaster assistance — Means the federal assistance to disaster victims, the municipal governments and the Commonwealth Government or its instrumentalities, under the provisions of the Robert T. Stafford Act (formerly known as the "Disaster Relief Act of 1974").
- (c) Commission — Means the Puerto Rico Public Safety and Protection Commission.
- (d) Commissioner — Means the Commissioner of Public Safety and Protection of Puerto Rico.
- (e) Disaster — Means the occurrence of an event that results in damage to property and deaths or injuries in one or more communities.
- (f) Evacuation — Means the orderly movement, controlled by phases and supervised, of civilians from danger zones or potentially dangerous zones, to be received or located in safe areas.
- (g) Director — Means the Executive Director of the Commonwealth Agency.
- (h) Emergency — Means any situation or circumstance for which the efforts of the Commonwealth and municipal governments are necessary to save lives and to protect properties and the public health and safety, or to minimize or prevent the risk of a disaster occurring in any part of Puerto Rico.
- (i) Emergency Support Functions (ESF) — Refers to a functional area within the four phases of emergency management engaged in expediting the coordinated availability of aid or assistance when said aid is requested during emergencies or disasters. This assistance is directed [at] saving lives and protecting the property, health and safety of the people. The Federal Emergency Support Functions (ESF) encompass the kinds of Federal or Commonwealth assistance which the municipalities, states, and territories are most likely to need as a result of the impact created by a disaster, with regard to the available internal resources. The Federal Emergency Support Functions (ESF) are described in and are part of the Federal Response Plan and the Commonwealth Emergency Management Plan.
- (j) Emergency Management — Refers to the concept that integrates all actions and measures taken before, during and after an emergency or disaster throughout the four emergency management phases: mitigation, preparation, response and recovery.
- (k) Mitigation — Means all those activities leading to the elimination or reduction of the impact of an emergency or disaster and the possibility of their occurring.
- (l) State Coordinating Officer (SCO) — Means the person appointed by the Governor of Puerto Rico to coordinate federal assistance to the petitions generated by the municipalities or by the Commonwealth government when affected by an emergency or disaster under a presidential disaster or emergency declaration.
- (m) Preparation — Means the process of planning an effective response in cases of emergencies or disasters by coordinating and employing the available resources.

(n) Recovery — Means the process used to return the area to its normal conditions after the disaster.

(o) Governor's Authorized Representative (GAR) — Means the person designated by the Governor of Puerto Rico in the agreements between the federal and the Commonwealth governments to execute, in representation of the Government of Puerto Rico, all documents pertaining to federal assistance and to evaluate and handle petitions for federal assistance from municipal governments or entities eligible to receive such assistance, be they private or public organizations of the federal government proper or of its instrumentalities after a state of emergency or a disaster has been declared.

(p) Response — Means those activities directed to lessen the immediate and short-term effects created as a result of an emergency or disaster. The response activities include those conducted for saving and protecting lives and properties and for providing the basic needs of human beings. The Commonwealth Agency shall provide assistance to the municipal governments according to the circumstances and requirements of each situation and pursuant to what is established in the Commonwealth Emergency Plan, through the partial or total activation of the agencies in charge of the necessary Federal Emergency Support Functions (ESF).

(q) Specialized Voluntary Technicians — Means [those] persons with technical knowledge of refrigeration, plumbing, electricity and construction, among others, who voluntarily group as provided in the Commonwealth Response Plan of each municipality to work as emergency management volunteers.

Section 4. — Creation of the Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency . (25 L.P.R.A. § 172b)

The Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency is hereby created, to be attached to the Puerto Rico Public Safety and Protection Commission.

Section 5. — Personnel System. (25 L.P.R.A. § 172c)

The Commonwealth Agency shall establish and administer its personnel system according to the systems, regulations, standards, and procedures approved by the Commissioner, pursuant to Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act", and Act No. 89 of July 12, 1979, known as the "Puerto Rico Uniform Compensation Act". The Administrator of the Central Labor Advisory and Human Resources Administration Office shall approve the classification and uniform compensation plans pursuant to said laws, once the certification of availability of funds has been issued by the Office of Management and Budget.

All employees of the Commonwealth Civil Defense Agency are guaranteed their jobs and rights acquired under the personnel laws and regulations, as well as the rights, privileges, obligations and status regarding any existing pension, or retirement system or systems, or savings and loan funds to which they were affiliated when this act was approved.

The Commonwealth Agency shall establish and administer its accounting, account management, procurement, and record and file administration systems, as well as any other administrative and operational support systems, according to the management procedures and the standards approved by the Commission.

The Commonwealth Agency, in the performance of the functions conferred by this Act, shall be exempted from the payment of any kind of Commonwealth or municipal fees, tariffs, rates, patents and excises, as well as from the payment of income taxes.

Section 6. — Appointment of the Director. (25 L.P.R.A. § 172d)

The Commonwealth Agency shall be headed by a director appointed by the Commissioner of the Puerto Rico Public Safety and Protection Commission, in consultation with the Governor. The Director shall receive the compensation established by Act No. 13 of June 24, 1989. The Director shall perform his duties at the discretion of the Commissioner and shall be a person of recognized moral probity, capacity and knowledge in the areas to be managed by the Commonwealth Agency.

Section 7. — Faculties and Powers of the Director. (25 L.P.R.A. § 172e)

The Director shall have the responsibilities, faculties and powers necessary and convenient to enforce the provisions of this Act, including but not limited to the following:

(a) Perform the administrative functions needed to enforce the purposes of this Act, such as entering into agreements and coordinating the adoption of plans, actions and measures addressed to achieve compliance with the public policy established in this Act with the pertinent government agencies, departments or bodies, and political subdivisions of the Government of Puerto Rico, as well as with other public or private institutions.

(b) Prepare, modify and submit to the Governor, through the Commissioner, a plan describing the services provided by the Commonwealth Agency, as well as the operating budget to fulfill the obligations imposed by this Act.

(c) Establish, in coordination with the Commissioner, and with the approval of the Governor, working or reciprocity agreements with other Commonwealth jurisdictions through the mechanisms provided by federal and Commonwealth laws, to achieve the purposes of this Act.

(d) Establish an educational program on the prevention of disasters and emergency management with the participation of public and private entities and the media, and implement said program, free of charge and mandatory in schools, universities and graduate studies institutions, including seminars, training sessions, conferences, workshops or corresponding courses.

(e) Execute contracts and any other instruments that may be necessary or convenient in the exercise of his powers, as well as contract the necessary professional services with individuals, groups, corporations, federal agencies, and the governments of the United States and Puerto Rico and their agencies or political subdivisions.

(f) Adopt those regulations and procedures needed to execute the purposes of this Act, subject to Act No. 170 of August 12, 1988, as amended [13 L.P.R.A. §§ 2101 et seq.], known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

(g) Charge fees for seminars, training sessions, conferences, workshops, or courses on emergency and disaster management. This charge shall be rendered ineffective in the case of a nonprofit organization whose mission is the promotion of the community self-management and empowerment principle, as defined by Act No. 1 of March 1, 2001 [21 L.P.R.A. §§ 962-967], known as the "Puerto Rico Special Communities Integral Development Act". It is thus Provided, That every community organization established with the purpose of furthering the principles set forth in Act No. 1 of March 1, 2001, shall be exempt from the payment of the charges imposed herein.

(h) Attend to matters related to the organization and administration of the Commonwealth Agency and its internal operations.

(i) Contract the personnel he deems necessary or convenient, fix their duties and powers, and assign their compensation.

(j) Establish those regional offices throughout the Commonwealth that he deems convenient or necessary to execute the purposes of this Act.

(k) Organize and train groups and/or individuals for emergency management. No natural or juridical person may contract government entities, public corporations or municipalities for professional or consulting services for training or advising persons or groups in the management of emergencies without having previously obtained an accreditation issued by the Public Safety Commissioner after an evaluation and the recommendation of the Executive Director.

Violation of this provision by any natural or juridical person shall be deemed to be a misdemeanor.

(l) Acquire by purchase, real and personal property, equipment, materials, services and supplies that are convenient or necessary to achieve the purposes of this Act, subject to the regulations established by the Commissioner for this purpose.

(m) Solicit and accept, with the approval of the Commissioner, funds and donations from any Commonwealth or federal government entity, or from private natural or juridical persons in and outside of Puerto Rico. The Commonwealth Agency may employ these funds or donations subject to the regulations established by the Secretary of the Treasury for this purpose.

(n) Bestow acknowledgments, decorations or honorary mentions on those organizations or persons who render distinguished services during any of the phases of the emergency management process, pursuant to the administrative procedures established by the Director.

(o) Develop and update a Commonwealth Emergency Management Plan for all phases of emergency and disaster management by coordinating the actions of the Commonwealth agencies and the municipalities in order to speedily render those essential services to meet the needs of our citizens and ensure their restoration as soon as possible.

(p) Establish those communications systems to expedite the efficient operation of the Commonwealth Agency and which will also allow and facilitate interagency communications during emergencies and disasters.

(q) Direct the coordination activities of Commonwealth and municipal agencies established in the Commonwealth Emergency Management Plan by harmonizing the efforts of the Government of Puerto Rico to provide a speedy and effective recovery.

(r) Be responsible for the program for planning the mitigation of natural as well as technological risks. To such effects, he shall preside over the Commonwealth Interagency Risk Mitigation Committee established in Section 11 of this Act. He shall likewise act as the Commonwealth Mitigation Officer of the Government of Puerto Rico and appoint an Alternate Mitigation Officer to assist him in the discharge of the functions prescribed in this Act.

(s) Recommend to the Commissioner, so that he or she may in turn petition the Governor to totally or partially activate the available resources of the Puerto Rico Armed Forces according to the provisions of Act No. 62 of June 23, 1969, as amended [25 L.P.R.A. §§ 2001 et seq.], known as the "Puerto Rico Military Code".

(t) Organize groups and/or individuals who are specialized voluntary technicians for emergency management in the diverse municipalities.

Section 8. — Deputy Director. (25 L.P.R.A. § 172f)

The Director may appoint a Deputy Director who will assist him or her in the performance of his or her functions and substitute [for] him or her as Acting Executive Director in case of his or her temporary absence, until the Director returns to work, or in the event of vacancy, until the new incumbent takes office. The qualifications, functions, and salary of the Deputy Director shall be fixed by the Director.

Section 9. — Coordination between the Government of Puerto Rico and the Government of the United States. (25 L.P.R.A. § 172g)

(a) *Situations governed by a presidential emergency or disaster declaration* — To the extent practicable, the emergency and disaster management plans and programs of the Government of Puerto Rico shall be coordinated with those of the Government of the United States.

The Director, under the supervision of the Commissioner, shall be responsible for the coordination and implementation of said plans and programs, and shall act as liaison between the Government of Puerto Rico and the Government of the United States to such ends.

(b) *Situations governed by a declaration of a state of emergency or disaster issued by the Governor of Puerto Rico* — In situations where the intervention of the agency is pertinent, the Governor of Puerto Rico shall decree a state of emergency or disaster through an executive order, and the Director, under the supervision of the Commissioner, shall be responsible for the coordination, implementation and administration of the disaster management plans and programs.

The Governor of Puerto Rico shall appoint the person responsible for disaster administration who shall act as the Governor's Authorized Representative (GAR) during all disasters, whether declared by the President or by the Governor, and be responsible for the proper management of any appropriated Commonwealth and federal funds. The Governor shall likewise appoint the person who shall act as State Coordinating Officer (SCO) in every emergency or disaster where federal assistance is requested for response, recovery or mitigation functions.

Section 10. — Appointment of interagency coordinators. (25 L.P.R.A. § 172h)

The Director shall determine which agencies are to be included in the Commonwealth Emergency Management Plan and assign responsibilities according to their functions. Upon their inclusion in said plan, these agencies shall be responsible for the following:

- (a) Support the Commonwealth effort within their organic functions with the resources and capabilities required by the Commonwealth Agency.
- (b) Establish an Emergency Management and Disaster Administration Office, which shall develop and implement the Commonwealth Agency emergency plans and those internal plans required by its support function on behalf of the Commonwealth Emergency Management Plan in coordination with other agencies.
- (c) Appoint a fulltime interagency coordinator, who shall be in charge of every emergency management phase. His main function shall be to act as liaison of the Commonwealth Agency within the Commonwealth Emergency Plan to coordinate all actions required under said Plan and by the Commonwealth Agency. The Coordinator shall be provided with all the necessary resources to perform his duties. He shall have the authorization of the head of the Commonwealth Agency to make decisions and to encumber funds and resources within the operational framework of the agencies. The Interagency Coordinator shall be responsible for the operation of the Emergency Management and Disaster Administration Office of his agency.
- (d) Prepare and keep an updated recovery plan in case of an emergency or disaster that includes actions, measures and priorities to return the Island to its normal conditions as soon as possible. This plan shall be coordinated with the Commonwealth Agency and shall be integrated to the Commonwealth Emergency Management Plan. The Interagency Coordinator shall be responsible for the Plan and its coordination as herein required.

Section 11. —Creation of the Interagency Natural and Technological Risk Mitigation Committee. (25 L.P.R.A. § 172i)

The Interagency Natural and Technological Risk Mitigation Committee is hereby created, which shall be responsible for:

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

The agencies selected by the Director shall appoint mitigation affairs coordinators. These coordinators shall be responsible for:

- (a) Participating as members of the Commonwealth Interagency Risk Mitigation Committee.
- (b) Coordinating and preparing mitigation plans and activities in their respective agencies.

Section 12. — Temporary Housing. (25 L.P.R.A. § 172j)

The Commonwealth Agency shall coordinate with the Department of Housing the administration and maintenance of any sort of temporary housing for emergency or disaster

victims who have been moved from their homes to temporary shelters. The main responsibility for administering and operating said housing facilities shall fall on the Secretary of Housing.

Section 13. — Search and Rescue. (25 L.P.R.A. § 172k)

The Commonwealth Emergency Management and Disaster Administration Agency shall coordinate the efforts of the Government of Puerto Rico with respect to search and rescue operations. It shall also coordinate its efforts with federal entities or with those of any other nature having search and rescue functions.

The Executive Director shall appoint a Search and Rescue Coordinator for Puerto Rico, who shall develop said programs, including the Search and Rescue Task Force. The Civil Defense Corps of Volunteers shall be part of this search and rescue program.

Section 14. — Municipal Emergency Management and Disaster Administration Offices. (25 L.P.R.A. § 172l)

Every municipality of Puerto Rico is hereby directed to establish a municipal emergency management and disaster administration Office, in accordance with the standards established by the Director for such a purpose.

Every municipal office shall be directed by a municipal director appointed by the mayor. The appointment of the municipal director shall be approved by the municipal legislature. The municipal director shall be responsible for:

- (a) Developing and implementing the Emergency Management and Disaster Administration Plan.
- (b) Fulfilling the requirements established in the Commonwealth Response Plan.
- (c) Undertaking the initial response to emergencies and disasters and coordinating with the pertinent municipal and Commonwealth agencies the actions and resources needed for the speediest recovery.
- (d) The mitigation, preparation, response and recovery efforts required for disaster control in his municipality by performing these functions to minimize or prevent the loss of lives and properties.
- (e) The emergency management municipal office of every municipality shall exercise its functions within the jurisdictional boundaries of the municipality, but may also exercise those functions necessary to comply with the purposes of this Act or required by the Commonwealth Director or the Governor beyond the municipal boundaries.
- (f) Every municipality of the Commonwealth of Puerto Rico shall have the power to:
 - (1) Appropriate and use the necessary funds, enter into contracts, and obtain and distribute the equipment, materials and supplies needed for municipal emergency management operations.
 - (2) Establish a main control center and several secondary centers to direct municipal emergency management operations.
 - (3) Provide assistance to the personnel or to the property and equipment of any other municipality that may request assistance and that for any meritorious reason should receive the same.

g) Every Municipal Emergency Management Office (OMME, Spanish acronym) shall draft and update a municipal emergency and disaster management plan and submit a copy thereof to the Executive Director.

(h) The Municipal Plan shall be coordinated, to the extent possible, with the Commonwealth Plan.

(i) The mayor may accept donations for the purposes of the AEME-AD, of personal and real property, equipment, materials, services, supplies and money from any government entity, in or outside of Puerto Rico, and from private natural or juridical persons in or outside of Puerto Rico.

(j) Corps of Volunteers of the AEME-AD All the municipalities of the Commonwealth of Puerto Rico are hereby authorized to organize a Corps of Volunteers of the AEME-AD including specialized technical groups in accordance [with] the directives established by the Executive Director, as provided in this Act.

(k) The Corps of Volunteers of the AEME-AD shall render, among others, auxiliary police, firefighting, medical, engineering, communications, administrative, social services, transportation, public works, and specialized technical refrigeration, plumbing, electricity and construction services, among others.

(l) The Municipal Director of the OMME shall be responsible for organizing and administering the Municipal Corps of Volunteers, subject to the supervision and advice of the Commonwealth Agency Zone Director.

(m) When the Governor decrees a state of emergency or disaster and the Corps of Volunteers of the AEME-AD have been activated by the Executive Director, the members of said entities, after being in active duty for a term of forty-eight (48) hours or more, may receive compensation from the Emergency Fund, at the rate determined by the Secretary of the Treasury.

This shall not apply to those volunteers employed by government entities of the Commonwealth of Puerto Rico. Upon petition of the Commonwealth Agency, the Administrator of the State Insurance Fund shall extend the insurance coverage to the members of the Corps of Volunteers of the AEME-AD, subject to the conditions established in the laws that regulate work-related accident compensation rates, and shall conduct the annual liquidation of the insurance on the basis of the expenses incurred.

(n) The benefits granted to the members of the Corps of Volunteers of the AEME-AD shall be extended to the members of the AEME-AD corps from outside of Puerto Rico who render services in our territory.

Section 15. — Special Powers of the Governor of Puerto Rico. (25 L.P.R.A. § 172m)

In emergency or disaster situations, the Governor of Puerto Rico may decree, through a proclamation, the existence of a state of emergency or disaster, as the case may be, throughout the entire territory of Puerto Rico or part thereof. In addition to any other powers conferred by law, the Governor, while said state of emergency or disaster lasts, shall have the following powers:

- (a) Request from the President of the United States any type of federal assistance granted by federal legislation in effect, and accept and use said assistance at his discretion, subject exclusively to the conditions established in the laws that grant the same.
- (b) Order, amend and revoke those regulations, and issue, amend and cancel those orders the Governor may deem convenient to prevail during the state of emergency or disaster.
- (c) Enforce those Commonwealth regulations, orders, plans or measures pertinent to emergency or disaster situations or change the same according to the Governor's better judgment.
- (d) Order the removal of rubble and debris remaining as a consequence of an emergency or disaster situation, subject to the conditions set forth hereinafter.
- (e) Acquire through purchase or donation any real or personal property, or any rights thereon, that in the Governor's judgment are deemed useful, convenient or necessary during a state of emergency or disaster.
- (f) Acquire through eminent domain any real or personal property, or any rights thereon, that in the Governor's judgment are deemed useful, convenient or necessary during a state of emergency or disaster, pursuant to the provisions of the Act dated March 12, 1903, as amended [32 L.P.R.A. §§ 2901 et seq.], and subject to the additional provisions set forth hereinafter.

Section 16. — Removal of Rubble and Debris. (25 L.P.R.A. § 172n)

The Governor of Puerto Rico, after having decreed a state of emergency or disaster, may order the removal of rubble or debris remaining as a consequence of said situation. To such effects, the Governor may use the resources available to the Government of Puerto Rico to clean and remove the rubble, debris or wreckage that could affect the public health or safety and the public or private land or bodies of water. The cleaning or removal efforts may be entrusted to those natural or juridical persons that, in the judgment of the Governor, have the capability of undertaking the same.

The cleaning or removal of rubble and debris on private property shall not be conducted without the prior written approval of the owner of said property. The document to be signed to such effects shall state that the property owner holds the Governor or the Governor's agent harmless from damages that may be caused to [the] owner's property during the cleaning or removal process, and furthermore agrees to compensate the Government of Puerto Rico in the event a claim arises as a result of said cleaning or removal efforts.

After the consent of the owner of the private property has been obtained, the agents of the Governor shall be fully authorized to enter said property and carry out any task needed to clean or remove rubble and debris.

Section 17. — Eminent domain during states of emergency or disaster. (25 L.P.R.A. § 172o)

The Governor of Puerto Rico, upon the decree of a state of emergency or disaster, may acquire through the exercise of eminent domain, the real or personal property or any rights

thereon, that in the Governor's judgment are deemed useful, necessary or convenient to carry out the purposes of this Act.

Said personal or real property shall include land, buildings, means of transportation and communication, food, clothing, equipment, materials of any kind, medicines, and any other basic commodities.

For the purposes of Act dated March 12, 1903 [32 L.P.R.A. §§ 2901 et seq.], the real or personal property and the rights thereon that in the judgment of the Governor are useful, necessary or convenient during a state of emergency or disaster are hereby declared to be of public benefit. Thus, the express declaration of public benefit required in other cases shall not be necessary.

The exercise of eminent domain established pursuant to the provisions of this Act shall have utmost priority in the court's calendar.

Section 18. — Immunities. (25 L.P.R.A. § 172p)

Because this Act provides that the emergency and disaster management measures, functions and activities are governmental in nature, the following immunities are hereby established for the natural or juridical persons that participate in emergency and disaster management efforts:

(a) The owner or the natural or juridical person with useful ownership of certain real property or part thereof, that without any compensation whatsoever cedes the use of said real property or part thereof to the authorities of the Commonwealth Agency or of any of the municipalities, through a written agreement to such effects, to be used as a shelter or to house persons during an emergency or disaster or during a drill conducted under the direction of the Commonwealth Agency, shall be held harmless from damages caused by the death or injuries suffered by persons placed or housed in said shelters during any of said instances, or for the loss or damages to the properties of said persons even when these damages are caused by the negligence of the owner or the person with useful ownership of the real property. The owner or the natural or juridical person with useful ownership of said real property shall also be held harmless when his alleged negligence results in the death or injury of any Commonwealth Agency employee or official while in the performance of his official duties at said property, and shall not be liable for damages when due to his negligence there is damage to or loss of the property of said employee or official, or loss of or damage to the property found in said shelter as part of the equipment furnished by the Commonwealth Agency.

(b) None of the following shall be liable for the death or injuries to persons or damage to property, except in cases of gross negligence, improper conduct or bad faith:

- (1) The Government of Puerto Rico and its employees and the municipalities and their employees in the execution of their duties and activities.
- (2) The emergency and disaster management agencies or entities and their employees in the execution of their duties and activities.
- (3) Any volunteer who renders emergency management services.

Section 19. — Regulations and Orders. (25 L.P.R.A. § 172q)

The regulations drafted and the orders issued during a state of emergency or disaster shall have force of law for the duration of said state of emergency or disaster.

Section 20. — Violations and Penalties. (25 L.P.R.A. § 172r)

Any person who commits any of the following acts shall be sanctioned with a penalty of imprisonment not to exceed six (6) months or a fine not to exceed five thousand dollars (\$5,000), or both penalties at the discretion of the court:

- (a) Violating any provision of this Act or any regulation drafted or order issued thereunder.
- (b) Raising a false alarm with respect to the imminent occurrence of a catastrophe in Puerto Rico, or spreading rumors or raising a false alarm regarding nonexisting abnormalities under a state of emergency or disaster.
- (c) Failing to observe civilian population evacuation orders issued by the Commonwealth Agency as part of the enforcement of its plan in cases of emergency or disaster. It is hereby provided that minors or disabled persons may be removed against the will of their parents, guardians, custodians or tutors during a state of emergency and once the Governor has declared such a state of emergency. For the purposes of this Act, a "disabled person" is an individual with a mental disability that seriously impairs his capacity to act on his own.
- (d) Hindering the evacuation, search, reconstruction or assessment and investigation of damages conducted by federal, Commonwealth or municipal agencies, endangering his life or the lives of other persons, or persisting in carrying out any activity, including those of a recreational nature that endanger his life or the lives of other persons, after having been alerted by the authorities once a hurricane watch has been issued by the pertinent authorities or while a state of emergency declared by the Governor of Puerto Rico through an Executive Order is in effect.

The court may impose community service as an alternate penalty.

Section 21. — Transitory Measures. (25 L.P.R.A. § 172 note)

As of the effective date of this Act, the Director is hereby authorized to adopt those transitory measures deemed necessary to carry out the transfers ordered herein without interrupting the administrative processes and the affairs and programs hereby transferred.

Section 22. — Financing of expenses of the Commonwealth Agency. (25 L.P.R.A. § 172s)

The regular expenses for the operation of the Commonwealth Agency shall be consigned annually in the General Expenses Budget of the Government of Puerto Rico.

The special expenses incurred by the Commonwealth Agency during any state of emergency or disaster shall be reimbursed to the latter from the Emergency Fund created by Act No. 91 of June 21, 1966, as amended [3 L.P.R.A. secs. 457 et. seq.].

Section 23. — Transfer of Duties. (25 L.P.R.A. § 172 note)

As of the effective date of this Act, all functions, powers and duties of the Commonwealth Civil Defense Agency are hereby transferred to the Commonwealth Agency.

Section 24. — Transfer of Resources. (25 L.P.R.A. § 172 note)

The resources and facilities, including personnel, records, equipment, property, funds and appropriations presently held by the Civil Defense Administration are hereby transferred to the Commonwealth Agency. The Commonwealth Agency shall use these resources and facilities to comply with the functions, powers and duties adjudicated thereto in the most convenient and prompt manner possible, seeking to avoid the interruption of the services.

Section 25. — Repeal. (25 L.P.R.A. § 172 note)

Act No. 22 of June 23, 1976, as amended, known as the "Puerto Rico Civil Defense Act," is hereby repealed.

Section 26. — Severability Clause. (25 L.P.R.A. § 172 note)

Should any part of this Act be rendered null and void by a court with competent jurisdiction, the remaining provisions thereof shall retain their force of law.

Section 27. — This Act shall take effect sixty (60) days after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.