

(H.B. 1232)

**(No. 77)**

(Approved August 25, 2005)

## **AN ACT**

To amend Section 5 of Act No. 1 of June 29, 1977, as amended, known as the “Natural and Environmental Resources Rangers of the Department of Natural and Environmental Resources Act,” in order to include the provisions of Section 6.1 of Act No. 170 of August 2, 1988, as amended, known as the “Uniform Administrative Procedures Act.”

### **STATEMENT OF MOTIVES**

Act No. 1 of June 29, 1977, as amended, known as the “Natural and Environmental Resources Rangers of the Department of Natural and Environmental Resources Act,” created the Natural Resources Rangers Corps. The Corps “has the responsibility of ensuring the protection of our natural resources for the use, pleasure and enjoyment of our people; of enforcing compliance with the laws and regulations that protect the environment and prevent its pollution as well of exercising law enforcement functions within all areas under the jurisdiction of the Department of Natural Resources.”

The work of the Rangers Corps is of the greatest importance for the conservation of the environment. It is therefore necessary to provide the Corps with the legal foundation it needs to effectively exercise its functions.

The legal foundation that presently establishes the functions of the Rangers is set forth in Section 5 of Act No. 1, *supra*. However, said Section, especially its subsection (b)(1) must be adjusted to fit the existing juridical realities.

Act No. 170, better known as the “Uniform Administrative Procedures Act,” was approved August 12, 1988. Said law establishes the juridical framework that governs government agencies. Section 6.1 of Act No. 170, *supra*, establishes the parameters within which an administrative agency is able to conduct inspections in order to ensure compliance with its laws and regulations. This Section indicates that in the following cases the agencies may conduct their inspections:

- (a) In the case of an emergency if the public health or security are affected;
- (b) pursuant to the power to grant licenses, franchises, permits or other similar matters;
- (c) in case the information is available at simple view or in public places just by looking.

This Legislature believes that it is important to update the “Natural and Environmental Resources Rangers of the Department of Natural and Environmental Resources Act,” with the provisions of the “Uniform Administrative Procedures Act,” so that no type of ambiguity may exist regarding the laws that regulate the Rangers Corps.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.-Section 5 of Act No. 1 of June 29, 1977, as amended, known as the “Natural and Environmental Resources Rangers of the Department of Natural and Environmental Resources Act,” is hereby amended to read as follows:

“Section 5.-Duties

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

- (a) ...
- (b) The Corps shall have the power to exercise the following functions:
  - (1) To make arrests for attempted violation or violations of the laws provided in subsection (a) of this Section when the attempt to commit the violation or the violation has been committed in the presence of any member of the Corps. 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 Commonwealth without it constituting trespassing. Entrance to private property requires the prior permission of the owner of the land, except in those cases established in Section 6.1 of Act No. 170 of August 12, 1988, as amended, known as the ‘Uniform Administrative Procedures Act.’”

....”

Section 2.-This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 77 (H.B. 1232) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 5 of Act No. 1 of June 29, 1977, as amended, known as the “Natural and Environmental Resources Rangers of the Department of Natural and Environmental Resources Act,” in order to include the provisions of Section 6.1 of Act No. 170 of August 2, 1988, as amended, known as the “Uniform Administrative Procedures Act,

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

In San Juan, Puerto Rico, today 20<sup>th</sup> of January of 2006.

Francisco J. Domenech  
Director