

(H. B. 402)

**(No. 96)**

(Approved August 26, 2005)

**AN ACT**

To create the “Emergency Equipment in School Buildings Act,” to provide that all new public system school building construction works, whether elementary, middle, high or vocational school, begun or in effect on July 1, 2007, shall have an emergency generator or any other alternate device for the generation of electricity and a water cistern, so that school work is not interrupted during any failure in the normal supply of either of these resources.

**STATEMENT OF MOTIVES**

Article II, Section 5, of our Constitution sets forth that every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. This statement of principles and public policy of the Government of Puerto Rico has been addressed through the years by means of diverse statutes in search of a better education system for all our children.

However, the quality of the education services that we offer our students is only as effective as allowed by the physical reality and environment in which such services are provided.

It is of public knowledge that many of the areas in which our schools are located do not have the adequate infrastructure for the effective distribution of water. We also know that some school buildings have continuous problems with power outages or significant power failures. These factors make the work of our teachers and students impossible, especially in the neediest sectors of the country, where these problems are often the primary cause of absenteeism and suspensions

of classes.

While it is true that Puerto Rico hopes to improve its infrastructure systems in the long term, including significant improvements in the distribution of water and electric power, it is not less true that short term action and medium term actions are required to solve the immediate problems of the students that cannot attend classes regularly because they do not have water and electric power to carry out their tasks.

We understand that it is not enough to approve legislation in which a public policy on a particular problem is stated, since the adequate structures must be created in order to be able to carry out said policy. For the letter of the Law to come alive, it is essential that the Government of Puerto Rico does not limit itself to legislation, but that it takes action by making a commitment toward the development of new alternatives in favor of the rights of our students and teachers.

Consequently, the alternative introduced through this Act is cost effective and short term, which shall help us to address the problems of water and electric power scarcity in our school buildings as an emergency, thus allowing our students to attend their classes uninterruptedly and to enjoy fully the rights granted to them by the Constitution.

It should be clarified that this bill is geared toward creating emergency mechanisms that do not impair long term plans so that Puerto Rico may finally have the desired infrastructure in our entire Island.

Finally, the measure directs the Department of Education to render a report to the Legislature on the estimated cost of the equipment required herein for already existing schools, as well as a proposed retrofitting program to endow them with the aforementioned equipment.

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

Section 1.- This Act shall be known as the “Emergency Equipment in School Buildings Act.”

Section 2.- It is hereby provided that all new public system school building construction works, whether elementary, middle, high or vocational school, begun or in effect starting July 1, 2007, shall have an emergency generator or any other alternate device for the generation of electricity, such as, but not limited to, solar plates, and a water cistern, so that school work is not interrupted during any failures in the a normal supply of either of these resources.

Those local schools built by July 1, 2007, shall be included in the Report to be prepared by the Department of Education pursuant to the provisions in this Act, and shall be included in a retrofitting program to endow them with the aforementioned equipment.

Section 3.- The capacity, specifications and number of such equipment shall be determined according to the estimated needs of each school building, as certified by the engineer or architect in charge of the works. The construction blueprints shall certify the details on the designated area for the placement of such equipment, as well as the equipment per se, as an indispensable condition for the granting of any construction permit.

Section 4.- The Regulations and Permits Administration, in cooperation with the Environmental Quality Board, is hereby directed to adopt by means of regulation the corresponding measures with respect to the specification requirements, capacity, measurements and distances between the equipment, as well as the areas to be designated for the placement of such equipment with respect to the classrooms, taking into account the possible noise to be emitted by the generators during their operations and the emanation of gasses. Provided, that such

regulations shall contain the rules to guarantee a preferential public policy in favor of the installation of solar plates as first option in order to comply with the purpose of this Act.

Section 5.- The Department of Education is hereby directed to prepare a list of all the local school building built prior to the date indicated in Section 1 and expected to continue operating after said date with a term less than ninety (90) days from the date of effectiveness of this Act. On or before December 31, 2005, a report shall be submitted to this Legislature on the estimated cost of fitting such schools with the equipment required by this Act. The Department shall also include a proposal to establish a retrofitting program to endow said schools with the aforementioned equipment, so that the Legislature may adopt the legislative action it deems necessary.

Section 6.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 96 (H.B. 402) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to create the “Emergency Equipment in School Buildings Act,” to provide that all new public system school building construction works, whether elementary, middle, high or vocational school, begun or in effect on July 1, 2007, shall have an emergency generator or any other alternate device for the generation of electricity and a water cistern, so that school work is not interrupted during any failure in the a normal supply of either of these resources,

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

In San Juan, Puerto Rico, today 16<sup>th</sup> of May of 2006.

Francisco J. Domenech  
Director