

(H. B. 2178)

**(No. 150)**

(Approved December 12, 2005)

## **AN ACT**

To amend Section 3 of Act No. 91 of June 21, 1996\*, as amended, known as the “Puerto Rico Emergency Fund Act,” in order to authorize, as an exception for Fiscal Year 2005-2006, the use of up to ten point five percent (10.5%) of the maximum balance of one hundred and fifty (150) million dollars in the Emergency Fund to cover the operating expenses of the Commonwealth Emergency Management and Disaster Administration Agency.

### **STATEMENT OF MOTIVES**

The Commonwealth Emergency Management and Disaster Administration Agency (AEMEAD, Spanish acronym) was created to establish the public policy of the Government of Puerto Rico with respect to emergency situations that affect the Island; to create the Commonwealth Emergency Management and Disaster Administration Agency attached to the Puerto Rico Public Safety and Protection Office; and to grant special power to the Governor in emergency or disaster situations.

AEMEAD has the mission of coordinating all the resources of the Commonwealth government as well as those of the private sector to provide services promptly and effectively before, during and after emergency situations to ensure protection of the lives and properties of the people. The purpose is to reduce or mitigate the impact of said events on our society and

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\* Translator’s Note: Should read 1966

to provide the people of Puerto Rico with the mechanisms to effectively address all emergency or disaster situations that could occur in the future.

Therefore, the availability of communications systems that allow us to coordinate all municipal and state resources to tend to emergency situations is fundamental in order to comply with our ministerial duty of protecting the lives and property of our citizens. The coordination of all these activities in the government sector, as well as in the private sector requires the integration of all efforts necessary for these purposes.

Furthermore, AEMEAD has the responsibility of coordinating all those activities directed to mitigating the immediate effects that arise as consequence of an emergency or disaster situation in order to save and protect the lives and property and tend to the basic needs of human beings. It shall also coordinate with the Department of Housing the administration and maintenance of temporary housing of any sort for victims of emergencies or disasters who have been transferred from their homes to temporary shelters. At present, the Department of Housing has cots to be supplied to shelters in cases of emergencies that have a useful life of five (5) years. Most of the cots available have exceeded their useful life therefore, the acquisition of 20,000 additional cots is necessary to satisfy the need in case there is an emergency of great magnitude.

The Puerto Rico Firefighters Corps does not have a system that allows it to coordinate attention to incidents throughout the Island in an automated manner. The base of AEMEAD System shall be immediately extended to said Corps to protect the lives and property of our citizenry in cases of events that endanger them.

To such effects, Section 3 of Act No. 91 of June 21, 1966, as amended, better known as the “Puerto Rico Emergency Fund Act,” must be

amended so that the use of up to ten point five percent (10.5%) of the maximum balance of one hundred fifty (150) million dollars in the Emergency Fund is authorized as an exception for Fiscal Year 2005-2006, to cover the operating expenses of the Commonwealth Emergency Management and Disaster Administration Agency. This authorization is to the effect that the Commonwealth Emergency Management and Disaster Administration Agency may appropriate an item to cover the costs of the immediate activation of the seventy-eight (78) municipalities to the AEMEAD Automated Emergencies and Disaster Incidents Management System at a cost of three million five hundred thousand dollars (\$3,500,000); to include the activation of the Puerto Rico Firefighters Corps to said System and for the acquisition of twenty thousand (20,000) cot type beds, in addition to those existing in the reserve of the Agency to tend to persons sheltered in emergency situations at a cost of one million dollars (\$1,000,000).

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

Section 1.- Section 3 of Act No. 91 of June 21, 1966, as amended, is hereby amended to read as follows:

“The Emergency Fund shall be used to meet unexpected and unforeseen public needs caused by calamities such as wars, hurricanes, earthquakes, droughts, floods, and plagues, and for the purpose of protecting the life and property of the people, and the public credit, but nothing of the herein contained shall be construed as allowing the use of the fund without the previous consent of the Legislature for new government activities, not to directly or indirectly increase or supplement appropriations voted on to meet ordinary services of the government except as otherwise provided by this chapter. The functions carried out by the Commonwealth Emergency

Management and Disaster Administration Agency are hereby exempted from this limitation, since its operating expenses may be financed with the resources appropriated to said Fund. Provided, that the amount authorized for this purpose shall not exceed seven point five (7.5) percent of the maximum balance of one hundred and fifty (150) million dollars of the Emergency Fund in each fiscal year, and shall be previously authorized through legislation to such effect. However, for Fiscal Year 2005-2006, the use of up to ten point five percent (10.5%) of the maximum balance of one hundred fifty (150) million dollars in the Emergency Fund is authorized as an exception for Fiscal Year 2005-2006, to cover the operating expenses of the Commonwealth Emergency Management and Disaster Administration Agency. This authorization is to the effect that the Commonwealth Emergency Management and Disaster Administration Agency may appropriate an item to cover the costs of the immediate activation of the seventy-eight (78) municipalities to the AEMEAD Automated Emergencies and Disaster Incidents Management System at a cost of three million five hundred thousand dollars (\$3,500,000); to include the activation of the Puerto Rico Firefighters Corps to said System and for the acquisition of twenty thousand (20,000) cot type beds, in addition to those existing in the reserve of the Agency to tend to persons sheltered in emergency situations at a cost of one million dollars (\$1,000,000). The Emergency Fund may also be applied to aid the United States and other countries in cases of unexpected and unforeseen disasters caused by calamities such as wars, hurricanes, earthquakes, droughts, floods, and plagues, and with the purpose of cooperating towards alleviating the consequences of said calamities among the population of said countries. The aid to be sent to areas outside of Puerto Rico is limited in each case to the sum of twenty-five thousand

(25,000) dollars, and in all cases, in devoting any sum of money to counteract the damages which may be suffered by the civilian population as a consequence of the causes herein specified, the fundamental purpose of the Legislature in creating the Emergency Fund shall be taken into account, and such purpose is conclusive to the effects that said fund be used in cases of public calamities or their prevention.”

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. 150 (H.B. 2178) of the 2<sup>nd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 3 of Act No. 91 of June 21, 1996\*, as amended, known as the “Puerto Rico Emergency Fund Act,” in order to authorize, as an exception for Fiscal Year 2005-2006, the use of up to ten point five percent (10.5%) of the maximum balance of one hundred and fifty (150) million dollars in the Emergency Fund to cover the operating expenses of the Commonwealth Emergency Management and Disaster Administration Agency,

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

In San Juan, Puerto Rico, today 3<sup>rd</sup> of April of 2006.

Francisco J. Domenech  
Director

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\* Translator’s Note: Should read 1966