

(H. B. 257)
(Conference)

(No. 114)

(Approved June 13, 2006)

AN ACT

To set forth the Public Policy of the Commonwealth of Puerto Rico on community development and the protection of the resources of the Island Municipalities of Culebra and Vieques; to repeal Act No. 34 of January 18, 2000, as amended; to abolish the Office of the Special Commissioner for Vieques and Culebra and to dispose of its functions, employees, property and obligations.

STATEMENT OF MOTIVES

On January 2000, after the Report of the Governor's Special Commission on Vieques had been presented and the proposal to organize a referendum on the future of the military activities in the Island of Vieques had been made, the Office of the Special Commissioner for Vieques and Culebra was created Act No. 34 of January 18, 2000, as amended. The purpose of this entity was to implement as public policy the principles contained in the Report to the Governor of June 25, 1999, and the agreements on the consultation process for the Navy's leaving Vieques. Within that coordination, there was the responsibility as interagency coordinator to enforce those processes and all federal, state and municipal government, as well as community based initiatives to promote the economic and social development of Vieques, once the military activities ceased. Through Act No. 191 of August 21, 2003, which amended Act No. 34, *supra*, the Legislature included the Municipality of Culebra in the scope of action, objectives, functions and responsibilities of the Office of the

Commissioner, thus it became the Office of the Special Commissioner for Vieques and Culebra.

The main purpose of the public policy that created the Office of the Special Commissioner for Vieques and Culebra has been achieved. The military maneuvers have definitely ended; the land of the Maneuvers Area has been transferred to the Department of the Interior as a Natural Reserve, and part thereof has already been opened to the public; some 10,000 *cuerdas* of land in Vieques has been transferred to the state and municipal governments or to the Conservation Trust; a land management plan has been designed; the Executive has taken steps to obtain priority from the Environmental Protection Agency (EPA) for the decontamination of the land; and in Culebra, work is underway on the analysis of how the management of lands and resources in the 25 years since the Navy left has helped or hindered the citizens, and how it can be better adjusted to its needs.

It has become evident that in these processes effectiveness in achieving the advancement of the communities of Vieques and Culebra has depended greatly on political will of the Mayor and La Fortaleza. Evidently, there is no difference in this respect between the Island Municipalities and any of the other 76 municipalities of Puerto Rico, which must solve their problems directly with the agencies concerned. The Government of Puerto Rico has a broad spectrum of entities that are entrusted to render services to all Puerto Ricans: the Department of Natural and Environmental Resources, to protect their environment; The Tourism and Industrial Development Companies, to create employment and attract capital; the Commercial Development, Cooperative Development, and Agricultural Services and Development Administration, to create local enterprises; the Patient, Women and Disabled Persons' Advocates; a unified General Court of Justice; an Ombudsman to

protect their rights; a Municipal Affairs Commissioner; and an Inter-agency Coordinator for Special Communities. All these agencies must render services to all the citizens of Puerto Rico, and they do so.

To maintain the effectiveness of the Office of the Special Commissioner of Vieques and Culebra at a cost of \$1.7 million per year is not justified, since the purposes for which it was created have been already accomplished and there are other government entities that perform the tasks of coordinating efforts to assist the Island Municipalities.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The Public Policy of the Commonwealth of Puerto Rico shall be:

- (a) To give priority to the interest of the bona fide communities of Vieques and Culebra in the development and protection of their islands;
- (b) Fully equal access to public services, educational opportunities and economic incentives for the citizens and enterprises established in Vieques and Culebra, and those in the Main Island, within the geographical realities of the Island Municipalities;
- (c) Equal treatment in government processes for the citizens, communities and enterprises established in Vieques and Culebra, within the geographical realities of the Island Municipalities;
- (d) To expedite the processes and procedures in the dependencies of the three Government branches for the residents of Vieques and Culebra and businesspersons that need to travel to the Main Island to receive services;

- (e) To improve and give maintenance to air and sea transportation facilities, and to promote the development of entities that render such services;
- (f) Maximum protection of the rights of the communities of Vieques and Culebra concerning access to the land, to the natural and economic resources of their islands, within the framework of organized planning, in observance of the law and public and private property rights;
- (g) To promote commonwealth, municipal, community and entrepreneurial initiatives for the sustainable development of the economies of Vieques and Culebra, for the creation of employment, educational opportunities, and local and external investments through the establishment of local, national and international enterprises;
- (h) To collaborate closely with the United States Department of Defense and Department of the Interior for the optimal coordination of the management of Natural Reserves, the cleaning and maintenance of lands impacted by military activity, the safety of federal land and the transfer of property among federal, commonwealth and municipal entities;
- (i) To preserve and conserve the ecological integrity of the islands of Vieques and Culebra, including their surrounding keys, isles and waters;
- (j) To ensure that the continuous development of Vieques and Culebra protects and preserves to the maximum extent their extraordinary natural environment, which is part of the patrimony of the people of Puerto Rico;

- (k) To promote and support the feeling of unity and identity between the people of Puerto Rico in general and the citizenry of the Island Municipalities;
- (l) To give priority to compliance with administration plans, rules, regulations, ownership and management of the lands of public domain, infrastructure and adequate structures for the establishment and execution of programs that promote the best knowledge, preservation and wise use of the natural resources of the Island Municipalities;
- (m) To guarantee the participation of legitimate representatives of the people of Vieques and Culebra in the decision-making and deliberation processes that affect their communities and environment.

For such purposes, all the instrumentalities of the three branches of the Government of Puerto Rico shall incorporate within their plans, regulations, operations and administrative structures, paying special attention to cases in which the citizenry of the Island Municipalities is affected. The Government of Puerto Rico may consider all communities, within the municipalities of Vieques and Culebra as eligible to avail themselves of the benefits of the programs under Act No. 1 of March 1, 2001, and Act No. 271 of November 21, 2002, which regulate the Special Communities Program, in order to provide services for the economic and social improvement of the resident families.

Section 2.- Act No. 34 of January 18, 2000, known as the “Office of the Special Commissioner for Vieques Act,” is hereby repealed.

Section 3.- The Office of the Special Commissioner for Vieques and Culebra is hereby abolished.

Section 4.- The functions of the Office of the Special Commissioner shall be performed by the Mayors of the respective Municipalities in cooperation with the officer acting as Assistant or Inter-agency Coordinator of Municipal Affairs of the Office of the Governor of Puerto Rico, as the Governor shall determine.

Section 5.- All real property acquired by the Office of the Special Commissioner and located in the Vieques and Culebra Municipalities shall be transferred to the municipality in which the specific property is located. With respect to personal property, the Director of the General Services Office shall issue a sworn property report within thirty (30) days after the approval of this Act and shall remit a copy thereof within the same term to the Legislature, the Department of the Treasury, the Office of the Comptroller and to the municipal governments of Vieques and Culebra, without this being an exclusion from compliance with any other similar provision related to the disclosure of reports of the property of the agencies or instrumentalities. It is also provided that the Director of the General Services Office shall have a term of thirty (30) days from the issuing of the sworn property report to transfer the personal property in a manner that is of equal value to the Island Municipalities of Vieques and Culebra, and within said term, he/she shall report the conclusion of the transfer to the Legislature, the Department of the Treasury, the Office of the Comptroller and the municipal governments of Vieques and Culebra. The previously described procedure shall not apply to personal property owned by the Office of the Special Commissioner for Vieques and Culebra that is in use by any other agency or instrumentality of the Government of Puerto Rico on January 31, 2006, which shall be transferred to the agency or instrumentality in which it is located.

Section 6.- Any budget surplus, fund, or remainder from the previously approved budget in effect in the name of the Office of the Special Commissioner on the effective date of this Act, shall be transferred in equal terms between the Municipalities of Vieques and Culebra to be used in social and economic development programs and activities; any account or fund previously designated in the Office for activities in one of the Municipalities and which is not encumbered for the payment of obligations, shall be transferred to said Municipality. The Commonwealth of Puerto Rico shall assume any outstanding obligations incurred by the Office of the Special Commissioner for Vieques and Culebra when this Act takes effect.

Section 7.- In the exercise of their powers under the Autonomous Municipalities Act, the Municipalities of Vieques and Culebra may create their own joint inter-agency coordination offices and socioeconomic development bodies under the mechanism of municipal consortium.

Section 8.- None of the provisions of this Act shall be understood as binding the Municipalities of Vieques and Culebra to guarantee the positions or salaries of any officers or employees of the Office of the Special Commissioner.

Section 9.- The designating authority of the Office of the Special Commissioner for Vieques and Culebra, with the advice of the Office of Human Resources of the Commonwealth of Puerto Rico, shall expeditiously and without delays seek:

- (a) To relocate the personnel of the Office of the Special Commissioner for Vieques and Culebra that had been filling regular career service positions with permanent duties up to January 31, 2006, to other agencies of the Government of Puerto Rico.

- (b) To relocate confidential employee status personnel of the Office of the Special Commissioner for Vieques and Culebra that were entitled to reinstatement as of January 31, 2006, pursuant to the provisions in Section 9.2 of Act No. 184 of August 3, 2004, as amended, to other agencies of the Government of Puerto Rico. These shall remain in their positions with that status until the designating authority decides to reinstate them under the status of career employees.

The relocation shall be conducted taking into account the duties performed by each employee in the Office of the Special Commissioner for Vieques and Culebra. These employees shall be relocated to agencies in which there is a need for such personnel and the Office of Management and Budget shall identify the necessary funds for the relocation of employees entitled thereto, pursuant to subsection (a) of this bill, and shall transfer said funds to those agencies to which these employees shall be relocated.

The personnel relocated shall conserve the same rights and benefits to which they were entitled at the time of the transfer, as well as the rights and obligations with respect to any pension or retirement or savings and loan funds system.

The classification, reclassification and compensation of the positions shall be established in accordance with the classification and compensation plans applicable in the corresponding agency of the Government of Puerto Rico. Transferred employees shall meet the minimum classification requirements for the positions to which their functions are assigned.

Section 10.- The approval of this Act shall in no way affect or undermine the obligations assumed pursuant to Act No. 34 of January 18, 2000, as amended, known as the "Office of the Special Commissioner for

Vieques and Culebra Act,” which is hereby repealed, especially the obligations contracted by said Office with any state, federal or international security agency. Neither shall this Act undermine any procedure or action initiated under the norms or provisions of any regulations adopted pursuant to said Act and still in effect at the time of its repeal. Those procedures or actions, if any, shall continue to be processed until their final resolution, pursuant to the provisions under which they were initiated.

Likewise, this Act shall not invalidate the contracts duly executed by the Office of the Special Commissioner for Vieques and Culebra which are in effect at the time of its approval, if any, which shall continue to be in effect until the date established for their termination, unless the clauses therein are contrary to the provisions of this Act or canceled on a previous date, if it is so allowed by the contract in question.

Section 11.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 114 (H.B. 257) (Conference) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to set forth the Public Policy of the Commonwealth of Puerto Rico on community development and the protection of the resources of the Island Municipalities of Culebra and Vieques; to repeal Act No. 34 of January 18, 2000, as amended; to abolish the Office of the Special Commissioner for Vieques and Culebra and to dispose of its functions, employees, property and obligations,

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

In San Juan, Puerto Rico, today 28th of September of 2007.

Francisco J. Domenech
Director