

(S.B. 746)

(No. 127)

(Approved July 19, 2006)

AN ACT

To create the “Preferential Use of Commonwealth of Puerto Rico Sports Facilities Act;” direct the Sports and Recreation Department and every government agency or entity that owns sports facilities, and the municipalities and recreational organizations in certain cases, to comply with the provisions of this Act; and for other purposes.

STATEMENT OF MOTIVES

Section 5 of the Bill of Rights of the Constitution of Puerto Rico establishes the right of all persons to an education that seeks to ensure the full development of their personality. The duty of the Government is therefore to strengthen the availability of sports and recreation facilities as part of the educational goal of all schools so as to fight the problem of obesity and other health conditions created by inactivity and to inculcate positive values of sound competitiveness on our children and youths. To do this, it is imperative that physical education be part of the schooling of our children and youths since sports play an important part in their formation and development. Furthermore, it is a known fact that students acquire competitive skills as well as responsibility, dedication and a sense of fellowship through the practice of sports.

At present many public and private schools lack adequate sports facilities to serve their school population. However, in many cases sports facilities quite capable of providing support to the physical facilities of these

schools may be found nearby. These sports facilities, in their great majority, are not being used during school hours. Furthermore, many of these, whose common purpose is to promote sports education, are the property of the government or of the municipalities. The use of sports facilities is fundamental to the formation of our children and youths. There is much talent in Puerto Rico and we must fully develop the same. To do this we must identify and promote the use of the proper tools.

In seeking to foster the proper training of our children and youths this Legislature provides that students during their school hours, for their enjoyment be given preferential use of the sports facilities closest to their schools.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-This Act shall be known and may be cited as the “Preferential Use of Commonwealth of Puerto Rico Sports Facilities Act.”

Section 2.-Definitions

The following terms, used in the context of this Act, shall have the meaning expressed below:

a) Educational and sports purposes – any official activity sponsored by a school which is directly related to the educational endeavor, such as graduations, stage plays, training workshops for teachers, academic competitions, achievement tests, tournaments and sports competitions, among others.

b) School hours – refers to Monday to Friday within the period of eight in the morning (8:00 a.m.) and three in the afternoon (3:00 p.m.).

c) Recreational or sports facility – physical premises or area, with or without a structure, devoted to recreation or the practice of some sport.

d) Recreational or sports organizations – means any group organized under the laws of Puerto Rico for profit or nonprofit whose purposes are within the competence of the Department of Sports and Recreation and that are lessees or administrators of a sports or recreational installation property of the Commonwealth of Puerto Rico or that have received in usufruct said facility of the Government of the Commonwealth of Puerto Rico.

e) Preferential use – means that the public and private schools shall have preferential use of sports facilities close to their institutions during school hours.

Section 3.-Preferential use of sports facilities

It is hereby provided that every public or private school near a sports or recreational facility shall have preferential use of the same during school hours for the students of said educational institution for educational and sports purposes.

Section 4.-The Sports and Recreation Department, as well as any government agency or municipality, and the owners, lessees or administrators of a recreational or sports facility, or who have received said facility in usufruct, are hereby directed to grant every public or private school next to said facility, preferential use of the same during school hours for the students of said educational institution for educational and sports purposes. Provided, that said preferential use shall neither be granted when the use of said installation has already been leased for a private activity and a lease agreement exists nor when said use interferes with other ministerial duties or administrative priorities of the government entity that owns or administers the facility in question.

The provisions of this Section shall also apply to recreational or sports organizations that are lessees or administrators of a recreation or sports facility property of the Commonwealth of Puerto Rico or that has been received in usufruct.

Section 5.-Oversight

The Sports and Recreation Department shall be responsible for overseeing and ensuring compliance with this Act in coordination with the Department of Education.

Section 6.-Exclusion

The sports facilities object of a contract for particular private use and those that are limited by duly authorized special agreements and the National Parks Company, are hereby excluded from the application of this Act.

Section 7.-Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 127 (S.B. 746) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to create the “Preferential Use of Commonwealth of Puerto Rico Sports Facilities Act;” direct the Sports and Recreation Department and every government agency or entity that owns sports facilities, and the municipalities and recreational organizations in certain cases, to comply with the provisions of this Act; and for other purposes,

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

In San Juan, Puerto Rico, today 1st of September of 2006.

Francisco J. Domenech
Director