

## *Department of Natural and Environmental Resources*

Reorganization Plan No. 1 of 1993, as amended

(Contains amendments incorporated by:  
Act No. 78 of July 26, 1996)

Prepared by the Legislature of the Commonwealth of Puerto Rico upon the study of Reorganization Plan No. 4, entitled "Department of Natural and Environmental Resources", submitted by the Governor of Puerto Rico pursuant to the provisions of Act No. 5 of April 6, 1993.

### **Section 1. — Declaration of Public Policy.** (3 L.P.R.A. App. IV, § I note)

Since 1952, upon the approval of the Constitution of Puerto Rico, there has been a public policy regarding the conservation, sustained environmental development and the proper use of natural resources. In accordance with this public policy, the Department of Natural Resources has been given the mission of managing, protecting, preserving, developing, and exploiting the natural resources and environment of the Island [Commonwealth], since its creation in 1972. This is the primary purpose of the government, since due to our size and condition of being an Island [Commonwealth], the proper management of our resources and the protection of our environment is a priority.

The natural resources and the environment sector comprises a series of activities, programs and bodies among which are the Department of Natural Resources, the Environmental Quality Board, the Solid Waste Authority, the Energy Office and others.

The present Reorganization Plan responds to the need that all those bodies and programs whose principal objective is the sustainable environmental development, use, exploitation, protection and conservation of the natural, environmental and energy resources of the Island [Commonwealth], are developed in a coordinated and efficient manner within a single administrative structure. On the other hand, those that promote the development of said resources for industrial, commercial and tourist purposes, due to their nature, belong to the economic development sector. It is likewise recognized that the functions of the Environmental Quality Board are in conflict with those described above, therefore this body should remain autonomous, answering directly to the Governor.

Pursuant to the above, The Department of Natural Resources is renamed and the programs which, to date were not within the Agency, are hereby integrated to it.

### **Section 2. — Renaming of the Department and of its Secretary.** (3 L.P.R.A. App. IV, § I)

The Department of Natural Resources is hereby renamed as the Department of Natural and Environmental Resources. The Secretary's title is renamed as the Secretary of the Department of Natural and Environmental Resources.

**Section 3. — General Functions of the Department.** (3 L.P.R.A. App. IV, § II)

The Department of Natural and Environmental Resources constitutes the body within the Executive Branch of the Government responsible for implementing in its operational phase the public policy and the programs related to the management, sustainable environmental development, use, exploitation, protection and conservation of natural, environmental and energy resources of the Island according to the powers, duties and functions conferred to it by the Constitution and the laws in effect in Puerto Rico, and pursuant to the established environmental public policy.

The Department shall be in charge of developing and executing the plans, investigations, programs, services and regulations within its area of responsibility, in a planned, integral and coordinated manner.

**Section 4. — Components of the Department Resources.** (3 L.P.R.A. App. IV, § III)

The Department of Natural and Environmental is hereby constituted by the following components:

- (1) Administration of Natural Resources, created by virtue of § IV of this Plan.
- (2) Solid Waste Authority, attached to the Department according to § V of this Plan.
- (3) Energy Affairs Administration, created by virtue of § VI of this Plan.
- (4) Energy Advisory Committee, attached by virtue of § VII of this Plan.
- (5) Natural and Environmental Resources Consulting Committee, created by virtue of § VIII of this Plan, and
- (6) Mineral Resources Corporation, created by virtue of Act No. 145 of June 2, 1975.

The components of the Natural and Environmental Resources Department shall continue operating under their respective Organic Acts in the measure that the provisions thereof are not incompatible with what is established in this Reorganization Plan.

**Section 5. — Natural Resources Administration.** (3 L.P.R.A. App. IV, § IV)

The Natural Resources Administration is hereby created in the Department of Natural and Environmental Resources. All existing programs in the Department of Natural Resources shall become part of the Natural Resources Administration.

**Section 6. — Solid Waste Authority.** (3 L.P.R.A. App. IV, § V)

The Solid Waste Authority is hereby attached to the Department of Natural and Environmental Resources as an operating component. The Authority shall retain its operating and administrative autonomy and its juristic capacity, but shall respond directly to the Secretary and shall be subject to his/her supervision, evaluation and auditing. The Governing Board of the Authority is hereby eliminated and its powers are transferred to the Secretary, who shall exercise them. The Solid Waste Advisory Board is hereby created attached to the Authority.

**Section 7. — Energy Affairs Administration.** (3 L.P.R.A. App. IV, § VI)

The Energy Affairs Administration is hereby created in the Department of Natural and Environmental Resources.

The duties of the Department of Consumer Affairs originating from Act No. 47 of August 21, 1990, as amended, which transferred the Energy Office to the Department of Consumer Affairs, and Act No. 128 of June 29, 1977, as amended, which created the Energy Office, are hereby transferred to the Department of Natural and Environmental Resources, as part of the Energy Affairs Administration, together with the available funds and appropriations.

The Secretary is empowered to evaluate, consider, approve or reject any increase in the electric power generating capacity of Puerto Rico in excess of one (1) megawatt, using the public energy policy as its base of reference.

**Section 8. — Energy Advisory Committee.** (3 L.P.R.A. App. IV, § VII)

The Energy Advisory Committee created by virtue of the Act No. 128 of June 29, 1977, as amended is hereby attached to the Office of the Secretary of Natural and Environmental Resources. The Administrator of the Energy Affairs Administration shall be a member of this Committee.

**Section 9. — Creation of the Natural and Environmental Resources Consulting Council.** (3 L.P.R.A. App. IV, § VIII)

A Natural and Environmental Resources Consulting Council is hereby created in the Department. Said Council shall be composed of the Secretary of Natural and Environmental Resources, who shall chair it, and by seven (7) additional members appointed by the Governor. The Council shall be the advisory and consulting body of the Secretary on all matters under the jurisdiction of the Department.

**Section 10. — General Functions of the Secretary.** (3 L.P.R.A. App. IV, § IX)

In addition to the powers and duties inherent to said office and conferred by law, the Secretary of the Department of Natural and Environmental Resources shall be responsible for the general direction of the Department and its components, the integral planning of said sector and the coordination and supervision of operation of the dependencies that compose it.

For the effective execution of his/her powers, functions and responsibilities, the Secretary may transfer or delegate the functions of directing or administering the operation of the entities that compose the Department directly on the officials in charge of directing the same, retaining for him/herself the powers and functions regarding norms, public policy, supervision and evaluation.

The Secretary of Natural and Environmental Resources shall collaborate with the Governor of Puerto Rico in his function of directing and supervising the bodies that compose the natural and environmental resources sector. The Secretary shall receive and execute the powers, duties and functions that the Governor entrusts or delegates to him/her and shall act in his representation in the exercise thereof.

The Secretary shall also have the following faculties, functions and powers among others:

- (1) Offer continuous advice to the Governor and the Legislature on everything that is related to his/her area of responsibility, in the formulation of public policy for the natural resources, environmental and energy sectors.
- (2) Implement public policy in an integral and coordinated manner in what is germane, as well as recommend, develop and implement the public policy on energy for Puerto Rico.
- (3) Coordinate, supervise and evaluate the operations of the entire Department and its components.
- (4) Study the problems related to the natural, energy and environmental resources sectors.
- (5) Develop and implement plans, measures and programs to deal with said problems.
- (6) Conduct and foster scientific and technological research on natural, energy and environmental resources, among them, marine resources, alternate sources of energy through the use of renewable resources, solid waste disposal, tropical resources and others.
- (7) Evaluate the annual work plans, prepare the budget and supervise the use of fiscal and human resources and equipment.
- (8) Administer and exercise normative and regulatory functions for the entire Department and its components.
- (9) Administer the personnel system pursuant to Act No. 5 of October 14, 1975, as amended, known as the "Public Service Personnel Act of Puerto Rico" *[Note: Repealed by § 16 of Act No. 184 of August 3, 2004]* .
- (10) Establish and develop the internal organization of the Department, pursuant to Act No. 147 of June 18, 1980 [23 L.P.R.A. §§ 101 et seq.].
- (11) Establish agreements and pacts with the agencies of the United States Government and request and administer federal funds for Departmental purposes.
- (12) Create boards, committees, councils or advisory committees with citizen participation.

**Section 11. — Personnel Administration.** (3 L.P.R.A. App. IV, § X)

The Department of Natural and Environmental Resources shall constitute an Individual Administrator pursuant to the provisions of Act No. 5 of October 14, 1975, as amended, known as the "Public Service Personnel Act", and Act No. 89 of July 12, 1979, as amended, known as the "Uniform Compensation Act" *[Note: Repealed by § 16 of Act No. 184 of August 3, 2004]*. The Director of the Central Personnel Administration Office shall approve the Classification and Compensation Plans pursuant to said acts upon certification of availability of funds from the Office of Management and Budget.

**Section 12. — Integration of Administrative Functions.** (3 L.P.R.A. App. IV, § XI)

Within the year following the effective date of this Plan, the Secretary of Natural and Environmental Resources shall integrate in one administrative structure all tasks related to the planning, purchasing, auditing, drafting and control of the budget assigned to the area of natural, environmental and energy resources, and if deemed appropriate, all tasks regarding personnel administration. The structure established to such effects shall promote functional economy and operating efficiency of the units that compose the Department.

The Department, and its operating components, are hereby exempted from the provisions of Act No. 164 of September 23, 1974 as amended, known as the "General Services Administration

Act". The Department shall establish its own procurement and auxiliary services system; and shall adopt the needed regulations to govern this function within the rules of sound administration and economy. Furthermore, the regulations adopted shall provide for an efficient and accessible procurement system for the components of the husbandry sector. Said regulations shall be approved within six (6) months following the effectiveness of this act; Provided, That until said regulations are approved, the Department and its components shall continue operations under the laws and regulations in force.

Within the term of fifteen (15) months from the effective date of this Reorganization Plan, the Governor shall present a report before both legislative bodies on its implementation, along with the organization chart of the Department of Natural and Environmental Resources and its component units. The report shall be filed with the Office of Clerk of both bodies and shall be referred to the Joint Legislative Committee on Executive Reorganization Plans, which, within ten (10) days of its filing, shall schedule public hearings to analyze and submit their findings, conclusions and recommendations to both Legislative Bodies. The report shall include a list of the measures established to increase the efficiency and productivity of the organisms which compose the entity, and shall specifically detail the mechanisms adopted or to be adopted. The Legislature reserves the power to amend or reject, whether partially or totally, the reorganization performed or proposed within the terms and through the procedures established in the Executive Reorganization Act of 1993.

**Section 13. — General Provisions.** (3 L.P.R.A. App. IV, § XII)

None of the provisions of this Plan shall modify, alter or invalidate any agreement, pact, claim or contract that the officials or employees responsible for the bodies or programs that through this Plan are attached to the Department, have granted and are in force when the same takes effect. Any claim filed by or against said officials or employees, that is pending resolution when this Plan becomes effective shall subsist until its final outcome.

All regulations that govern the operation of the bodies or programs that are reorganized under this Plan or that are in force when this Plan takes effect, shall continue in effect until they are altered, modified, amended, repealed or substituted.

All regular career employees of the agencies affected by this Plan are guaranteed their jobs, rights, privileges and respective status with regard to any pension, retirement, saving and loans fund system of which they had availed themselves upon the effectiveness of this Plan.

Any act or part thereof in effect and which is in contravention to the provisions of this Reorganization Plan, is hereby repealed.

**Section 14. — Effectiveness.**

This Reorganization Plan shall take effect immediately after its approval. The Governor is hereby authorized to adopt the transitional measures needed so that the provisions of this Plan are implemented without interrupting the public services and other administrative processes of the bodies that are part of the Department. The actions that are necessary to comply with the purposes of this Plan shall be initiated within a period of time which shall not exceed thirty (30) calendar days after the approval of the Plan, in coordination and with the advice of the Office of Management and Budget.

**Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.**