

(H. B. 2670)

**(No. 16-2016)**

(Approved March 4, 2016)

## **AN ACT**

To eliminate subsection (L) and redesignate the existing subsections (M) through (KK) as new subsections (L) through (JJ) of Section 2 and amend Section 16 of Act No. 41-2009, as amended, known as the “Puerto Rico Proper Scrap Tire Management Act,” in order to eliminate the definition of the term Emergency Fund and provide for the use of the Scrap Tire Management Fund to address the emergencies related to scrap tires; and for other purposes.

### **STATEMENT OF MOTIVES**

The management of scrap tires in Puerto Rico and the excessive accumulation thereof has been a topic of discussion, particularly in the last 20 years. Periodically, circumstances arise in the scrap tires market that cause an excessive accumulation of tires in warehouses or tire shops throughout the Island. In recent years, the Government has approved temporary measures through the Environmental Quality Board to expedite the collection of tires and thus address, in the short term, the disproportionate accumulation of tires and the proliferation of illegal dumping.

In spite of the aforementioned efforts, the excessive accumulation of scrap tires continues and so the risk of an environmental and health crisis. Scrap tires kept outdoors have been identified as favorable places for the collection of rain water and a breeding site for mosquitoes that carry viruses such as dengue and chikungunya.

Subsection F of Section 16 of Act No. 41-2009, as amended by Act No. 135-2011, provides for the creation of an Emergency Proper Scrap Tire Management Fund to specifically address emergency situations related to tires. In practice, however, no money or contributions have been deposited into said special account, as provided in the statute, and instead, all the money remains in the Proper Scrap

Tire Management Fund. Considering the need to have funds available to address scrap tires-related emergencies, which may jeopardize the health, the environment, and the property it is necessary to allow the use of the money deposited in the Proper Scrap Tire Management Fund in order to manage and control emergencies as may be declared by the Environmental Quality Board; to hire skilled personnel; and to purchase or lease the equipment and supplies needed to address such emergencies, among others.

Therefore, this Legislative Assembly deems it necessary to approve this measure to enable the Environmental Quality Board to respond effectively and promptly to emergencies related to scrap tire accumulation and to defray the necessary expenses incurred in connection therewith.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Subsection (L) is hereby eliminated and the existing subsections (M) through (KK) are hereby redesignated as new subsections (L) through (JJ) of Section 2 of Act No. 41-2009, as amended, to read as follows:

“Section 2.- Definitions

The following words or terms shall have the meaning stated below whenever they are used or referred to in this Act, except when the context clearly indicates otherwise:

A. ...

...

L. ...

M. ...

N. ...

O. ...

P. ...

Q. ...

- R. ...
- S. ...
- T. ...
- U. ...
- V. ...
- W. ...
- X. ...
- Y. ...
- Z. ...
- AA. ...
- BB. ...
- CC. ...
- DD. ...
- EE. ...
- FF. ...
- GG. ...
- HH. ...
- II. ...
- JJ. ...” .

Section 2.- Section 16 of Act No. 41-2009, as amended, is hereby amended to read as follows:

“Section 16.- Proper Scrap Tire Management Fund

- A. ...
- B. The payment of the fees set forth by the Board shall be authorized from the import or manufacture of tires in light of the revenues in the Commonwealth of Puerto Rico.

C. No payment shall be processed for invoices submitted to the Board more than one hundred and sixty (160) days after the receipt or delivery of the material, as applicable.

D. ...

E. ...

F. Emergencies related to tires that pose a risk to the human health, the environment, and the property may be addressed by using the Fund to hire skilled personnel, purchase or lease equipment, materials, services, and to defray other expenses related to the emergency. Emergencies of this nature shall be declared by the Board.

Any expenses incurred by the Board in addressing emergencies related to tires may be recovered through an administrative order issued by the Board or through a civil action filed with a General Court of Justice of the Commonwealth of Puerto Rico or the United States of America against any person responsible for the emergency. Once recovered, the Board shall reimburse such monies to the Fund created under this Act.

G. It is hereby provided that, for Fiscal Year 2014-2015, the sum of five million dollars (\$5,000,000) shall be transferred from this Fund to the 'Legal Liability Fund.'

H. Provided, further, that for Fiscal Year 2015-2016, the sum of nine million dollars (\$9,000,000) in account number 0140000-226-081-2012 of the accounting system of the Department of the Treasury, as well as the sum of eight hundred thousand dollars (\$800,000) in account number 0240000-226-081-1998 of the accounting system of the Department of the Treasury, shall be transferred to the '2015-2016 Municipal Support Fund.' Likewise, the sum of one hundred fifty

thousand dollars (\$150,000) accounted for in account number 0250000-226-781-2012 of the accounting system of the Department of the Treasury shall be transferred to the ‘Special Education Students Service and Therapy Fund.’”

Section 3.- Any existing balance in the special account denominated “Emergency Scrap Tire Management Fund,” as of the effective date of this Act, shall be transferred to the “Proper Scrap Tire Management Fund.”

Section 4.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 16-2016 (H. B. 2670)** of the **7<sup>th</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to eliminate subsection (L) and redesignate the existing subsections (M) through (KK) as new subsections (L) through (JJ) of Section 2 and amend Section 16 of Act No. 41-2009, as amended, known as the “Puerto Rico Proper Scrap Tire Management Act,” in order to eliminate the definition of the term Emergency Fund and provide for the use of the Scrap Tire Management Fund to address the emergencies related to scrap tires; and for other purposes.

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

In San Juan, Puerto Rico, on this 14<sup>th</sup> day of September, 2017.

Orlando Pagán-Ramírez  
Acting Director