

(S. B. 1059)
(Conference) (Reconsidered)

(No. 32-2020)

(Approved March 24, 2020)

AN ACT

To amend subsection (f) of Section 5.05 and Section 5.06 of Act No. 20-2017, as amended, known as the “Department of Public Safety Act”; amend Section 2.01 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act”; and amend Section 16 of Act No. 3-2017, as amended, known as the “Act to Address the Economic, Fiscal, and Budget Crisis to Guarantee the Operations of the Government of Puerto Rico”; and amend Section 19 of Act No. 66-2014, as amended, known as the “Government of the Commonwealth of Puerto Rico Special Fiscal and Operational Sustainability Act,” in order to ensure that the funds received by the 9-1-1 Emergency System are used in accordance with the federal regulations in effect, guarantee its fiscal independence and prohibit the use of such funds for purposes other than those provided in this legislation and the applicable federal regulations.

STATEMENT OF MOTIVES

Act No. 144 of December 22, 1994, known as the “9-1-1 Calls Act,” stated that the 9-1-1 Emergency System was created

“[t]o enable the establishment of the means and technologies within Public Safety agencies to speedily and efficiently respond to the citizenry's emergency calls through the implementation of the ‘9-1-1’ universal telephone number for such purpose, and as a means to encourage a better quality of life for Puerto Rico.”

The 9-1-1 service has the arduous and difficult task of being the first point of contact for emergency situations on the Island. This Agency operates with its own resources, which consist of the revenues collected on account of the charges included

in bills for mobile and landline phones in Puerto Rico, thus making the Bureau autonomous, and self-sufficient, entity independent from the General Fund.

The 9-1-1 service, in turn, is under the direct supervision of the Federal Communications Commission (FCC). This is the result of a need to have an

operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public; emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials; transportation officials, and hospital emergency and trauma care facilities.¹

Which implies that 9-1-1 services must be transparent, consistent, and above all reliable.

Public Law 106-81 of October 26, 1999, known as the Wireless Communication and Public Safety Act of 1999, was enacted in 1999. The purpose of said Act “is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.”²

In 2004, the Enhance 9-1-1 Act of 2004³ was enacted to provide that the 9-1-1 service is a national priority that requires federal agency leadership in conjunction with the states as well as organizations engaged in rendering emergency services. Moreover, this Act establishes, for the first time, that any federal grant awarded to 9-1-1 Systems in the states and territories shall be used solely for emergency systems and any misuse of funds provided by such grants shall result in the loss of eligibility status.

¹ Wireless Communication and Public Safety Act of 1999, 47 USC §§609.

² Wireless Communication and Public Safety Act of 1999, 47 USC §§609, Section 2.

³ Enhance 9-1-1 Act of 2004, 47 USC §942.

In 2008, the federal government legislated once again and enacted the New and Emerging Technologies 9-1-1 Improvement Act of 2008 or NET 911 Improvement Act of 2008, which reaffirmed that the revenues collected on account of the service rendered by the 9-1-1 emergency system shall be used solely and exclusively for such purposes.

Puerto Rico remained compliant with said federal legislation and regulation through 2014, when funds of the 9-1-1 Emergency System began to be were transferred to the General Fund to be used for purposes other than the emergency system. This action disrupted the System’s coffers and has jeopardized Puerto Rico’s access to federal funds and programs to improve the telecommunications infrastructure and the 9-1-1 Emergency System.

The 9-1-1 System plays a key role in maintaining public safety as well as the national security of Puerto Rico and the United States. The onslaught of hurricanes Irma and Maria on Puerto Rico demonstrated the importance and the need to have a robust and reliable emergency system in place. For such reason, it is the public policy of the Government of Puerto Rico to prohibit the use of 9-1-1 funds for purposes unauthorized and proscribed by federal and state laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Subsection (f) of Section 5.05 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” is hereby amended to read as follows:

“Section 5.05- Provisions on the Charges to be Billed to Telephone Service Subscribers.

- (a) ...
- (b) ...
- (c) ...
- (d) ...

(e) ...

(f) The telephone company that provides such service shall collect the 9-1-1 Service Fee from the users thereof and, within a period not to exceed thirty (30) days after the subscriber has made the payment, the company shall deposit such revenues in the account established by the Department. Provided, that such revenues shall be accounted for and deposited in a special account separate from all other operating funds of the Department and the General Fund so as to guarantee the availability of federal funds and other special funds. The transfer, movement, relocation, reassignment, or deposit of any fund or credit on account of charges billed by the 9-1-1 Service for any purpose that is inconsistent with federal legislation and regulations is hereby expressly prohibited by law. The telephone company shall keep a record of the billing, payments, and deposits made in connection with such fees for the period prescribed through regulations. Telephone companies shall be reimbursed for the net costs of billing and collecting the fees, insofar as these do not exceed the amounts established in this Act.”

Section 2.- Section 5.06 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” is hereby amended to read as follows:

“Section 5.06.- Distribution and Use of the Funds Collected on Account of Charges Billed to Telephone Service Subscribers.

(a) The funds collected on account of charges billed to telephone service subscribers authorized under this Act shall be used solely for the purposes established by federal legislation and regulations. Such purposes include, the salaries and training of personnel assigned to work directly with the 9-1-1 Emergency Systems Bureau, technological improvements, the migration to the Next Generation 9-1-1 Services, and the creation of reliable communication systems. Moreover, the revenues of the Bureau on account of telephone charges shall be used solely to defray

or reimburse expenses directly attributable to the receipt and answering of emergency and citizen service calls; the dispatching and rendering of first response emergency services; the addressing of claims or rendering of services; and the administration of such emergency or citizen services.

(b) The funds collected on account of charges billed to telephone service subscribers shall be distributed according to the percentages established in subsection (c) of this Act in conformity with the applicable federal legislation and regulations.

(c) There shall be guaranteed not more than ten percent (10%) of the revenues for the contingency reserve; not more than ten percent (10%) for service expansion and the replacement of equipment and systems; not less than fifty-five percent (55%) for the regular operations of the 9-1-1 Emergency Systems Bureau; and not less than twenty-five percent (25%) to defray the services rendered for public or private companies activated through the 9-1-1 Emergency System to ambulance services; as well as enter into collaboration agreements with municipalities that so request it to purchase ambulances and train emergency responders.”

Section 3.- Section 2.01 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” is hereby amended to read as follows:

“Section 2.01- Applicability.

All of the provisions of this Act shall apply to the Entities of the Executive Branch of the Government of Puerto Rico, except as expressly excluded under this Act. For purposes of this Act, the term “Entity of the Executive Branch” includes all of the agencies, as well as the instrumentalities and public corporations of the Government of Puerto Rico regardless of the degree of fiscal and budgetary autonomy otherwise granted under their respective organic acts or any applicable legislation. The University of Puerto Rico and the 9-1-1 Emergency Systems Bureau,

created by virtue of Act No. 20-2017, as amended, known as the ‘Department of Public Safety Act,’ shall be exempt from the application of this Act.”

Section 4.- Section 16 of Act No. 3-2017, as amended, known as the “Act to Address the Economic, Fiscal, and Budget Crisis to Guarantee the Operations of the Government of Puerto Rico,” is hereby amended to read as follows:

“Section 16.- Contribution of Savings Resulting from the Budget Control Measures Set Forth Herein in Public Corporations Concerned with Economic Development-related Fields to the General Fund’s Deficit.

The savings generated by public corporations concerned with the promotion of economic development, and some other corporations designated under this Section, as a result of the implementation of this Act, shall be deposited in a fund set aside to address the fiscal crisis of the General Fund.

For the purposes of this Section, the following shall be considered as public corporations concerned with the promotion of economic development: the Land Administration, the Land Authority of Puerto Rico, the Puerto Rico Convention Center District Authority, the Puerto Rico Infrastructure Financing Authority, the Housing Financing Authority, the Economic Development Bank for Puerto Rico, the Development[sic] and Export Company, the Industrial Development Company, the Tourism Company, the Farm Insurance Corporation, and the Public Corporation for the Supervision and Insurance of Cooperatives in Puerto Rico. Furthermore, the Puerto Rico and the Caribbean Cardiovascular Center Corporation shall contribute to said fund.

The corresponding amounts certified by June 30, 2017, shall be considered conclusively as the savings generated under this Act for the following Fiscal Year 2016, and shall be transferred to the Department of the Treasury by each of the corresponding public corporations, beginning on or before July 31, 2017. Public corporations required to make contributions under this Section shall continue to

make their respective additional transfers in an amount equal to that paid during Fiscal Year 2017, beginning on July 31, 2018 for Fiscal Year 2017, and annually thereafter on July 31 during the effective period of this Act.

The diversion of future 9-1-1 Emergency Systems Bureau funds and other telecommunications funds for purposes other than ensuring the rendering and stability of the 9-1-1 and telecommunications services is hereby prohibited.”

Section 5.- Section 19 of Act No. 66-2014, as amended, known as the “Government of the Commonwealth of Puerto Rico Special Fiscal and Operational Sustainability Act,” is hereby amended to read as follows:

“Section 19.- Contribution of Savings of Public Corporations in Economic Development-related Fields to the General Fund’s Deficit.

...

For the purposes of this Section, the following shall be considered as public corporations concerned with the promotion of economic development: the Land Administration, the Land Authority of Puerto Rico, the Puerto Rico Convention Center District Authority, the Puerto Rico Infrastructure Financing Authority, the Housing Financing Authority, the Economic Development Bank for Puerto Rico, the Development[sic] and Export Company, the Industrial Development Company, the Tourism Company, the Agricultural Insurance Corporation, and the Public Corporation for the Supervision and Insurance of Cooperatives in Puerto Rico. Furthermore, the Puerto Rico and the Caribbean Cardiovascular Center Corporation shall contribute to said fund.

...”

Section 6.-Effectiveness.

This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 32-2020 (S. B. 1059) (Conference) (Reconsidered)** of the **7th Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT amend subsection (f) of Section 5.05 and Section 5.06 of Act No. 20-2017, as amended, known as the “Department of Public Safety Act”; amend Section 2.01 of Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act”; and amend Section 16 of Act No. 3-2017, as amended, known as the “Act to Address the Economic, Fiscal, and Budget Crisis to Guarantee the Operations of the Government of Puerto Rico”; and amend Section 19 of Act No. 66-2014, as amended, known as the “Government of the Commonwealth of Puerto Rico Special Fiscal and Operational Sustainability Act,” in order to ensure that the funds received by the 9-1-1 Emergency System are used in accordance with the federal regulations in effect, guarantee its fiscal independence and prohibit the use of such funds for purposes other than those provided in this legislation and the applicable federal regulations.

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

In San Juan, Puerto Rico, on this 29th day of April, 2022.

Mónica Freire-Florit, Esq.
Director