

(S. B. 576)

(No. 67-2013)

(Approved July 22, 2013)

AN ACT

To repeal Section 8 of Act No. 103-2006, as amended, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006”; consecutively renumber the Sections that follow; and provide for its retroactive application.

STATEMENT OF MOTIVES

Act No. 103-2006, known as the “Fiscal Reform Act,” was approved as a tool to promote fiscal control of the operating budget of the Government of the Commonwealth of Puerto Rico. Said Act was based on enabling the implementation of mechanisms that ensure a proper control of the Government’s operating expenses, restrict the use of loans to cover recurring costs, and prohibit unnecessary expenditures, such as the use of cellular phones or government advertising campaigns.

One of the initiatives implemented was the requirement established by virtue of Section 8 of Act No. 103-2006, which provides that a certification regarding the fiscal impact of the legislation approved and the availability and source of funds shall be included as part of the evaluation carried out for legislative measures that authorize or whose implementation require the disbursement of public funds. Section 8 provides for said certification to be sworn by both the Director of the Office of Management and Budget (OGP, Spanish acronym) and the Secretary of the Treasury. Hence, said certification by both agency heads was established as a requirement prior to the approval of certain legislative measures.

Section 8, as adopted in Act No. 103-2006, constitutes an impairment to the powers and prerogatives granted by Article III of the Constitution of the Commonwealth of Puerto Rico to the Legislative Branch, since the legislative authority is conditional on the issuance of a certification signed by officials of the Executive Branch. This affects and lacerates the basic principles of our Constitution, whose fundamental precept is the balance of powers between all three government branches. This unreasonable restriction should be corrected without impairing the intent to ensure the proper evaluation of the fiscal impacts of some legislative measures.

Due to intervention of the Executive Power in legislative prerogatives, Section 8 of the Fiscal Reform Act is hereby repealed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 8 of Act No. 103-2006, as amended, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” is hereby repealed; and Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 are hereby renumbered as Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.”

Section 2.- This Act shall take effect immediately after its approval and shall apply retroactively to May 25, 2006.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 67-2013 (S. B. 576)** of the **1st Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to repeal Section 8 of Act No. 103-2006, as amended, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006”; consecutively renumber the Sections that follow; and provide for its retroactive application.

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

In San Juan, Puerto Rico, on this 29th day of March, 2016.

Juan Luis Martínez Martínez
Director