

(House Substitute for
H.B. 1988 and S.B. 1681)
(Conference)

(No. 79)

(Approved July 29, 2007)

AN ACT

To amend the second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act,” to grant a credit equal to fifty percent (50%) of the electric power consumed at the residence of a person who uses life-assisting equipment to preserve his/her life, when said person applies for same.

STATEMENT OF MOTIVES

The second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act,” provides for the granting of a credit equal to power consumed by equipment used by a person to preserve life, when such credit is applied for pursuant to what is set forth in that paragraph.

The application for said credit shall include a certification issued by the Department of Health, attesting that the applicant needs to use electric equipment to preserve life and stating which equipment is being used. The application shall also include a certification issued by the Department of the Family, attesting that the applicant is a person who has scarce financial resources. The “scarce financial resources” concept shall be the definition provided by said Department.

The same paragraph provides that the Authority shall determine, by regulations, the matters relative to the computation of consumption by life-assisting equipment. On their part, the Departments of Health and of the Family shall regulate matters relative to certifications, to be issued pursuant to the Electric Power Authority Act.

Furthermore, it is important to point out that Act No. 2 of January 5, 2006, which in turn amended Act No. 83, *supra*, reinstated the credit of fifty percent (50%) over the consumption of electric power attributable to electric equipment or appliances which patients diagnosed with multiple sclerosis are required to use, which credit was granted under Section 22 of said statute and was inadvertently eliminated by Act No. 255 of September 7, 2004.

The amendment proposed by this Act has the purpose of alleviating the financial burden of parents whose children's life depends on the assistance of technological equipment in order for them to survive. These patients' condition requires constant and specialized care, since their lives depend on the care they receive at home, after being released from a hospital institution.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—The second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, is hereby amended to read as follows:

“Section 22.—Tax Exemption; Use of Funds.—

(a) ...

(b) ...

(c) ...

Upon request, an additional credit shall be granted, to be equal to the consumption by the equipment that a person uses to preserve his/her life,

pursuant to the herein provided. In the case of persons of scarce resources, the credit shall be for the total electric power consumption attributable to said appliances or equipment. All applications shall include a certification issued by the Department of Health regarding the need of the applicant of using electric equipment to preserve life, as well as the equipment needed. Furthermore, all applications must include a certification issued by the Department of the Family to the effect that the applicant is a person of scarce financial resources, pursuant to the definition given to this term by the Department. The Authority shall determine through regulations the method for calculating the consumption by the essential equipment and the Departments of Health and of the Family shall regulate the procedure for the certifications to be issued pursuant to Sections 1 through 27 of Act No. 83 of May 2, 1941, as amended. In the cases of persons who have been diagnosed with multiple sclerosis, they shall be granted a fifty (50)-percent credit of the electric power consumption attributable to said equipment, even if they are not persons of scarce resources.

In addition, a credit shall be granted when requested, to be equal to fifty percent (50%) of the total electric power used at the homes of children or persons who require the assistance of technological equipment for their survival, that is, mechanical ventilators to be connected to a tracheotomy, artificial respirators, air conditioners, artificial kidney machines or any other electric appliance, equipment or machine needed to preserve their life, even if they are persons of scarce resources.

In the case in which the person that needs to use the electric equipment to preserve life is not the subscriber, said benefit shall be transferred to the subscriber in charge of paying the bill for electric power consumed by the person who needs to use this equipment.

...”

Section 2.—The Electric Power Authority and the Department of Health shall approve regulations as necessary and convenient to implement the provisions of this Act within ninety (90) days after the date of its approval.

Section 3.—This Act shall take effect ninety (90) days after its approval, except for the provisions of Section 2, which shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 79 (House Substitute for H.B. 1988 and S.B. 1681) (Conference) of the 5th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend the second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act,” to grant a credit equal to fifty percent (50%) of the electric power consumed at the residence of a person who uses life-assisting equipment to preserve his/her life, when said person applies for same,

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

In San Juan, Puerto Rico, today 15th of February of 2008.

Francisco J. Domenech
Director