

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

Approved September 10, 2009.

**Financial Institutions Commissioner's Office
Act—Amendments**

(S.B. 871)

[No. 95]

[*Approved September 10, 2009*]

AN ACT

To amend Section 2; Section 5; and subsections (a), (b), and (c) of Section 6 of Act No. 4 of October 11, 1985, as amended, known as the "Financial Institutions Commissioner's Office Act," in order to establish that the appointment of the Commissioner of Financial Institutions shall be a direct prerogative of the Governor of Puerto Rico, and that said office shall not be attached to the Department of the Treasury; to amend sections relative to Reorganization Plan No. 3 of June 22, 1994; and for other purposes.

STATEMENT OF MOTIVES

The Office of the Commissioner of Financial Institutions is a government agency whose mission is to oversee and regulate the banking industry, mortgage institutions, small personal loan companies, and the International Banking Center, among others.

This Legislature recognizes the importance of the Office of the Commissioner of Financial Institutions and deems it meritorious to confer on the said Office topmost rank within our government system. For such purposes, the Commissioner shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate and shall answer directly to

the former. This measure eliminates unnecessary bureaucracy ensuing from the Office's subordination to the Secretary of the Treasury and vests the same with the importance in which our people hold such Office.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Section 2 of Act No. 4 of October 11, 1985, as amended [7 L.P.R.A. § 2002], is hereby amended to read as follows:

“Section 2.—Creation

The Office of the Commissioner of Financial Institutions is hereby created.”

Section 2.—Section 5 of Act No. 4 of October 11, 1985, as amended [7 L.P.R.A. § 2005], is hereby amended to read as follows:

“Section 5.—Direction

(a) Commissioner of Financial Institutions. The Office of the Commissioner shall be under the direction of a Commissioner, who shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico; the Commissioner shall answer directly to the Governor.

...
(b) ...”

Section 3.—Section 6 of Act No. 4 of October 11, 1985, as amended [7 L.P.R.A. § 2006], is hereby amended to read as follows:

“Section 6.—Personnel

(a) Deputy Commissioner. The Commissioner shall appoint a Deputy Commissioner and one or more Assistant Commissioners of established moral repute, with experience in and knowledge of financial matters deemed necessary to best comply with the purposes of the Office of the Commissioner. In case of illness, disability, temporary absence, or when for any other cause the office of the Commissioner should become

vacant, the Deputy Commissioner shall assume all his/her functions, duties and powers until his/her successor is designated and takes office.

(b) Commissioner and Deputy Commissioner's salary. The Commissioner and the Deputy Commissioner shall earn the annual salary fixed by the Governor according to the standards that govern positions of the same or similar level in the Government of Puerto Rico.

(c) Every official and employee of the Office of the Commissioner, except for the Commissioner, the Deputy Commissioner, Assistants, and Assistant Commissioners, who shall serve as trust employees, shall be career employees. Any person who, prior to his/her service as Commissioner, Deputy Commissioner, Assistant or Assistant Commissioner, was a regular career employee shall have the right to be reinstated in a position equal or similar to that which he/she held in the career service when he/she was appointed to the trust position.

The Commissioner may fix for any personnel that must have special competence and knowledge for the investigation of financial institutions a salary higher than that earned by personnel on an equal or similar level in other government agencies.

..."

Section 4.—It is hereby provided that any provisions or sections corresponding to Reorganization Plan No. 3 of June 22, 1994, as amended, in effect at the time of the approval of this Act and that contravenes the provisions therein, shall be deemed to be amended at the time of the approval of this Act.

Section 5.—The Commissioner of Financial Institutions of Puerto Rico is hereby directed to adopt or amend, as the case may be, any regulations to fulfill the purposes of this Act, pursuant to the powers vested in him/her by virtue of Act No. 4 of October 11, 1985.

Section 6.—This Act shall take effect immediately after its approval.

Approved September 10, 2009.

**Negotiable Instruments and Banking Transactions
Act—Amendments**

(S.B. 876)

[No. 96]

[*Approved September 10, 2009*]

AN ACT

To amend Sections 9-304(1) and 9-308(a) of Chapter 9 of Act No. 208 of August 17, 1995, as amended, known as the “Negotiable Instruments and Banking Transactions Act,” in order to make technical amendments on the perfection of security interest in instruments without surrendering the same.

STATEMENT OF MOTIVES

Act No. 208 of August 17, 1995, as amended, known as the “Negotiable Instruments and Banking Transactions Act,” was created to modernize the law governing commercial transactions. Through said Act, various sections of the Uniform Commercial Code (UCC) were adopted, in accordance with the model adopted in our jurisdiction. In a joint effort, the American Law Institute and the National Conference of Commissioners on Uniform State Laws have created a new Section 9, fully revised, which has been adopted by the 50 states of the United States; however, Puerto Rico has not adopted it yet.

This Legislature is evaluating the new Chapter 9 of the UCC. However, the project consideration and analysis process requires additional time. In view of the urgency to incorporate one of the changes considered by the project regarding the