

(S.B. 1672)

(No. 268)

(Approved August 17, 1999)

AN ACT

To amend subsection (b) of Section 24 of Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act", to broaden the uses that may be given to Special Fund resources.

STATEMENT OF MOTIVES

Subsection (b) of Section 24 of Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act", provides the mechanisms to generate the revenues needed to defray those expenses incurred for research and specialized studies, for contracting professional and expert services and for acquiring the equipment needed by the Public Service Commission to perform its duties as provided by law.

However, it becomes necessary to broaden the scope of the provisions of said Act so that the funds may be used to strengthen all appropriation items for the operational and functional expenses of the Public Service Commission. Thus, all functions of the Public Service Commission provided by law shall be improved and expedited.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (b) of Section 24 of Act No. 109 of June 28, 1962, as amended, is hereby amended to read as follows:

"Section 24.-

(a) ...

(b) The Commission may prescribe the terms and conditions of the authorizations it grants. Likewise, it may require the payment of a periodic royalty for exercising the above and prescribing the manner and time in which the payments shall be made.

The fees collected on this account shall be covered into the books of the Secretary of the Department of the Treasury as a Special Fund separate from any funds received by the Public Service Commission.

The purpose of this Special Fund is to defray the non-recurring expenses for research and specialized studies, for contracting professional, advisory, non-professional and expert services, for productivity bonuses, for purchasing materials and supplies, and for whatever may be needed to improve the procedures and expedite the legal functions of the Commission so that the funds may be used to strengthen all appropriation items for the operational and functional expenses of the Public Service Commission.

The Commission shall submit to the Office of Management and Budget an annual budget of expenses chargeable to said Special Fund, which shall be approved before the resources deposited therein are used.

The remaining funds which by June 30 of each fiscal year have not been used or pledged for the purposes of this Act, shall remain in the books of the dependencies for a maximum term of three (3) years. After this term has expired, said funds shall be cancelled taking into consideration any pertinent legal provision. The savings generated by said encumbered and unspent balance shall only be used to defray expenses of a non-recurring nature, that is to say expenses which do not encumber future budgets.

For the purposes of these subsections, the dependencies are hereby authorized to establish an interest-bearing account in the Government Development Bank for Puerto Rico into which the savings resulting at the

end of each fiscal year shall be partially or totally covered. Said account shall be governed by the following provisions:

1. The principal of and interest on the resources covered into the account shall be used by the dependencies to defray expenses of a non-recurring nature. The interest on this account may be used to defray expenses of a recurring nature. To that effect, each dependency shall be responsible for maintaining an appropriate work plan, structured so that the account may provide a sufficient balance to meet the commitments incurred chargeable to said account.

2. The term of three (3) years established in subsection (b) of this Section shall not apply to the resources thus covered into said account.

3. In those cases in which the agency lacks a balance generated by the interest on the account, said agency shall defray the commitments contracted against said resources by charging the aforesaid to its own budget.

4. These resources may not be used for other purposes, unless so provided by law.

5. The Government Development Bank for Puerto Rico and the Department of the Treasury are hereby authorized to establish the regulations and mechanisms needed for the latter to transfer the surplus of every fiscal year to the accounts corresponding to each dependency and to carry out the purposes of this Section.

When granting authorizations for public transportation, the Commission shall consider as one of the criteria of necessity and convenience, the Transportation Plan drafted by the Secretary of the Department of

Transportation and Public Works and approved by the Governor, pursuant to the provisions of Act No. 74 of June 23, 1965, as amended.

(c) ..."

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 268 (S.B. 1672) of the 5th Session of the 13th Legislature of Puerto Rico:

AN ACT to amend subsection (b) of Section 24 of Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act", to broaden the uses that may be given to Special Fund resources,

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

In San Juan, Puerto Rico, today 21th of November of 2002.

Elba Rosa Rodríguez-Fuentes
Director

