

(H.B. 772)

**(No. 12)**

(Approved May 25, 2005)

**AN ACT**

To amend Section 4 of Act No. 249 of September 3, 2003, in order to eliminate the inclusion of the designated representatives of the main members of the Commission for the Supervision of the Payment of Fees and Cancellation of Revenue Stamps in Construction Works.

**STATEMENT OF MOTIVES**

Our Government has been concerned about the development of professional institutions, since they render valuable services to the community and specifically to the Government, and as collaboration with this effort and in order for these services to continue uninterruptedly, legislation has been approved to provide sources of income, to wit, Act No. 319 of May 15, 1938 and Act No. 96 of July 6, 1978, as amended, which provide for the cancellation of revenue stamps on blueprints, specifications and documents prepared by engineers, architects, landscape architects and surveyors,

One of the fundamental objectives of our Government has been to promote the development of the construction industry in all its modalities, especially the development of residential units. Act No. 76 of June 24, 1975, as amended, known as the Regulations and Permits Administration Organic Act, provides for the payment of fees through internal revenue vouchers for the approval of any construction blueprint filed before the Agency.

Through Executive Order of the Governor of the Commonwealth of Puerto Rico, Administrative Bulletin No. 4413, approved March 14, 1985, as amended by the Executive Order of June 3, 1999, Administrative Bulletin No. OE 1999-23, the Commission for the Supervision of the Payment of Fees was created to address the difficulties in achieving compliance of the objectives of said laws, whether due to ignorance, misinterpretation or simply for having been unnoticed by the authorities in charge of enforcing compliance. The Executive Order also established the mechanisms to ensure compliance with the responsibility of paying the fees and the cancellation of the stamps set forth in the aforementioned laws, and established a procedure for the supervision of said matters.

The Commission consists of representatives of the College of Engineers and Surveyors, the College of Architects and Landscape Architects, the Department of the Treasury, the Regulations and Permits Administration, and the Department of Justice. The Commission's tasks have resulted in benefits for the professional colleges that constitute it, and for the treasury; the reasons that motivated its creation have been addressed by its operations. However, noncompliance of the payment of fees and the cancellation of stamps is still estimated at approximately fifty (50) percent. The Commission, which is not empowered to do so, cannot require a natural or juridical person to furnish information needed to verify whether the corresponding payment of fees and cancellation of the required stamps for a certain project or construction work has taken place. For the above reasons, the Commission for the Supervision of the Payment of Fees and Cancellation of Revenue Stamps in Construction Works was granted official

and permanent nature through the approval of Act No. 249 of September 3, 2003.

This Legislature deemed that the approval of this Act was necessary to execute and perpetuate the objectives that gave rise to the Commission, also providing it with the adequate mechanisms and the necessary procedures for the supervision of the payment of the fees and stamps required by law for all construction works. The purpose of the Commission is to oversee compliance by the public and private sectors with their obligation to cancel revenue stamps, as required by Acts No. 319 of May 15, 1938 and No. 96 of July 6, 1978, as amended, and to make the payment of fees provided in Act No. 76 of June 24, 1975, as amended. It shall also oversee that the entities with the legal responsibility to demand compliance of the payment of fees and cancellation of revenue stamps are doing their part.

The inclusion in this Act of designated representatives such as the Deputy Secretary, Deputy Administrator, or the Vice chairperson of the agency, body, or professional group authorized to represent any of the members designated as members of the Commission, delay the procedures of the Commission instead of expediting them.

These representatives are not always accessible to represent the members of the Commission and curtail the powers of said Commissioners to appoint other suitable persons, which results in the delay of the procedures contemplated by the law. The fact that the representatives of the members of the Commission have been established by law has hindered the speedy compliance with the objectives of Act No. 249 of September 3, 2003, so through the proposed amendment, the designation of the representatives of the members of the Commission is eliminated.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- Section 4 of Act No. 249 of September 3, 2003, is hereby amended to read as follows:

“Section 4.- Composition

The Commission shall be composed of five (5) members, to wit:

1. The Secretary of the Treasury or his/her designated representative.
2. The Secretary of Justice or his/her designated representative.
3. The Administrator of the Regulations and Permits Administration or his/her designated representative.
4. The President of the College of Engineers and Surveyors of Puerto Rico or his/her designated representative.
5. The President of the College of Architects and Landscape Architects of Puerto Rico or his/her designated representative.

Provided, that the designated representatives shall have full power and authority to represent the official member in the determinations of the Commission. The official members shall meet at least once every year.”

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. 12 (H.B. 772) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 4 of Act No. 249 of September 3, 2003, in order to eliminate the inclusion of the designated representatives of the main members of the Commission for the Supervision of the Payment of Fees and Cancellation of Revenue Stamps in Construction Works,

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

In San Juan, Puerto Rico, today 1st of February of 2006.

Francisco J. Domenech  
Director