

(S. B. 537  
Conference)

**(No. 37)**

(Approved July 29, 2005)

### **AN ACT**

To amend Section 9 of Act No. 242 of August 30, 2000, as amended, in order to appropriate funds for the stray animal's management program.

### **STATEMENT OF MOTIVES**

Through Act No. 242 of August 30, 2000, as amended, and Act No. 427 of September 22, 2004, several amendments were made to Act No. 36 of May 30, 1984, known as the "Act for the Establishment and Operation of Regional Animal Shelters in Puerto Rico." The amendments thus approved in 2000 and 2004 were directed to create the Commonwealth Animal Control Office (OECA, Spanish acronym) and to define the relationship between this new office and the Department of Health. However, a fundamental problem arises from Act No. 36, *supra*, and its subsequent amendments have not been yet addressed, to wit: the availability of the funds established for a regional animal shelter model program.

Act No. 242, *supra*, directed the appropriation of one million five hundred thousand (1,500,000) dollars exclusively for the purchase of land, construction of an animal shelter therein and administrative expenses of CACO. The appropriation made to begin this project is not recurrent. The Department of Health, agency on which this task was delegated, has not

used these funds, since it does not have the necessary legal powers to purchase land nor to construct a building therein; in addition, to the fact that the responsibility of working with stray animals falls on the municipality and not on the Department. See Act No. 81 of May 14, 1912, Section 26.

With the amendment herein proposed, it is intended to give a more efficient use to the funds initially appropriated by Act No. 242, *supra*, giving OECA the liberty to use the same in the municipalities and bona-fide private entities devoted to rescuing stray animals, through a proposal and incentive program which allow the granting of funds to effective projects directed to working with the constant problem of stray animals, within the ethical frame of sound treatment to these animals.

Therefore, this Legislature deems it necessary to amend Act No. 36, *supra*, in order to make effective and prompt use of the funds already identified to put a stop to the problem of stray animals.

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

Section 1.- Section 9 of Act No. 242, of August 30, 2000, is hereby amended to read as follows:

For the purposes of effectively enforcing this Act, the sum of one million five hundred thousand (1,500,000) dollars is hereby appropriated to the OECA from unencumbered funds in the Commonwealth Treasury. These funds shall be used for the budget of the OECA offices and to establish a fund to create incentives for the Municipalities and bona-fide private entities through subsidies, to initiate projects directed to the rescue, collection, control, and adoption of stray animals, as well as for the development of shelters and for community education. In subsequent years, the funds needed to support OECA shall be consigned in the

operating budget of the Department of Health. The necessary money for the Subsidy Fund for Municipalities and Private Entities shall proceed from a combination of Commonwealth, federal funds, and donations from the private sector, among others.

Section 2.- The OECA shall prepare regulations which shall define the standards and procedures to address all matters related to the granting of subsidies to municipalities and private entities and other matters related to the full implementation of this Act, within a term of 120 calendar days as of its approval. The regulation shall be made in agreement with the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.”

Section 3.- This Act shall take effect immediately after its approval.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 37 (S.B. 537) (Conference) of the 1<sup>st</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 9 of Act No. 242 of August 30, 2000, as amended, in order to appropriate funds for the stray animals management program,

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

In San Juan, Puerto Rico, today 17<sup>th</sup> of January of 2006.

Francisco J. Domenech  
Director