

(H. B. 937)

(No. 119)

(Approved September 26, 2005)

AN ACT

To amend subsection (b)(3) of Section 4 of Act No. 89 of June 21, 1955, as amended, in order to authorize the Institute of Puerto Rican Culture to impose fines for violations of or noncompliance with the regulations it administers and to strengthen the powers of the Institute for ensuring compliance with the regulations which governs historic zones and structures in Puerto Rico.

STATEMENT OF MOTIVES

The Institute of Puerto Rican Culture is legally charged with participating in the administration and development of a great number of artistic and culturally valuable programs. The Institute is also responsible for the conservation of our historic patrimony such as our buildings and documents and our archeological and artistic legacy.

The Institute, however, lacks the legal authority to impose administrative fines when the laws whose enforcement it oversees are violated.

The purpose of this measure is to amend subsection (b)(3) of Section 4 of Act No. 89 of June 21, 1955, as amended, in order to authorize the Institute of Puerto Rican Culture to impose fines for violations of or noncompliance with the regulations it administers.

This Act furthermore strengthens the powers of the Institute for ensuring compliance with the regulations which govern the historic zones and structures of Puerto Rico.

BE IT ENACTED BY THE LSGISLATURE OF PUERTO RICO:

Section 1.-Subsection (b)(3) of Section 4 of Act No. 89 of June 21, 1955, as amended, is hereby amended to read as follows:

“The Institute of Puerto Rican Culture shall be the government body charged with executing the public policy regarding the development of the arts, the humanities and the culture in Puerto Rico.

(a) To those ends it shall have the following purposes and functions:

(1) ...

...

(30) ...

(b) In the exercise of such functions, the Institute shall have the following powers:

(1) To sue and be sued.

(2) To adopt, alter and use a corporate seal.

(3) To adopt, amend and repeal, through its Board of Directors, the bylaws governing its operations and the discharge and performance of the powers and duties conferred to or imposed on it by law, as well as to impose, through the procedures provided in the Uniform Administrative Procedures Act and its regulations, administrative fines for infractions to this Act or to any other law whose enforcement is overseen by the Institute, by the bodies attached to the same, by its Boards, Commissions, Committees, Councils or Directors, and the regulations adopted pursuant to this and said Laws, to any natural or juridical person

who violates the same or fails to comply with any resolution, order or decision issued, provided that:

(A) the administrative fines shall not exceed ten thousand (10,000) dollars per infraction, it being understood that each day the infraction subsists may be deemed as an independent violation;

(B) in case it is determined that contempt of court has been incurred in the commission or continuation of these violations or contempt of court in noncompliance with any resolution, order or decision issued, an additional administrative fine of up to a maximum of fifty thousand (50,000) dollars may be imposed for any of the acts herein set forth;

(C) the power granted for imposing administrative fines neither substitutes nor diminishes the power for initiating any judicial proceeding, be it civil or criminal, that may be applicable;

(D) any person who knowingly makes any representation, certification or false declaration under this Act or any other applicable law or under the regulations adopted pursuant thereto, and who makes any false representation in any report or document required by virtue of said laws or their regulations, shall be guilty of a misdemeanor. The penalty for this misdemeanor shall be as provided in Article 16 of the Penal Code of 2004, Act No. 149 of June 18, 2004, as amended. Any individual having personal knowledge of the violation may promote the pertinent action before the competent authorities;

(E) in the case of a violation to the construction and permits and endorsements regulations, whether or not said regulations are primarily administered by the Institute, in those zones or structures that have been declared as of historic, artistic, architectural or

archeological value pursuant to the laws and regulations in effect, the Institute may, besides imposing fines in those cases for which it is authorized, issue orders to do or not to do, and to cease and desist, and solicit injunctions or carry out any other action it may deem necessary to ensure compliance with said regulations. The Institute shall also file the necessary complaints or petitions, including writs of mandamus and injunctions, and revisions, appeals and certioraris when it believes that the Planning Board, the Regulations and Permits Administration and any other Commonwealth or Federal agency or the Municipalities are in noncompliance with the regulations or legislation in effect relative to any such matters;

(F) the monies collected on account of the fines shall be deposited into the funds of the Institute of Puerto Rican Culture, which shall open an account separate from other income, so that these may be used solely and exclusively for the acquisition, conservation and maintenance of historic structures.

....”

Section 2.-The Institute of Puerto Rican Culture shall draft the regulations and establish the administrative structure needed to implement the provisions of this Act within ninety (90) days after the date of its approval. Once the regulations have been created, the Institute of Puerto Rican Culture shall submit the same for the consideration and approval of the Legislature. While in session it shall be considered within thirty (30) days as a Concurrent Resolution. Once the term has expired it shall be approved without being subject to the provisions of 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. 119 (H.B. 937) of the 2nd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (b)(3) of Section 4 of Act No. 89 of June 21, 1955, as amended, in order to authorize the Institute of Puerto Rican Culture to impose fines for violations of or noncompliance with the regulations it administers and to strengthen the powers of the Institute for ensuring compliance with the regulations which governs historic zones and structures in Puerto Rico,

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

In San Juan, Puerto Rico, today 6th of February of 2006.

Francisco J. Domenech
Director