

(S.B. 886)

(No. 149)

(Approved December 12, 2005)

AN ACT

To amend paragraph (a) of Section 2.8 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” in order to establish the mechanism through which the agencies shall submit an index of the regulations in effect in all the agencies of the Executive Branch of the Commonwealth of Puerto Rico to the Department of State and the obligation of the latter to further submit them to the Legislative Library of the Office of Legislative Services of the Commonwealth of Puerto Rico; and to make retroactively effective certain regulations of the agencies of the Executive Branch of the Commonwealth of Puerto Rico that were repealed by virtue of Act No. 133 of September 22, 2001.

STATEMENT OF MOTIVES

Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” was promulgated in order to give uniformity to all administrative processes undertaken by the government agencies. The same also establishes the standards as to the procedures to be followed regarding the new regulations in effect in the various agencies of the Executive Branch.

The Uniform Administrative Procedures Act has been the object of several amendments, among these the one introduced by Act No. 205 of August 25, 2000, which established that any new regulations adopted by any agency of the Commonwealth of Puerto Rico shall have to be submitted to

the Department of State in the Spanish language, in its original and two (2) copies. At the same time a copy of said regulations shall be filed with the Legislative Library with evidence of its filing and of its translation into the English language, if both were filed simultaneously. Filing said regulations with the Legislative Library is an indispensable requirement for its validity.

It is likewise required that all agencies of the Executive Branch prepare a compilation of all their regulations in effect by the first (1) of June, 2001 and that they be submitted to the Department of State and to the Legislative Library.

Furthermore, all regulations that have not been included in the compilations submitted on or before June 30, 2001, are repealed. On the other hand, Act No. 133 of September 22, 2001, newly amended the Uniform Administrative Procedures Act to extend the terms provided in the prior Act.

During Public Hearings of the Senate in which the possibility of having the Department of State compile in one single document all the environmental legislation and regulations in effect was discussed, the problem the agencies face to comply with the provisions of Act No. 205 of August 25, 2000, was also set forth.

After this situation was discussed it was agreed to amend this Act so as to release the agencies from the obligation of submitting to the Legislative Library the regulations they are compelled to establish by law, which shall be submitted to the Department of State which in turn shall remit the same to the Legislative Library of the Office of Legislative Services.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Paragraph (a) of Section 2.8 of Act No. 170 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 2.8.-New regulations; filing.-

- (a) All regulations approved by any agency of the Commonwealth of Puerto Rico shall be submitted to the Department of State in Spanish, with its translation into English, if the same were presented simultaneously, in an original and three (3) copies. Once the regulations are received at the Department of State, said agency shall be responsible of submitting a copy of the same to the Legislative Library of the Office of Legislative Services. The Director of the Office of Legislative Services shall provide, through regulations, the format for filing the documents and the means of doing so, which could be as hard copy or through any electronic means. As a general rule, the regulations shall take effect thirty (30) days after they have been filed, unless:

- (1) ...”

Section 2.-All agencies of the Executive Branch shall prepare an index of all their regulations in effect by June 1, 2005 and submit the same to the Department of State within a term of 90 days after the date of approval of this Act. The latter shall, in turn, submit the same to the Legislative Library of the Office of Legislative Services. This may be done through electronic means, according to the format the Secretary of State and the Director of the Office of Legislative Services shall respectively provide. The Department of State shall demand that the agencies comply with the presentation of the index required by Section 2 of this Act.

Section 3.-By virtue of Section 2.11 of the Uniform Administrative Procedures Act, the Secretary of State shall have the power to determine that the regulations that have not been included be repealed.

Section 4.-The validity of all regulations of the agencies of the Executive Branch that were repealed by virtue of Section 2 of Act No. 133 of September 22, 2001, shall be restored retroactively to the first (1) of June 2005, provided the same have not been adopted again by their respective agencies.

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. 149 (S.B. 886) of the 2nd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend paragraph (a) of Section 2.8 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” in order to establish the mechanism through which the agencies shall submit an index of the regulations in effect in all the agencies of the Executive Branch of the Commonwealth of Puerto Rico to the Department of State and the obligation of the latter to further submit them to the Legislative Library of the Office of Legislative Services of the Commonwealth of Puerto Rico; etc.,

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

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

Francisco J. Domenech
Director