

(S. B. 670)

**(No. 2)**

(Approved January 5, 2006)

## **AN ACT**

To amend the second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act” in order to reconstitute the fifty percent (50%) credit of the electric power consumption attributed to electric equipment and appliances the use of which is required by persons suffering from multiple sclerosis granted by the repealed Section 22, and which was inadvertently excluded from the new Section 22.

### **STATEMENT OF MOTIVES**

Act No. 255 of September 7, 2000 repealed Section 22 of Act No. 83 of May 2, 1941, as amended, and set forth a new Section 22 which provides a new formula to determine the contribution to compensate the effect of tax exemptions.

In the process of considering the bill which ended with the approval of Act No. 255, supra, Act No. 300 was approved on December 8, 2003. Said Act provided for a 50% credit in the consumption of electric power attributed to electric equipment or appliances whose use is required by persons suffering from multiple sclerosis.

The provisions of Act No. 300, supra, were not taken into consideration since Act No. 255, supra, was subsequently approved; Act No. 300, supra, establishes, and we quote:

“Upon request, an additional credit shall be granted for electric power consumption by electric appliances or equipments that a person uses to

preserve his/her life, pursuant to the herein provided. In the case of persons of scarce resources, the credit shall be for the total electric power consumption attributable to said appliances and equipment. In the cases of persons who have been diagnosed with multiple sclerosis, they shall be granted a fifty (50)-percent credit on the electric power consumption attributable to said appliances and equipment, even if they are not persons of scarce resources or do not present a certification attesting to it. All applications shall be accompanied by a certification issued by the Department of Health regarding the health condition and need of the applicant of using electric appliances or equipment to preserve life, such as artificial respirators, air conditioners, artificial kidney machines or any other electric appliance, equipment or machine needed to preserve his/her life and which he or she needs. Furthermore, in the cases of applicants of scarce resources, all applications must be accompanied by a certification issued by the Department of the Family to the effect that the applicant is a person of scarce financial resources, pursuant to the definition of this term by said Department. The Authority shall determine through regulations the method for calculating the consumption by the essential equipment and the Departments of Health and of the Family shall regulate the procedure for the certifications to be issued pursuant to this Act in the cases in which the person needs to use the electric appliances or equipment to preserve his/her life.”

Since it is the express purpose of the legislator to grant the fifty percent (50%) credit for electric power consumption attributed to equipment or appliances used by a person to preserve his/her life in the cases of persons diagnosed with multiple sclerosis and to distinguish it from the credit to be granted in the case of persons of scarce resources, which shall the totality of

electric power consumption attributed to said equipment and appliances, it is pertinent to harmonize the provisions of Act No. 255, supra, with what is expressly established in Act No. 300 of December 8, 2003, and which was omitted in the text of Act No. 255 of September 7, 2004m which amended Section 22 of Act No. 83, supra.

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

Section 1.- The second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act” is hereby amended to read as follows:

“Section 22.- Tax exemptions, use of funds

(a) ...

(b) ...

(c) A partial credit shall be granted in the invoice of every subscriber...

“Upon request, an additional credit shall be granted for electric power consumption by electric appliances or equipments that a person uses to preserve his/her life, pursuant to the herein provided. In the case of persons of scarce resources, the credit shall be for the total electric power consumption attributable to said appliances and equipment. In the cases of persons who have been diagnosed with multiple sclerosis, they shall be granted a fifty (50)-percent credit of the electric power consumption attributable to said appliances and equipment, even if they are not persons of scarce resources or do not present a certification attesting to it. All applications shall be accompanied by a certification issued by the Department of Health regarding the health condition and need of the applicant of using electric appliances or equipment to preserve life, such as artificial respirators, air conditioners, artificial kidney machines or any other

electric appliance, equipment or machine needed to preserve his/her life and which he or she needs. Furthermore, in the cases of applicants of scarce resources, all applications must be accompanied by a certification issued by the Department of the Family to the effect that the applicant is a person of scarce financial resources, pursuant to the definition of this term by said Department. The Authority shall determine through regulations the method for calculating the consumption by the essential equipment and the Departments of Health and of the Family shall regulate the procedure for the certifications to be issued pursuant to this Act. In the case in which the person that needs to use the electric appliances or equipment to preserve life is not the subscriber, said benefit shall be transferred to the subscriber in charge of paying the bill for electric power consumed by the person who needs to use the electric equipment to preserve life.”

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. 2 (S.B. 670) of the 2<sup>nd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend the second paragraph of subsection (c) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act” in order to reconstitute the fifty percent (50%) credit of the electric power consumption attributed to electric equipment and appliances the use of which is required by persons suffering from multiple sclerosis granted by the repealed Section 22, and which was inadvertently excluded from the new Section 22,

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

In San Juan, Puerto Rico, today 1<sup>st</sup> of June of 2006.

Francisco J. Domenech  
Director