

(S.B. 773)

(No. 70)

(Approved March 20, 2006)

AN ACT

To provide for the official disposition of the flag and shield of the seventy eight (78) municipalities of the Commonwealth of Puerto Rico; authorize the mayors to regulate the use thereof; authorize the Secretary of State to create and be the custodian of the Official Register of Municipal Flags and Shields of the Department of Sate; fix penal sanctions; and for other purposes.

STATEMENT OF MOTIVES

The flag of the Commonwealth of Puerto Rico, which up to now has been traditionally known as the Puerto Rican flag, was established by virtue of Act No. 1 of July 24, 1952, as amended. Act No. 93 of August 26, 2005 provides for the joint use of the United States of America and Puerto Rican flags by the three (3) government branches, public, state, municipal agencies and in all properties of the Commonwealth, its municipalities and public corporations, as well as to provide the minimum requirements that the Department of State Regulations shall contain on the use of the flags.

The July 30, 1947 federal law establishes which shall be the flag of the United States of America. Also, Public Law 105-225 of August 12, 1998 and subsequent laws, codify the rules and customs regarding the display and use of the United States flag. Section 10 of said Act authorized only the President of the United Sates, as Commander in Chief

of the Armed Forces, to modify or add to the rules on the display of the flag of the United States of America, through a proclamation to that effect. The flag of the United States of America represents the national sovereignty as described in the Constituent Convention is also regulated by federal statutes applicable in Puerto Rico through the Federal Relations Law.

However, this is not the case of the municipal flags and shields which embody the citizen's pride regarding their town or municipality. Reason for which, it is important to maintain the same respectful treatment allowed the flags of the United states of America and Puerto Rico.

The municipalities, created by the Legislature of Puerto Rico, are at the same time part of the republican system of government. This Legislature is bound to provide legislation regarding the official use and handling of the flags and shields of the seventy-eight (78) municipalities of Puerto Rico. Undoubtedly, there is an official protocol regarding the display and use of the flags and shields without including, up to now, the municipal symbols.

This Legislature is duty bound to legislate to make official the specific flags and shields of each municipality of Puerto Rico and to regulate the use and handling of the same so as to guarantee a respectful treatment, analogous to that received by the United States and Puerto Rican flags, respectively.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The flags and shields of the seventy-eight (78) municipalities of Puerto Rico are hereby officially established for use in the different municipalities and their dependencies. In each one of the aforementioned entities the respective flags of each municipality shall be

displayed together with the flags of the United States of America and Puerto Rico.

Section 2.- The official flags and shields of the seventy-eight (78) municipalities of Puerto Rico shall be adopted by each one of them through municipal ordinance or regulation pursuant to the authorization conferred to such effect by Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991”.

Section 3.- The use of the flag and official shield of the municipalities as an emblem or symbol of a political party or any candidate in the ballot in any electoral event, to wit: General, special, primary, referendum, plebiscite and propaganda campaigns, is prohibited.

Section 4.- In order to ensure the adequate use of the municipal flags and shields, each mayor is hereby authorized to promulgate a regulation on the use thereof subject to the laws of Puerto Rico and the regulations promulgated by the Secretary of State to such effects.

Section 5.- Any violation of said regulations shall be taken care of by the municipality according to the legislation in force and it may impose a fine of up to five-thousand (5,000) dollars.

Section 6.- Each municipality is bound to send the Secretary of State a detailed official description of the municipal flags and shields and an 8 1/2” by 11” copy in color of their respective official flags and shields, as well as a certified copy of the municipal ordinance and regulations promulgated to such effect which will become part of the Municipal Official Register of Flags and Shields of the Department of State.

Section 7.- The Secretary of State is hereby authorized to create and be the custodian of the Municipal Flags and Shields Official Register of

the Department of State of the seventy-eight (78) municipalities. The Municipal Flags and Shields Official Register shall include at least the following information: a detailed official description, an 8 1/2" by 11" inches copy in color of the respective official flags and shields and a certified copy of the municipal ordinance and/or the regulations promulgated in that respect, as well as any other pertinent information.

Section 8.- The official description of the municipal flags and shields shall be approved by each municipal legislature, through an ordinance to that effect, However, in case of discrepancies between the contents of the Register and the municipal information, the contents of the Official Municipal Register of Flags and Shields in the Department of State shall prevail.

Section 9.- Any law or part thereof contrary to the present measure is hereby repealed.

Section 10.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 70 (S.B. 773) of the

3rd Session of the 15th Legislature of Puerto Rico:

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

In San Juan, Puerto Rico, today 11th of July of 2006.

Francisco J. Domenech
Director

