

(S. B. 995)

(No. 139)

(Approved August 1, 2006)

AN ACT

To provide that every natural or juridical person who conducts government transactions in which it is required to submit more than one negative debt certification before the agencies of the Commonwealth of Puerto Rico or its instrumentalities shall have the right to authorize the agencies that require said certifications to do so in his/her behalf after the payment of the corresponding fees; and for other related purposes.

STATEMENT OF MOTIVES

Government efficiency requires proper communication and interaction as to the information that can be found in the administrative agencies themselves. Therefore, it is illogical that in the 21st century, the Government of Puerto Rico requires persons conducting government transactions to submit certifications accrediting the information which in fact is held by the State.

The present legislation is geared towards continuing to promote the public policy to expedite the fulfillment of public works, execution of contracts, and other multiple transactions which foster the socioeconomic development of our Island. For this reason, the right of any natural or juridical person who conducts government transactions in which more than one negative debt certification is required by the agencies of the Commonwealth of Puerto Rico or its instrumentalities, to authorize the

agency requiring such certifications to do so in his/her behalf, after the payment of the corresponding fees, is established by law.

In this manner, it is expedited that the sectors that have less resources to carry out the procedural ordeal to obtain all the certifications required to contract with the government, count on a simple and speedy mechanism, as in the case of small businesspersons and professionals who practice their profession individually. Furthermore, this legislation shall be beneficial for persons with low income and the elderly. For example, any person who is interested in withdrawing money deposited in a government retirement system shall obtain multiple negative debt certifications, the requesting of which shall be more economic for individual persons upon the approval of this statute.

Finally, this mechanism shall provide a more effective interagency communication network, and the fact that the agency in question requests the certifications to other government agencies shall propitiate more control and a greater degree of authenticity of the information contained therein. In this sense, this Act shall help to deter the unwanted practice of modifying and altering certifications, thus promoting that the contracting agencies receive accurate information.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- To provide that every natural or juridical person who conducts government transactions in which it is required to submit more than one negative debt certification before the agencies of the Commonwealth of Puerto Rico or its instrumentalities shall have the right to authorize the agencies that require said certifications to do so in his/her behalf after the payment of the corresponding fees; and for other related purposes.

Section 2.- For the purposes of this Act, “agency” shall comprise every government entity of the Executive, Legislative and Judiciary Branch, as well as the public corporations and municipalities of Puerto Rico.

Section 3.- In order to guarantee the proper implementation of this Act, an interagency committee is hereby created, which shall be composed of the following officials: the Secretary of the Department of the Treasury, who shall be its coordinator, the Executive Director of the Municipal Revenue Collection Centers, the Administrator of the Child Support Administration, the Executive Director of the State Insurance Fund Corporation, the Administrator of the General Services Administration, and the Commissioner of Municipal Affairs. Said Interagency Committee shall have the necessary powers to comply with the objectives of this Act, and, at least, it shall draft a standard regulation which shall govern the procedures for exercising the rights granted in Section 1 of this Act, within a term not to exceed six (6) months, after the effective date thereof. Provided, that the agencies shall not collect any additional fees for exercising the rights granted by Section 1 of this Act, these shall be limited to require only the actual cost for the payment of the fees to obtain the referred certifications.

Section 4.- This Act shall take effect immediately after its approval, and the rights granted by Section 1 shall take effect on July 1, 2007.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 139 (S.B. 995) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to provide that every natural or juridical person who conducts government transactions in which it is required to submit more than one negative debt certification before the agencies of the Commonwealth of Puerto Rico or its instrumentalities shall have the right to authorize the agencies that require said certifications to do so in his/her behalf after the payment of the corresponding fees; and for other related purposes,

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

In San Juan, Puerto Rico, today 2nd of November of 2006.

Francisco J. Domenech
Director