

(H. B. 2034)
(Reconsidered)

(No. 265)

(Approved December 13, 2006)

AN ACT

To renumber Section 1A as Section 2, renumber subsequent Sections, amend subsection (a), and add subsections (b)(1), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m); to amend Section 3, as renumbered; to amend subsection (2) and add subsections (3) and (4) to Section 5, as renumbered; to amend Section 8, as renumbered; to add a new Section 9 and renumber subsequent Sections; to amend Section 14, as renumbered; to amend Section 15, as renumbered; to add a new Section 16 and renumber subsequent Sections; to add a new Section 17 and renumber subsequent Sections; to amend Section 19, as renumbered; to add a new Section 20 and renumber subsequent Sections; to add a new Section 23 and renumber subsequent Sections; to add a new Section 28 and renumber subsequent Sections; to amend Section 29, as renumbered; to amend Section 30, as renumbered; to amend Section 32, as renumbered; and to add a new Section 33 to Act No. 20 of April 9, 1941, as amended.

STATEMENT OF MOTIVES

Act No. 20 of April 9, 1941, as amended, regulates the practice of the agronomy profession through its Examining Board and the Agronomists Association of Puerto Rico. Among other things, said Act establishes the requirements that any person must meet in order to obtain an Agronomist license in Puerto Rico. This Act also provides that any professional holding an Agronomist title must be a member of the Association and be current with his/her institutional responsibilities to be able to practice the profession pursuant to the regulations in effect, made to conform international

requirements set for such a profession. Regulations were promulgated thereunder to govern its practice. However, the field of agronomy has evolved at pace with the scientific, technological and populational changes that have occurred in Puerto Rico and the world. The profession has therefore become diversified and modified so as to adjust itself to changes in modern agriculture. Act No. 20 of April 9, 1941, fails to define in a clear and precise manner what are the functions and the scope of action within which agronomists are to practice their profession. These deficiencies create the need for specifying the field of action that the agronomy profession is to have in Puerto Rico, so that they may provide effective services for the benefit of the general community.

The absence of precise definition as to the field of action of agronomists has brought about the establishment of unsuitable practices which impair the agroindustrial development, the infrastructure, the conservation of natural resources, and even the inspection and certification of foods for human and animal consumption. The lack of knowledge in matters such as banking, financing and agricultural insurance, from people outside the field of agronomy has, at times, caused disbursements to be made for overestimated amounts of money on account of concession and compensation. These situations do not arise in other professions which, for reason of having their field of action clearly defined, employees and employers are identifiable, which facilitates the application of the rule. Furthermore, the approval of Act No. 92 of March 2003, which directs agronomists to fulfill continuing education requirements, calls for the definition of this professional activity in order for the same to be fully enforceable.

The Association, as per the letter of the Act in effect, lacks the proper mechanisms to fulfill its ministerial duty, on account of the lack of a precise definition of the Agronomy profession in Puerto Rico. In order to clarify the field of action and for the benefit of these professionals, this Act is hereby amended to define and temper that which is comprised within the practice of said profession.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—Section 1-A is hereby renumbered as Section 2 and subsequent Sections are renumbered; subsection (a) is amended; and subsections (b)(1), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) are added in Section 2, as renumbered, of Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 2.—Definitions.—

For the purposes of this Act, the following terms and phrases shall have the meaning and application hereinbelow stated:

- (a) Agronomist or Agronomy Professional – Any person...
- (b) Practice or Exercise of Agronomy – The rendering of professional services...
 - (1) Said practice or exercise of agronomy includes:
 - i) Coordinating and implementing the basic technical functions for forestal, agricultural, edaphological, aquacultural, and livestock development.
 - ii) Preparing and writing expert opinion papers, recommendations and assessments on Agricultural Science subjects.

iii) Recommending the sale and use of agrochemical products and feed for livestock used for agroindustrial purposes or in farms.

iv) Coordinating, designing providing agronomical advise and conducting technical studies on agrohydrological projects, and crop irrigation, market gardening and agricultural drainage works.

v) Supervising, designing and coordinating agricultural, livestock, urban forestry, and rural development, as well as coordinating the various technical studies and programs related thereto.

vi) Determining the viability and feasibility and conducting an appraisal and an agroeconomic analysis of the substratum and objects involved in agrobusiness activity, as well as assessing agricultural insurance claims.

vii) Imparting formal and non-formal agricultural education at the elementary, middle-school, and/or high-school levels.

viii) Identifying and recommending the use of the substratum to promote the development of production potential in high-value agricultural, forestal, urban and rural, agrotourist, ecotourist and historical areas.

ix) Recommending, designing, coordinating, and certifying activities for the use of biodegradable energy proceeding from crop byproducts, livestock waste, and other related sources.

x) Coordinating, designing, and implementing the basic technical functions for supervising works in horticulture, forestation and reforestation in urban, rural, agrotourist and ecotourist areas, as well as any other task relative to Agricultural Science.

xi) Evaluating, certifying, preparing, and writing papers on the environmental impact relative to agricultural and agroindustrial projects.

xii) Certifying the extraction, excavation, removal, and dredging of materials from the earth's crust when on-site removal of soil is required, solely and exclusively for activities relative to agricultural practices, especially to preplanting, subsoiling, plowing, harrowing, soil surveying and leveling, benching, and crop rowing.

xiii) Dispatching and/or dispensing chemical products or medications, solely and exclusively for use on livestock.

xiv) Designing vegetal or animal production biosafety plans.

xv) Discharging the functions proper to agronomy professionals, included under the Standard Occupational Classification (SOC) System of the United States Department of Labor and the International Labor Office (ILO) in Geneva.

xvi) Carrying out any other activity relative to Agricultural Science, or any activity which could be considered to be related given the whirlwind pace of economic, technological, social and scientific changes.

(c) ...

(d) Board – The Examining Board for Candidates to the Practice of Agronomy and Agronomists.

As of the date of approval of this Act, the name of the Board of Examiners of Agronomists shall be changed to the Examining Board for Candidates to the Practice of Agronomy and Agronomists.

(e) Association – The Agronomists Association of Puerto Rico.

(f) License – The document issued by the Board whereby the Board certifies that the person in favor of whom the same has been issued meets the requirements established in Act No. 20 of April 9, 1941, as amended.

(g) Eligibility Certificate – The pre-qualification document granted by the Board.

(h) Register – The License Register of the Board.

(i) License Suspension – The temporary stay of the right to practice the profession pursuant to the provisions of this Act.

(j) Dislicensing or License Cancellation or Revocation – The annulment or elimination of a License from Association and Board Registers.

(k) Continuing Education – Planned educational activity which aims at the acquisition and/or updating of the knowledge and skills of Agronomists, pursuant to the provisions of Section 8 of Act No. 20 of April 9, 1941, as amended.

(l) Roster – The listing of Agronomists as compiled by the Association.

(m) Certification Register – The packet of documents issued by the Agronomist which must have the seal affixed. This packet shall be prepared by using the form provided by the Association for these purposes.”

Section 2.—Section 3, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 3.—Authorization to Issue Licenses.—

The Examining Board for Candidates to the Practice of Agronomy and Agronomists shall be the only entity authorized to issue licenses for the practice of the profession of agronomy in Puerto Rico, to every person who meets the requirements specified in this Act. The procedure for license issue shall require the Board to issue an Eligibility Certificate, to be used by the candidate in order to meet the mandatory association requirement.”

Section 3.—Subsection (2) is hereby amended and subsections (3) and (4) added to Section 5, as renumbered, of Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 5.—Requirements for License.—

Every person shall be entitled to a license to practice the profession of agronomy...

(1) ...

(2) To hold a title or degree of bachelor of science (B.S.) granted by an institution recognized by the Council on Higher Education specializing in agronomy, soils, horticulture or phytotechny, agricultural or forestal engineering, zootechny, forestry or dasonomy, agricultural economy or agrobusiness management, agricultural education or agricultural extension, food technology, agromechanical technology, biosystems, sustainable agriculture, crop protection, herbology, nematology, entomology and/or phytopatology. Consideration shall likewise be given to specializations directly related to agricultural science and which may be conferred in the future, conducive to a similar title or degree, granted by a

higher education institution at university level which is recognized by the Council on Higher Education of Puerto Rico.

(3) To hold a title or degree of bachelor of ordinary or natural science (B.S.) conferred by an institution recognized by the Council on Higher Education, having approved not less than forty (40) credits at the bachelor degree level, in formal courses of the same specialization of the agricultural sciences mentioned above, as well as the basic subjects of: general or inorganic chemistry, organic chemistry or biochemistry (may be substituted by environmental chemistry, agricultural chemistry, food chemistry, or other chemistry-related subjects), physics, mathematics (may be substituted by statistics), edaphology (may be substituted by soil science or geology), general biology (may be substituted by botanical science or zoology).

(4) To hold a title or degree of bachelor of ordinary or natural science (B.S.) conferred by a university institution recognized by the Council on Higher Education of Puerto Rico and a master's or doctorate title or degree in a specialization of the agricultural sciences described above.

...”

Section 4.—Section 8, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 8.—Duration and Cancellation of License.—

...

All Agronomists applying for renewal of their professional license must have taken continuing education courses relative to agricultural sciences, for the number of hours and on the subjects that the Board deems necessary, which shall include Professional Ethics for Agronomists. The Examining Board shall regulate on the continuing education requirements

that shall be mandatory in order to renew an Agronomist license, but the same shall not exceed forty (40) hours per year. Only shall courses offered by institutions accredited and certified by the Examining Board be approved.

Any Agronomist who has obtained a lifetime license shall be under the obligation to take continuing education courses within five (5)-year periods as of June 1, 2008. The Board and the Association are hereby empowered to regulate and record compliance with this provision.

...”

Section 5.—A new Section 9 is hereby added and subsequent Sections renumbered in Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 9.—License Denial, Suspension or Revocation.—

The Board, *motu proprio* or by request of the Association, may dislicense, or deny, revoke, suspend or cancel a license, after notice has been given and a hearing held to that effect, of any person who:

(a) attempts to obtain a license or benefits as an Agronomist by resorting to fraud or deceit;

(b) does not meet the requirements established by this Act to obtain a license;

(c) is found guilty of illegally practicing the profession by a competent court;

(d) has committed gross negligence or plagiarism or has forged any document on which he/she has affixed his signature or Agronomist seal;

(e) has been convicted of a felony or a crime which involves moral turpitude or constitutes a financial offense;

(f) has been found mentally unfit by a competent court or whose disability to practice the profession has been established by a medical expert;
and

(g) has violated the Code of Professional Ethics of the Agronomists Association.

The Board and the Association are hereby empowered to approve regulations to establish procedural mechanisms to that effect.”

Section 6.—Section 14, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 14.—Records; Register of Agronomists; Reports.—

The Board shall keep a book of minutes of all its proceedings, a file, and complete register of all the agronomists to whom licenses have been issued, showing the name and address of each one of them.

At the end of each...”

Section 7.—Section 15, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 15.—Illegal Practice of the Profession and Penalties.—

It shall be illegal to engage or offer to engage in practices proper to the agronomy profession, or to use or advertise in relation to one’s name, any title, abbreviation, word or term or description which could give the impression that one is authorized to practice the profession if one does not meet all license and mandatory association requirements as established in this Act. Likewise, it shall be illegal for a person or entity to solicit or accept, contract, convene or agree to engage professional services from a person who does not comply or lacks evidence attesting that he/she complies with the requirements established for the practice of the Agronomy profession in Puerto Rico.

Any person who, without being duly admitted into the practice of the Agronomy profession in Puerto Rico, as provided in this Act, or who during the suspension of his/her license practices as a person legally qualified to do

so, or who uses or attempts to use as if his/her own, the license, certificate or seal of an agronomy professional, or who presents before the Association, the Board or any of the members of the latter, false or adulterated evidence to obtain a license or certification or to renew or reactivate the same; or who purports to be a registered professional or who attempts to use a revoked license or certificate; or who violates any of the provisions of this Act or its regulations, shall be guilty of a misdemeanor, and upon conviction, punished by a fine of not less than five hundred (500) nor greater than two thousand (2,000) dollars, or by imprisonment for a term not to exceed three (3) months, or by both penalties, at the discretion of the court.

Any person who contracts or encourages another person to practice the agronomy profession without being duly authorized to practice as such, shall be guilty of a misdemeanor, and upon conviction, punished by imprisonment for a term not to exceed three (3) months, or by a fine of not less than five hundred (500) nor greater than two thousand (2,000) dollars, or by both penalties, at the discretion of the court. Likewise, the court may impose the penalty of rendering community services in lieu of the penalty of imprisonment established herein.

Any natural person who on more than one occasion commits any crime relative to the practice of the profession, shall be guilty of a misdemeanor and punished by a fine of not less than two thousand (2,000) dollars nor greater than four thousand (4,000) dollars, or by imprisonment for a term of not less than one (1) month nor greater than three (3) months, or by both penalties, at the discretion of the court.

Any juridical person who on more than one occasion commits any crime relative to the practice of the profession, shall be guilty of a misdemeanor and punished by a fine of not less than three thousand (3,000)

dollars nor greater than five thousand (5,000) dollars and by being bound to render community services, as defined in the Penal Code.

If the person thus convicted should be an Agronomist or an agronomy professional, the court shall notify the Board of such conviction and remit a copy of the judgment.

The Board and/or the Association may, *per se* or duly assisted by the Department of Justice of Puerto Rico, resort to the courts in cases involving the illegal practice of the profession regulated herein or other violations of this Act, as provided in this Section, in order to obtain, through an Injunction procedure, an order for offenders to cease and desist from the criminal conduct established herein, under admonishment of penalty of contempt.”

Section 8.—A new Section 16 is hereby added and subsequent Sections renumbered in Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 16.— Agronomist Class and Specification.—

For all legal purposes, the Agronomist (Ag) class and specification shall be incorporated, which process shall transpire as follows:

a. The Commonwealth of Puerto Rico Human Resources Administration Office shall integrate the Agronomist (Ag) Class Specification into the Human Resources Administration System of the Commonwealth of Puerto Rico, and notify all municipal governments, public corporations and Commonwealth agencies, so that the same be incorporated into the Classification and Compensation Plans by modification thereof.

b. The Department of State, through a public notice, shall make public the Agronomist (Ag) Class Specification, for the same to be instituted in the private sector.

c. The main and suppletory functions of the Agronomist (Ag) Class shall be updated and recognized for employees of the public and the private sectors, pursuant to the provisions of the legislation in effect.

d. Public and private institutions shall modify, update and recognize the essential specialized professional functions and the relative value of job positions proper to the class, pursuant to the provisions of legislation in effect.”

Section 9.—A new Section 17 is hereby added and subsequent Sections are renumbered in Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 17.—Occupational Scope.—

Agronomy professionals may be contracted to perform but are not limited to the following functions: advisor, agent, specialist, head of project, crop professional, educator or teacher, agroindustrial salesperson, inspector, analyst, technologist, accounts executive or technician.

As per the provisions established in Section 2 of this Act, the following natural or juridical persons are subject to contracting Agronomists:

a. Persons who manufacture, distribute, register, transfer, dilute or oversee the quality or residuality or recommend treatments with chemical products for agricultural use, such as: pesticides, fertilizers, growth regulators, among others.

b. Persons who produce and distribute horticultural or vegetable genetic material (germplasm) and/or products.

c. Enterprises engaged in agroindustrial production, in the importation, exportation and processing of seeds, plants, fruit, vegetables, fertilizers and all other related materials.

d. Persons who prepare and implement plans for urban and rural forestation and planting, tree transplanting, green area design, and landscaping. They may also be headed by Landscape Architects.

e. Persons who conduct forest inventories, whether in urban or rural zones. They may also be headed by Biologists.

f. Enterprises engaged in the typification, certification, analysis, importation, exportation, intensive production, processing, quality assurance and classification of horticultural or vegetable products.

g. Persons who provide or offer technical assistance concerning agricultural pest or disease control in forestal, rural or urban areas or structures, or which could affect the storage of perishable goods for consumption.

h. Persons who conduct agroeconomic studies, assessments on crops or livestock, land, machinery or structures for agricultural use, biotic or abiotic damages or impacts, feasibility and viability of agrobusinesses, as well as the analysis of proposals or hypotheses for agricultural, forestal, mitigation or compensation, or agroindustrial projects.

i. Persons who import or export formula products ready for use in agriculture and which do not require further manufacturing, mixing or formulating processes. Persons who distribute or conduct the technical promotion of agrochemical, biological or biotechnological products, and animal genetic material; may also be headed by a Veterinarian.

j. Factories engaged in the manufacture, formulation, mixing, analysis and distribution of animal feed.

k. Persons who design, certify and inspect agroindustrial processing or animal residue control or management systems.

l. Theme parks in which there is any kind of management, exchange, recovery, and proliferation of exotic species, whether insects, birds or mammals. In intensive projects for the improvement and/or production of high animal genetic engineering. They may also be headed by a Veterinarian.

m. Agroindustrial production enterprises engaged in the typification, certification, analysis, importation, exportation, processing, management, quality assurance, and classification of animal products, such as genetics, eggs, meat, skin, feathers and dairy products, among others.

n. Entities engaged in teaching, research, advising, training, and disseminating technical information relative to Agricultural Science, as described above. Agronomy professionals who work as educators in those academic institutions shall be members of the Association.

o. Persons who offer any kind of certification for the operation of equipment for agricultural use.

p. Persons who provide or offer technical assistance concerning soil management plans, classification, physical or biochemical studies to assess fertility, microorganisms, nourishing elements or minerals, pollution, suitability for grass and water fountains, tilling, erosion control, organic material, composting, runoffs, percolation, absorption, humidity, bioremediation, and plans for conservation, mitigation or compensation, whether conducted in forestal or agricultural zones or zones with agricultural potential, or agroindustrial, urban or rural zones.

q. Persons who distribute, design and certify programs, systems, equipment or machinery for agricultural, agroindustrial or forestal use.

r. Persons who design, coordinate, develop and intervene in agrotourism projects.

s. Persons who administer or are the managers or are in charge of any personnel who performs any of these work functions, as well as persons who design and implement an economic-commercial public policy relative to livestock, agroindustrial, agrobusiness or aquicultural production.

t. General advisory services in the development of livestock and environmental projects relative to Agricultural Science.

u. Intensive projects for the improvement, development and/or production of high animal genetic engineering, breeding stock or genetic lines. They may also be headed by a Veterinarian.

v. Any other Agricultural Science activity which could be considered to be related given the whirlwind pace of technological and scientific changes.

It shall not be understood that the provisions herein shall limit in any way the scope of practice for professionals certified by the Commonwealth, relative to these. Further, it shall not be understood that the provisions herein shall limit in any way, when necessary, interdisciplinary development in project management by professionals certified by the Commonwealth.

For the execution of all juridical facts and acts which involve the practice of agronomy, all employers or hirers shall demand that the agronomy professional to be selected show proof of his/her registration into the Roster. Any report, expert opinion, assessments or other acts proper to Agronomists shall be ruled to be null and void or illegal when conducted by persons who are not accredited.”

Section 10.—Section 19, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 19.—Powers.—

The Agronomist Association of Puerto Rico shall have power:

(a) ...

...

(i) To receive and investigate complaints lodged under oath, concerning the conduct of Agronomists.

(j) To recommend fees, to serve as guidelines, for contracting the professional services of Agronomists.

(k) To establish administrative mechanisms to better discharge its functions and represent its members by affiliating institutions and integrating committees.

No organization may be constituted with an equal or similar function to that of the Association. Nonpartisan societies or associations of agronomy professionals shall be registered as entities affiliated to the Association.”

Section 11.—A new Section 20 is hereby added and subsequent Sections renumbered in Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 20.—Institutional Duties of the Association.—

a. To participate, when so required, in Councils or Consultant Bodies at government level, concerning matters under its professional competency, as well as to foster, promote and publicize the improvement of the practice of agronomy and its continual progress.

b. To participate, when so required, in the preparation of study plans and collaborate with the learning centers corresponding to the profession.

c. Assume, within its scope, the representation and defense of the agronomy profession before entities and individuals, when it is understood that institutional professional interests are being affected. To exercise the right to petition, pursuant to the law.

d. Provide Courts and individuals with easy access to the those Association members that could be necessary to intervene as experts in judicial matters.

e. To order, within the scope of its competency, the professional activities of Association members, overseeing observance of professional ethics and dignity and of due respect of the rights of individuals, and to exercise disciplinary power in the profession and in the Association.

f. To organize and offer common activities and services of a professional or technical, cultural or analogous nature that are of interest for Association members of the various specializations of the profession.

g. To seek harmony, collaboration, fellowship among Association members, by hindering unfair competition among them. To establish an institutional relationship with analogous international associations or societies, pursuant to the applicable reciprocity and courtesy rules.

h. To adopt measures leading to preventing the entry of unqualified persons into the profession.

i. To intervene, by means of conciliation or arbitration, in questions which may arise among Association members due to professional motives.

j. Whichever other functions serve to benefit the general interests of agronomy professionals and to further the improvement of the quality of life for citizens in general.

k. To take the appropriate, necessary and convenient measures under the law to enforce the duties mentioned herein.

l. To propitiate the preservation of agricultural high-yield land, overseeing the safety in food supplies and the conservation of natural resources.”

Section 12.—A new Section 23 is hereby added and subsequent Sections are renumbered in Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 23.—Roster.—

The Association shall also keep an Agronomists Roster of individuals authorized to practice the agronomy profession, which shall contain an account, with correlative numbering, of the certifications conferred by the Board. This Roster shall include:

- (a) the name, physical and mailing address, and telephone number of the registered professional;
- (b) the date on which he/she applied for Association membership;
- (c) the dates on which the Examining Board approved his/her application;
- (d) the number of his/her license;
- (e) his/her higher studies, academic degrees, specialization and experience, when applicable; and
- (f) continuing education courses taken.

Agronomists must notify the Association of any change in any of these items within thirty (30) days following said change.”

Section 13.—A new Section 28 is hereby added and subsequent Sections are renumbered in Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 28.—Ethical Professional Conduct.—

The Agronomists Association shall oversee observance of the Professional Ethics Code that shall govern the conduct of such professionals. The Association is hereby empowered to establish by regulation the mechanisms it deems appropriate to receive, investigate and question

witnesses in relation to complaints lodged concerning the practice and conduct of members in the practice of the profession. Furthermore, the Association shall consider the violations of this Act and of the Code of Ethics established, investigate cases and determine the course of action. After having offered the interested party or his/her representative the due process of law, the Directive Council of the Association shall resolve pursuant to regulations. In those cases in which grounds are found, it may impose sanctions as pertinent, as well as institute the corresponding procedure for the suspension or cancellation of the license before the Board. In such cases, the Association shall bring and sustain charges.”

Section 14.—Section 29, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 29.—Suspension for Nonpayment of Dues.—

Any member who fails to pay his/her dues and who in all other respects is classified as an associate member shall be suspended as such, and his/her case shall be referred to the Board to hear the case and for the suspension and/or cancellation of the license. Provided, that he/she may be reinstated as a member of the Agronomists Association of Puerto Rico and his/her license restituted by means of the payment of the amount owed at the time the same was suspended and/or cancelled.

The Association shall issue a Certification attesting to the nonpayment of the annual dues before the Board, which certification shall constitute a determination of fact, sufficient for the Board to take the pertinent action.

In cases involving suspension, the Association shall conduct the corresponding investigation. Once suspension as member of the Association has been decreed, the provisions of Section 21 of this Act shall apply. As of that moment, the party thus charged may not enjoy or benefit in any way

from benefits, activities, or others, provided for Agronomy Professionals. In these cases, the Association shall submit a report to serve as a complaint before the Board, attesting that the party thus charged had been granted the due process of notice. After this, the Board shall initiate the corresponding cancellation mechanisms. In the cases of license cancellation or revocation, the party thus charged shall be under the obligation to meet payment of the amount owed and corresponding surcharges, in which case the norms of Law in effect shall apply and shall be considered as a new license application.”

Section 15.—Section 30, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 30.—Cancellation of Stamp.—

It shall be the duty of every agronomist to affix to any official document prepared by him/her, a stamp which the Association shall adopt and issue in the amount of fifty (50) cents, which document shall have no legal standing until the aforementioned stamp is affixed thereto. No Government agency, dependency or instrumentality, or Court of Justice, Municipality or Corporation of the Commonwealth of Puerto Rico shall accept official documents not bearing the corresponding cancellation of the affixed stamp, with his/her seal, signature, and license number.

For the purposes of this chapter, an official document shall be deemed to be any report concerning the rendering of professional services, such as advising, counseling, capacity building, training, teaching, demonstrating, researching, exploring, testing, planning, managing, appraising, pricing, selling, financing, supervising, inspecting, and certifying with regard to public or private services rendered in agriculture or the development of agriculture-related businesses, products, equipment and services; the use of

pesticides and weed killers to fight insects and weeds in farms, homes, industries, public thoroughfares or sites, and any other places, to be written in the form of a certification upon which the agronomist shall affix his/her signature, his/her license number and the seal. Through this seal, the Agronomist assumes responsibility for his/her work and guarantees that the process followed in the formulation of said document is compatible with the principles that are generally accepted in the profession. Any report, expert opinion and other acts proper to Agronomists shall be ruled to be null and void or illegal when issued by persons who are not members of this Association.

It shall be the responsibility of the Agronomists Association of Puerto Rico to inform the agronomists and their employers which reports shall be prepared as certificates. Likewise, it shall be the responsibility of all agronomists to keep a Certification Register. The Association and the Board are hereby empowered to establish the pertinent regulations to that effect.

...”

Section 16.—Section 32, as renumbered, of Act No. 20 of April 9, 1941, as amended, is hereby amended to read as follows:

“Section 32.—Sanctions and Penalties for Violating Certification Processes.—

Every Agronomist shall cancel this stamp, pursuant to Sections 30 and 31 of this Act, on any document prepared or authorized by him/her, which shall bear his/her signature and license number, or in its stead, the stamp with the name, license number and seal.

To that effect, the Association shall establish regulations to formalize monitoring mechanisms to ensure compliance with the processes described above, regulations, revision processes and penalties for noncompliance.

Any Agronomist who violates Sections 30 and 31 of this Act and who, in the course of monitoring, alternate and/or subsequent procedures, does not correct the deficiencies brought to his/her attention or whose activity shows continuity in violations, shall be under the obligation to pay to the Association a penalty which shall never be greater than one hundred (100) dollars per violation. In case of recurring noncompliance, the Association may cancel or suspend any license issued under this Act or admonish the license holder, after having notified the interested party and given him/her the opportunity to be heard.

In those cases in which the employer fails to comply with the obligation imposed under Section 30 of this Act, the Board may impose a fine of not less than five hundred (500) dollars nor greater than five thousand (5,000) dollars.”

Section 17.—A new Section 33 is hereby added to Act No. 20 of April 9, 1941, as amended, to read as follows:

“Section 33.—Civil Immunity.—

The members of the Board, the Directive Council of the Association and the members of those Elected Committees created by the Association, shall enjoy civil immunity in terms of liability, when they act in the discharge of the functions and obligations under this Act and the regulations adopted thereunder.”

Section 18.—Severability.—

In the event one of the clauses of this Act is found to be unconstitutional, said finding shall not affect the legality of the other clauses contained therein.

Section 19.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 265 (H.B. 2034) (Reconsidered) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to renumber Section 1A as Section 2, renumber subsequent Sections, amend subsection (a), and add subsections (b)(1), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m); to amend Section 3, as renumbered; to amend subsection (2) and add subsections (3) and (4) to Section 5, as renumbered; to amend Section 8, as renumbered; to add a new Section 9 and renumber subsequent Sections; to amend Section 14, as renumbered; to amend Section 15, as renumbered; etc.,

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

In San Juan, Puerto Rico, today 30th of April of 2007.

Francisco J. Domenech
Director