

(S. B. 746)

(No. 66)

(Approved April 14, 1998)

AN ACT

To amend Sections 1 and 2 of Act No. 100 of June 27, 1956, as amended, in order to authorize the University of Puerto Rico to contract for services or use the services of any person who holds an office in the Municipalities of Puerto Rico, in the Special Corporations created by them and in the inter-municipal bodies established pursuant to Act No. 81 of August 30, 1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico" and to authorize the municipalities of Puerto Rico, including the Special Corporations created by them and the inter-municipal bodies established pursuant to Act No. 81, supra, to contract through reasonable pay the services or the use of the services of any person who holds any office in the University of Puerto Rico or its dependencies, outside of working hours and with the prior written consent of the body or agency for which he/she works, without being subject to the provisions of Article 177 of the Political Code of 1902.

STATEMENT OF MOTIVES

Article 177 of the Political Code of 1902, prohibits officials or regular employees in the public service, in any of its dependencies or public corporations or municipalities, whose salary is fixed according to law, to receive additional pay or any type of special compensation, from the Commonwealth Government, in any of its dependencies or public corporations or from any municipality, Board, Committee or body that depends on the Government, in any form for personal or official services of any sort, even though the same is rendered in addition to the regular duties of said official or employee, unless said additional pay or special compensation is expressly authorized by law, and that it is expressly stated in the corresponding

appropriation that it is exclusively destined for said additional pay or special compensation.

This legal provision prevents and hinders some agencies and municipalities from benefiting by contracting personnel with special skills and wealth of knowledge, outside of working hours for pay, limits the meeting of minds for the benefit of the State and exchange of knowledge that can mutually benefit the Commonwealth agencies and the municipalities.

Act No. 100 of June 27, 1956, which authorizes the departments, subdivisions, agencies, boards, commissions, instrumentalities or public corporations of the Commonwealth of Puerto Rico to contract or use the services of any person who holds an office in the University of Puerto Rico, or in the dependencies thereof, and to pay due compensation for additional services rendered to said body, failed to include the municipalities.

In the opinion of the Secretary of Justice, No. 12 of 1979, it is stated that it is a confirmed norm that when the municipalities have wanted to be included in the scope of a law, it has been done expressly.

In order to expressly include the municipalities, the Special Corporations created by them, and the inter-municipal bodies established pursuant to Act No. 81 of August 30, 1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act”, within the scope of Act No. 100 of June 27, 1956, we propose the following legislation.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 1 of Act No. 100 of June 27, 1956, as amended, is hereby amended to read as follows:

"Section 1.- The University of Puerto Rico is hereby authorized to contract or use the services of any official or employee of the departments, subdivisions, agencies, boards, commissions, instrumentalities, public

corporations or municipalities of the Commonwealth of Puerto Rico, including the services of any official or employee of the Special Corporations, and the inter-municipal bodies established pursuant to Act No. 81 of August 30, 1991, as amended, known as the "Commonwealth of Puerto Rico Autonomous Municipalities Act", and to pay them for the additional services rendered in the programs of the University, including those of its dependencies, outside of their regular working hours as a public servant and with the prior written consent of the body or agency for which he/she works, without being subject to the provisions of Article 177 of the Political Code of 1092.

Section 2.- Section 2 of Act No. 100 of June 27, 1956, as amended, is hereby amended to read as follows:

"Section 2.- The departments, subdivisions, agencies, boards, commissions, instrumentalities or public corporations of the Commonwealth of Puerto Rico, and the municipalities, the Special Corporations created by them and the inter-municipal bodies established pursuant to Act No. 81 of August 30, 1991, as amended, known as the "Commonwealth Autonomous Municipalities Act", are hereby authorized to contract or use the services of any person that holds an office in the University of Puerto Rico, or its dependencies, and to pay said person due compensation for the additional services rendered to said body of the Commonwealth of Puerto Rico or its municipalities, the Special Corporations and the inter-municipal bodies indicated above, outside of the regular service hours in the University, and with the prior written consent of the Rector of the institutional unit in which he/she works, or of the President in the case of employees of the Central Administration of the University, without being subject to the provisions of Article 177 of the Political Code of 1902."

Section 3.- This Act shall take effect immediately after its approval.

July 7, 1999

Luis G. Hidalgo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 66 (S.B. 746) of the 3rd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend Sections 1 and 2 of Act No. 100 of June 27, 1956, as amended, in order to authorize the University of Puerto Rico to contract for services or use the services of any person who holds an office in the Municipalities of Puerto Rico, in the Special Corporations created by them and in the inter-municipal bodies established pursuant to Act No. 81 of August 30, 1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico" and to authorize the municipalities of Puerto Rico, including the Special Corporations created by them and the inter-municipal bodies established pursuant to Act No. 81, supra, to contract through reasonable pay the services or the use of the services of any person who holds any office in the University of Puerto Rico or its dependencies, outside of working hours and with the prior written consent of the body or agency for which he/she works, without being subject to the provisions of Article 177 of the Political Code of 1902,

and finds the same are complete, true and correct versions of each other.

Luis G. Hidalgo

