

(S.B. 409)

(No. 23)

(Approved July 11, 2005)

AN ACT

To amend Section 1 of Act No. 118 of June 22, 1974, as amended, known as the Parole Board Act for the purpose of reverting to the Chairperson of the Board the power to name the Executive Director of said agency.

STATEMENT OF MOTIVES

Act No. 151 of October 31, 2001 amended Act No. 118 of June 22, 1974, the organic Act of the Parole Board. The Legislature, among other amendments approved, delegated on the Secretary of the Department of Correction and Rehabilitation the power to name the Executive Director of the Parole Board, which up to then was exercised by the Chairperson of the Board. Of that quasi-judicial entity.

The Statement of Motives of said Act No. 151, *supra*, sets forth that the legislator justified said amendment due to his/her interest that the members and, the Chairperson, in particular, dedicate themselves exclusively to attend to the quasi-judicial function of the Agency. However, after the amendment, the internal operation of the Parole Board has been affected.

As a result of the amendment approved in the year 2001, the Executive Director of the Parole Board is an officer of trust appointed by the Secretary of Correction and Rehabilitation. In his/her performance as Administrator of the Agency does not answer to or is supervised by the Chairperson of the Board who is the officer appointed by the Governor to a higher ranking in the Agency.

A relation of mutual trust between the Executive Director and the Chairperson of the Board is important for the better performance of the agency. The Chairperson is primarily responsible for implementing the public policy established by the Secretary of the Department of Correction and Rehabilitation in the Parole Board,s operational, quasi-judicial and administrative phase. To properly exercise his/her ministerial function, the Chairperson needs to rely at all times on the administrative support which should fall upon his/her personnel of trust.

The right to appoint the Executive Director of his/her agency is nothing new. This provision was in effect before the amendment of the year 2001, which was fully functional. On the other hand, in agencies such has the Planning Board, Investigation, Prosecution and Appeal Commission, Puerto Rico Industrial Commission, among others, the Legislature has delegated in the Chairperson appointed by the Governor the right to designate and supervise the Executive Director of the Agency.

The approval of this Act reestablishes the former body of laws regarding the appointment of the Executive Director of the Parole Board. Thus we help to foster a more stable and harmonious labor ambiance minimizing the possibility of issuing or receiving contradictory directives.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 1 of Act No. 118 of July 22, 1974, as amended, is hereby amended to read as follows:

“Section 1.-...

The Chairperson of the Board shall appoint and Executive Director who shall be in charge of the administration and operation affairs of the Board, contracting for the same or otherwise providing the board all estimated services it deems necessary or convenient for its operation.

... “

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. 23 (S.B. 409) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 1 of Act No. 118 of June 22, 1974, as amended, known as the Parole Board Act for the purpose of reverting to the Chairperson of the Board the power to name the Executive Director of said agency,

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

In San Juan, Puerto Rico, today 5th of July of 2006.

Francisco J. Domenech
Director