

(H. B. 1088)

(No. 75)

(Approved August 25, 2005)

AN ACT

To authorize the Superintendent of the Puerto Rico Police to hold a referendum among the members of the Police Force so they may decide whether the positions covered by the Commonwealth Retirement System should be excluded or included in the agreement between the Secretary of Health and Social Services of the United States and the Government of the Commonwealth of Puerto Rico in order to extend the benefits of the Federal Social Security System to the members of the Puerto Rico Police; to create a Committee on the Referendum; and for other purposes.

STATEMENT OF MOTIVES

The Congress of the United States of America, through Section 107 of Public Law No. 734 of the 81st Congress, approved August 28, 1950, authorized the Federal Secretary of Health and Social Services to extend the benefits of the Federal Social Security to the employees of the Government of Puerto Rico. At that time a Referendum was held among the public employees who were to decide whether or not to avail themselves of that service.

Most of the public employees did join the Federal Social Security services but part of these public servants decided against availing themselves of those benefits, such as the firefighters, the teachers and the members of

the Police force. At present, those groups approach their district representatives and senators in the hope of being given the opportunity of having a referendum held through which to have the alternative of availing themselves of the benefits of the Federal Social Security.

Act No. 135 of June 18, 1999, gave the members of the Police Force the opportunity of participating in a referendum as to their joining the Social Security system. Before said referendum was held little orientation was provided for the police officers who participated in the same.

At present, those groups approach their district representatives and senators in the hope of being given the opportunity of having a referendum held through which to have the alternative of availing themselves of the benefits of the Federal Social Security. We believe it is necessary to authorize the celebration of a referendum among the members of the Puerto Rico Police Force that would give them the alternative of availing themselves of the benefits of the Federal Social Security and provide them with the orientation they need to make a well informed decision.

This Bill was one of many to which this Parliamentary Majority was committed, and at the same time was one of the commitments backed by the People with their vote this past November 2:

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-The Superintendent of the Puerto Rico Police is hereby authorized to hold a referendum among the members of the Police Force so they may decide whether the positions covered by the Commonwealth Retirement System should be excluded or included in the agreement between the Secretary of Health and Social Services of the United States and the Government of the Commonwealth of Puerto Rico in order to extend the

benefits of the Federal Social Security System to the members of the Puerto Rico Police.

Section 2.-The referendum shall be held pursuant to the term provided in subsection (g) of Section 4 of this Act and what is established in Section 218(d)(3) of Chapter 531 of Title II of Public Law 271 of August 14, 1935, as amended, which regulates the voluntary agreements between the Secretary of Health and Social Services of the United States and the state government for the purpose of extending to the employees of the state governments and of Puerto Rico the benefits provided by the Federal Social Security System.

Section 3.-Should the results of the referendum be affirmative, the Superintendent of the Puerto Rico Police is authorized to take steps to include the members of the Force immediately after said results are known, provided that the effective date of said inclusion shall coincide with the effective date of a future increase of not less than one hundred (100) dollars a month to the basic salary of the members of the Puerto Rico Police.

Section 4.-Transitory Provisions

A. Within ninety (90) days after the effective date of this Act, and to achieve the objective set forth in its Section 1, the Superintendent of Police shall appoint a Committee on the Referendum. The Committee on the Referendum shall be constituted by a Chairperson, who shall be the Superintendent of Police, a representative of each of the following organizations: the Puerto Rico Police Federation; the Organized Police Officers United Front; the Puerto Rico Police Members Association; the National Council of Police Officers; the Association of Organized Police Officers; the Organized Police Officers Corps; the Organization of Police Officers

in Action; the Police Department Management Employees Union; the United Puerto Rican Police Officers; the Puerto Rican Police Officers Syndicate; Organized Civilian Employees, a Police Officer, a non-affiliated member of the Police Force with a rank below official, a cadet from the Criminal Justice University College and representative of the Federal Social Security.

The Superintendent of Police, as Chairperson of the Committee on the Referendum, shall have the authority to summon to the Committee meetings those officials from government agencies who may be linked to or whose agencies may be impacted by the results of the referendum and who may contribute with their expertise to the orientation process for the members of the Police Force.

The Superintendent of Police is hereby authorized to be able to delegate his/her functions, as Chairperson of the Committee on the Referendum, to a representative of his/her choosing from the Police Force.

B. The main duties of the Committee on the Referendum shall consist of giving orientation to all members of the Puerto Rico Police about the referendum, its reasons and its consequences, including the publication of informative materials and the celebration of at least two forums per police area for discussing the pros and cons of the inclusion. The same shall be conducted pursuant to this Act. The Committee on the Referendum shall establish the criteria for participating in the same and adopt those mechanisms, regulations, ballots and procedures it may deem necessary for the consultation and the counting of votes.

C. Once the members of the Committee on the Referendum have been appointed, the Superintendent of Police shall provide the latter with an updated list with the names, addresses and badge numbers of all the members of the Puerto Rico Police Force.

D. Within thirty (30) days after its creation, the Committee on the Referendum shall publish a notice about the celebration and purposes of the Referendum. Said notice shall appear at least twice in three (3) newspapers of general circulation in Puerto Rico.

E. Within ninety (90) days after its creation, the Committee on the Referendum shall proceed to consult the Police Officers of Puerto Rico in a Referendum so that they may decide whether service in positions covered by the Commonwealth Retirement System should be excluded or included in the agreement between the Secretary of Health and Social Services of the United States and the Government of the Commonwealth of Puerto Rico in order to extend the benefits of the Federal Social Security System to the members of the Puerto Rico Police.

F. Voting in the Referendum shall take place at every Police Headquarters throughout all Puerto Rico and extend for the twenty-four (24) hours of the voting day. After the voting, the Committee on the Referendum shall give an account of the results to the members of the Police within thirty (30) days after the counting of the votes has concluded and the Superintendent of Police, shall take steps, immediately after the results are known and are affirmative, to proceed with the inclusion of the members of the Police Force in the Federal Social Security System.

G. To authorize the Superintendent of Police to take steps to include the members of the Police Force in the Federal Social Security System, the affirmative vote of the majority of the Police Officers, which shall be 50 percent plus one of the members of the Police Force, shall be required.

H. The Office of Management and Budget is directed to include the appropriations needed for the Committee on the Referendum to hold the consultation, in the next balancing of the budget for fiscal year 2006-2007 to be presented to the Legislature.

I. Should the results of the referendum in question be affirmative, the Office of Management and Budget is directed to include the entries needed to be able to include the members of the Puerto Rico Police in the Federal Social Security Program in the balancing of the budget for fiscal year 2007-2008, to be presented to the Legislature.

Section 5.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 75 (H.B. 1088) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to authorize the Superintendent of the Puerto Rico Police to hold a referendum among the members of the Police Force so they may decide whether the positions covered by the Commonwealth Retirement System should be excluded or included in the agreement between the Secretary of Health and Social Services of the United States and the Government of the Commonwealth of Puerto Rico in order to extend the benefits of the Federal Social Security System to the members of the Puerto Rico Police; to create a Committee on the Referendum; and for other purposes,

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

In San Juan, Puerto Rico, today 17th of January of 2006.

Francisco J. Domenech
Director