

(S.B. 597)
(Conference)

(No. 83)

(Approved August 26, 2005)

AN ACT

To amend subsection (t) of Section 2.4 of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico,” in order to authorize the Office of Government Ethics to finance through the Government Development Bank for Puerto Rico, its subsidiaries or any other public or private entity, the building, land or both, for the acquisition of the facilities of said Office; solicit that the Commonwealth of Puerto Rico exercise the faculty of expropriating in favor of the Office and transfer to the Office the title deed of the property thus acquired and establish the manner in which to repay the financing.

STATEMENT OF MOTIVES

Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico,” created the Office of Government Ethics in order to promote ethical conduct in the public service and at the same time prevent and penalize the behavior of those officials and employees who violate the basic principles of ethics.

The Office of Government Ethics has been offering its services for twenty years in leased facilities since it lacks its own proper premises for conducting its important duties. The aforementioned Act No. 12 was amended September 14, 2004 for the purpose of giving the Executive Director of the Office the authority to acquire, through purchase or cession,

the building, the land or both, to locate the offices of said entity and execute contracts for construction work, repairs, improvements or extensions of said building. However said law did not grant the Director the power to finance the purchase of the building, the land or both, that would house the facilities of said Office.

On the other hand, Section 5.4 of the aforementioned Act provides that the Governor shall include the budgetary calculations for the regular expenses of the Office without first reviewing them. This provisions has fulfilled the objective of giving the Office fiscal stability through which to guarantee that the budget not be reduced as part of the budgetary exercise. This, with the intention of protecting this institution in the light of the delicate functions and responsibilities with which it is entrusted.

To those effects, this Legislature believes it is necessary to provide the Office with the power to finance, through the Government Development Bank for Puerto Rico, its subsidiaries or any other public or private entity, the purchase of the building, the land or both so that the Office of Government Ethics may have the necessary facilities to allow it to capably fulfill its duties and terminate the lease contract that for twenty years it has maintained for the facilities said Office occupies.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (t) of Section 2.4 of Act No. 12 of July 24, 1985, as amended, is hereby amended to read as follows:

“Section 2.4-Authority and Powers.

The Director shall have the following duties and powers:

(a) ...

(t) To organize the Office and appoint or contract the necessary personnel to carry out the duties and functions established in this Act

pursuant to the criteria that will ensure the rendering of services of the highest quality, without being subject to personnel laws. The Office is also authorized to acquire, through purchase or cession, the building, the land or both, to locate its offices and to finance the same, through the Government Development Bank for Puerto Rico, its subsidiaries or any other public or private entity. The Office shall also be authorized to execute contracts for construction work, repairs, improvements or extensions of said building; and to regulate such processes.

The Office may reserve or encumber in whole or in part the appropriations it receives from the budget for the payment of the debt contracted to finance the real property where its central offices shall be located. The entry thus identified to be reserved or encumbered may not be reduced by the Office during the term for financing said real property.”

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. 83 (S.B. 597) (Conference) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (t) of Section 2.4 of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico,” in order to authorize the Office of Government Ethics to finance through the Government Development Bank for Puerto Rico, its subsidiaries or any other public or private entity, the building, land or both, for the acquisition of the facilities of said Office; solicit that the Commonwealth of Puerto Rico exercise the faculty of expropriating in favor of the Office and transfer to the Office the title deed of the property thus acquired and establish the manner in which to repay the financing,

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

In San Juan, Puerto Rico, today 20th of January of 2006.

Francisco J. Domenech
Director