

(S.B. 784)
(Conference)

(No. 169)

(Approved December 30, 2005)

AN ACT

To amend clauses (1) and (2) of subsection (f), amend subsection (g) of Section 2.008; add a new subsection (t) to Section 19.002 of Act No. 81 of August 30, 1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act of 1991,” in order to attach the Office for the Adoption of Public Law and Order Codes as an Administrative Unit of the Office of the Commissioner for Municipal Affairs (OCAM, Spanish acronym) so as to delegate on OCAM the functions related to the Adoption of Public Law and Order Codes; to reassign the funds, materials, equipment and all other existing resources of the Office for the Adoption of Public Law and Order Codes to the Office of the Commissioner of Municipal Affairs; and for other purposes.

STATEMENT OF MOTIVES

Act No. 73 of March 1, 2004, attached the Office for the Adoption of Public Law and Order Codes to the Puerto Rico Police, because the same had been attached to said agency through Executive Order No. 10 of February 21, 2002. Thus, through this Act No. 73, supra, said designation was given a connective character in order to pursue the continued implementation of the Public Law and Order Codes in the various municipalities of the Island.

This Government is undoubtedly firmly committed to continue promulgating said codes since their main purpose is the adoption of the

public policy that will seek to rescue the public spaces for the enjoyment of the citizens and to ensure an environment characterized by security and order in benefit of a sound co-existence.

At present the Puerto Rico Police is undergoing a period of administrative reorganization and restructuring. Because of this process it is advisable that the Office for the Adoption of Public Law and Order Codes be no longer attached to the former agency and that it become part of the Office of the Commissioner of Municipal Affairs.

This should be so because by virtue of the Autonomous Municipalities Act, said Office happens to be the proper entity to be in charge of the Office for the Adoption of Public Law and Order Codes since one of its main objectives is to advise the municipalities in administrative, organizational and operational matters.

This legislative measure contemplates the fact that considering that the aforementioned codes are to be implemented at the request of the Municipalities of Puerto Rico it is proper and necessary that the Office for the Adoption of Public Law and Order Codes be attached to the Office of the Commissioner of Municipal Affairs itself.

All this, so that the municipalities of Puerto Rico may continue to receive the exact tools needed to proceed with the task of developing the codes and their order and citizen protection postulates that seek to achieve the collective wellbeing.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-To amend clauses (1) and (2) of subsection (f), and amend subsection (g) of Section 2.008 of Act No. 81 of August 30, 1991, as amended, to read as follows:

(f) Creation of the Interagency Committee for Public Law and Order Codes.

(1) The Interagency Committee for the Adoption of Law and Order Codes is hereby created. This Committee shall be constituted by the Secretary of Justice, the Chairperson of the Association of Mayors, the Chairperson of the Federation of Mayors, the Superintendent of the Puerto Rico Police, and the Commissioner of Municipal Affairs, who shall chair the same and a representative of the public interest designated by the Governor.

(...)

(2) The Public Law and Order Codes Unit is hereby created, attached to the Office of the Commissioner of Municipal Affairs, whose main objective shall be to promote among the municipalities of the Commonwealth of Puerto Rico in accordance with this Act, the adoption of Law and Order Codes as instruments of citizen public safety.

This Office shall have the following powers, functions, duties and responsibilities:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)

- (9) Submit reports to the Commissioner of Municipal Affairs on the results obtained and on any others that may be required.
- (10) Any other function or task assigned by the Commissioner of Municipal Affairs within the framework of the purposes and objectives established in this Act.

The Office of the Commissioner of Municipal Affairs, through the Public Law and Order Codes Unit shall work in close collaboration with the Department of Justice, the Puerto Rico Police, the Department of the Family, the Office of Special Communities, the Department of Education, the Housing Department, the Department of Transportation and Public Works and any other Commonwealth or Federal agency, as well as with the Mayors of the Municipalities. The Commonwealth agencies are hereby directed to provide the support needed to achieve the objectives established in this Act.

The Office of the Commissioner of Municipal Affairs shall ensure that the participation of the citizens constitutes a fundamental element in the process of fostering the adoption of the Public Law and Order Codes. The aforementioned Office shall model the configuration and implementation of the Public Law and Order Codes so that they are a reflection of the interests and needs of the communities in which they are adopted.

The Office of Management and Budget is hereby directed to appropriate to the Office of the Commissioner of Municipal Affairs the amount of money needed to cover the operating expenses of the Public Law and Order Codes Unit.

The personnel of the Office for the Adoption of Public Law and Order Codes who by the date of approval of this Act is occupying regular positions with permanent Career Service functions are hereby transferred to the Office

of the Commissioner of Municipal Affairs with the status of regular career employees. The relocation shall be made in consideration of the functions that each employee performed in the Office for the Adoption of Public Law and Order Codes, subject to the need for personnel and the funds available to the Office of the Commissioner of Municipal Affairs.

The reinstatement of employees of trust with a right to the same by the date of approval of this Act shall be governed pursuant to the provisions of Section 9.2 of Act No. 184 of August 3, 2004, as amended. The personnel transferred shall retain the same rights and benefits it had at the time of the transfer, as well as the rights and obligations regarding any pension or retirement system or savings and loans funds.

The classification, reclassification and compensation of the positions shall be established according to the classification and compensation schedules that apply to the Office of the Commissioner of Municipal Affairs. The employees transferred must meet the minimum classification requirements for the positions to which their functions are assigned.

However, the Superintendent of Police may request that any employee of the Office for the Adoption of Public Law and Order Codes who in his/her opinion is fully knowledgeable on specialized public safety matters or who has the experience needed to occupy said position be transferred to or relocated at the Puerto Rico Police. In such a case, the transfer or relocation shall be conducted according to the conditions established in this Section.

Every process that entails the transfer of human resources from the Office for the Adoption of Public Law and Order Codes to the Office of the Commissioner of Municipal Affairs shall be conducted pursuant to applicable laws and regulations.

(g) Creation of the Annual Fund for the Adoption of Public Law and Order Codes.

The Annual Fund for the Adoption of Public Law and Order Codes is hereby created to be distributed among the municipalities interested in implementing said codes in consultation with the organizations that represent the municipalities. The Office of Management and Budget shall establish the amount of the unencumbered funds in the Commonwealth Treasury to be granted for distribution among the municipalities interested in implementing said codes.

This appropriation shall be registered in separate accounts and identified as the “Fund for the Adoption of Public Law and Order Codes,” attached to the Office of the Commissioner of Municipal Affairs.

The Office of Management and Budget shall annually consign in the operating expenses budget of the Office of the Commissioner of Municipal Affairs, the funds needed for achieving the purposes of this Act. The fund for the Public Law and Order Codes may be nourished from municipal and federal contributions and from contributions from private entities. All appropriations previously made in favor of the Public Law and Order Codes shall be understood to be part of this fund, and to those effects they shall be governed by the criteria provided in this Act.

The Office of the Commissioner of Municipal Affairs is hereby directed to establish reasonable criteria for the proper distribution of these funds among the interested municipalities.

The Office of the Commissioner of Municipal Affairs shall administer the funds and the Interagency Committee shall distribute the same so as to enable the municipalities to implement the Public Law and Order Codes, to educate and provide orientation on the processes for establishing the same,

to recruit public law and order agents and to acquire security, transportation, communications and high technology equipment. However, the funds appropriated for the implementation of these Codes may not be used to substitute or liberate the items already assigned by the municipalities for these purposes.

This Committee is also authorized to evaluate and consider applications from Community Boards attached to the municipalities or to any duly established community-based organization, for the implementation of the Public Law and Order Codes by the Commonwealth Police, after the Municipality in question has exercised its discretion for adopting said Public Law and Order Codes and if for any reason the Police of that Municipality is unable to capably implement the same.

(h) ...

(i) ...

Section 2.-A new subsection (t) is hereby added to Section 19.002 of Act No. 81 of August 30, 1991, as amended, to read as follows:

Section 19.002.-Functions and Responsibilities of the Office of the Commissioner

(a) ...

(t) Give advice and the necessary assistance to the municipalities for the implementation of the Public Law and Order Codes.

Section 3.-Solely for the purposes established in this Act, all equipment and materials acquired through budgetary appropriation to the Puerto Rico Police are hereby transferred to the Office of the Commissioner of Municipal Affairs by virtue of the implementation of the Office for the

Adoption of Public Law and Order Codes, as well as any other funds found at the Puerto Rico Police relative to said office.

Section 4.-The approval of this Act in no way shall affect or impair the obligations contracted by the Office for the Adoption of Public Law and Order Codes with any Commonwealth or Federal agency or with any municipality of the Commonwealth of Puerto Rico. This Act shall neither invalidate the contracts duly executed by the Office for the Adoption of Public Law and Order Codes that are in effect by the date of its approval, if any, which shall continue in effect until the date agreed to for their termination, unless their clauses contravene the provisions of this Act or are cancelled on an earlier date if the contract in question so allows.

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. 169 (S.B. 784) (Conference) of the 2nd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend clauses (1) and (2) of subsection (f), amend subsection (g) of Section 2.008; add a new subsection (t) to Section 19.002 of Act No. 81 of August 30, 1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act of 1991,” in order to attach the Office for the Adoption of Public Law and Order Codes as an Administrative Unit of the Office of the Commissioner for Municipal Affairs (OCAM, Spanish acronym) so as to delegate on OCAM the functions related to the Adoption of Public Law and Order Codes; etc.,

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

In San Juan, Puerto Rico, today 1st of March of 2006.

Francisco J. Domenech
Director