

(S. B. 1243)
(Reconsidered)

(No. 105)

(Approved May 25, 2006)

AN ACT

To establish controls on expenditures for the use of cellular phones in the Executive, Legislative and Judicial Branches, as well as in the municipalities, and to provide for the maximum number of cellular phones to be allowed in government entities chargeable to the budget, among other matters.

STATEMENT OF MOTIVES

The Constitution of the Commonwealth of Puerto Rico in its Article VI, Section 9 states that: "Public property and funds shall only be disposed of for public purposes, for the support and operation of state institutions, and pursuant to the law." This principle is not compatible with the proliferation of cellular phones chargeable to the budget of the Government of Puerto Rico because correct use thereof, although regulated, was not clearly established, and because of the difficulty in determining the legitimacy of the purposes of their use.

The people of Puerto Rico claim for a better use of the public funds appropriated to the Government and that the Legislature promptly and diligently attends to the urgent problems that affect our Island. The Legislature, in order to reduce and control public expenditures and upon a review of priorities in the management thereof, proposes legislation to control expenses incurred in the use of cellular phones in the Executive,

Legislative and Judicial Branches of the Government of the Commonwealth of Puerto Rico.

As part of the review of these priorities and for the most effective use of public funds, the payment for cellular phones was eliminated in the Senate of Puerto Rico. This measure shall translate into savings of approximately \$116,000 per fiscal year in the Senate of Puerto Rico.

This Legislature, in compliance with its responsibility and commitment towards the People of Puerto Rico is clear in its duty of analyzing the management of public funds so that they be used in an intelligent, responsible and efficient manner for the welfare of all Puerto Ricans.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- This Act shall be known as “Act to Control Expenses in the Use of Cellular Phones in the Executive, Legislative and Judicial Branches of the Government of the Commonwealth of Puerto Rico.”

Section 2.- It is hereby established that all heads of government agencies, departments, bureaus, offices, dependencies, instrumentalities, commissions, public corporations and its subsidiaries, as well as the Mayors of the municipalities, the President and Speaker of the Legislative Bodies, and the Chief Justice of the Supreme Court shall restrict cellular phone service contracts in their respective dependencies, exclusively for the limited use of the personnel that is part of a contingency plan in the case of an emergency, as well as for those officers who, due to the nature of their position or functions so require. In the case of the municipalities, the Municipal Legislatures shall establish through a Municipal Ordinance, those officers who shall have access to a cellular phone chargeable to the municipal budget taking into consideration the responsibilities and

obligations of their office, within a term of sixty (60) days as of the effectiveness of this Act.

No agency, government entity, public corporation or municipality may have expenses that exceed ten percent (10%) of that which represented the expenses for the use of cellular phones to December 31, 2004, nor a number of cellular phone units greater than ten percent (10%) of the units in use to December 24, 2004. The cellular phone units authorized, if any, shall be assigned to the personnel by the head or director of the agency or instrumentality, taking into consideration the duties and responsibilities of the position of said personnel. In the case of officers or public employees authorized to use cellular phones chargeable to the government budget, these persons shall render a monthly report of the personal calls made through the cellular phone and shall remit the payment corresponding to said personal use to the Secretary of the Treasury by means of a uniform mechanism to be established for such purpose by the Office of Management and Budget through regulations.

Section 3.- Not later than sixty (60) days as of the effectiveness of this Act, every employee or officer not authorized to use a cellular phone unit chargeable to the budget of the agency for which he/she works, as established in Section 2 of this Act, shall deliver the unit(s) he/she has to the head of the agency, government entity, public corporation, municipality, Legislative Body or Judicial Branch or to a designated representative for its subsequent disposition, pursuant to the Property Regulations applicable to the corresponding agency, entity or government instrumentality.

Section 4.- Within a term of not more than sixty (60) days as of the approval of this Act, all heads of government agencies, departments, bureaus, offices, dependencies, instrumentalities, commissions, public

corporations and its subsidiaries shall cancel all cellular phone service contracts, with the exception of what is established in Section 2 of this Act, and shall remit a report to the Legislature on the savings obtained in their dependencies by the action taken, ninety (90) days after the effectiveness of this Act. Subsequently, they shall submit a quarterly report to the Legislature as of one hundred and eighty (180) days of the effectiveness of this Act, for a term of three (3) consecutive quarters.

Section 5.- The Office of Management and Budget shall establish the necessary guidelines regarding the process for the cancellation of contracts for cellular phone units in each agency in order to adopt a uniform procedure which shall apply to every agency of the Executive Branch and that allows for the implementation of controls in spending in cellular phones pursuant to what is established in this Act. The Executive Branch, the Judicial Branch, and all municipalities shall approve the procedures needed to enable the implementation of controls regarding the expenses for the use of cellular phones, pursuant to what is established in this Act.

Section 6.- If any clause, paragraph, section, subsection or part of this Act were to be declared null and unconstitutional by a competent court, said judgment to such effect shall not affect, impair, nor invalidate the remainder of this Act, nor the other subsections in the same Section or parts thereof that have thus been declared null or unconstitutional.

Section 7.- This Act shall take effect July 1, 2006.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No.105 (S.B. 1243) (Reconsidered) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to establish controls on expenditures for the use of cellular phones in the Executive, Legislative and Judicial Branches, as well as in the municipalities, and to provide for the maximum number of cellular phones to be allowed in government entities chargeable to the budget, among other matters,

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

In San Juan, Puerto Rico, today 6th of June of 2006.

Francisco J. Domenech
Director