

(S.B. 847)

(No. 138)

(Approved August 1, 2006)

AN ACT

To add a subsection (t) to Section 1.2 and a subsection (k) to Section 3.2 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 prohibit the use in official vehicles or means of transportation of any badge, emblem, logo, decal, sticker, label or insignia that does not represent the government agency and instrumentality which uses said vehicles or means of transportation.

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,” was established for the purpose of promoting and preserving the integrity of the public officials and institutions of the Government of the Commonwealth of Puerto Rico. It requires, among other things, that the public officials and institutions comply with the ethical standards of excellence that guarantee respect and obedience to the law.

The aforementioned Act also regulates the conduct of the public officials and employees of the Executive Branch of the Commonwealth of Puerto Rico, including the public corporations and agencies that are under the control of said Branch, its municipalities and municipal corporations and consortiums, while at the same time establishing certain restrictions concerning the actions of former public servants of the Executive, Legislative and Judicial Branches.

Within this government of Laws we are able to acknowledge that the history and identity of a people has been characterized by those symbols which most clearly distinguish the same concerning its geographic, cultural, political and economic conditions. The symbols have at the same time represented diverse social scenarios within a specific time and space. As regards our history, many of these symbols have expressed the reality of the daily lives of our society and our life experiences as a people.

There is no doubt that the use of emblems and symbols brings about an attachment to the causes which these represent, although in the context of the socio-political environment that exists in Puerto Rico it becomes necessary to maintain the transparency of all matters of public administration and eradicate any conduct exhibited by public servants that may affect the same. The use of insignias or emblems in official vehicles or means of transportation used by public officials or employees that do not represent the agency and instrumentality that uses these, is precisely one of those conducts that affect the transparency of their work. Said conduct sends a wrong message because it does not represent the purpose for which the government entity was created and because it violates the ethical standards which provide the moral support of the Government.

For these reasons the prohibition herein expressed is in complete harmony with the essence and reason for being of the aforementioned Act No. 12 of promoting and preserving the integrity of the public officials and employees of the Government of the Commonwealth of Puerto Rico regarding the duties of the office they hold; of discouraging the possibility of having the official acts of public servants affected by personal interests or political party considerations; and guarantee that the public endeavor be free from influences foreign to the common good.

Therefore, this Legislature believes it necessary to promulgate legislation directed towards eradicating any conflicts of interest or the appearance of these regarding the public endeavor. Through this Act the use of emblems, logos, insignias or any such other that does not represent the agency and instrumentality which uses said official vehicles or means of transportation is hereby prohibited so as to maintain the trust of the citizens on their government and their public officials and employees leading to the achievement of a sound public administration.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-A subsection (t) is hereby added to Section 1.2 of Act No. 12 of July 24, 1985, as amended, to read as follows:

“Section 1.2.-Definitions

For purposes of this Act, the words or phrases herein listed shall have the meaning expressed below unless another meaning can be clearly derived from the context:

(a) ...

(t) official vehicle or means of transportation – means any automobile, autobus, truck, motorcycle, four track all-terrain vehicle, bicycle, roller skates, trailer, airplane, helicopter, ship, motorboat, horse or any other land, maritime or air means of transportation, regardless of whether a license from the Department of Transportation and Public Works is required or not to operate them, utilized or used by the Government of the Commonwealth of Puerto Rico and its departments, agencies, offices, public corporation, municipalities and other government entities.”

Section 2.-A subsection (k) is hereby added to Section 3.2 of Act No. 12 of July 24, 1985, as amended, to read as follows:

“Section 3.2.-Ethical Prohibitions of a General Nature

(a) ...

(k) No official vehicle or means of transportation may bear any emblem, logo, decal, sticker, label or insignia that does not represent the government agency and instrumentality which uses said vehicles or means of transportation. This provision shall not include those mass transit vehicles of any agency or municipality on which space is leased for commercial advertising and on which political party propaganda is prohibited.”

Section 3.-Regulations

The Office of Government Ethics is hereby authorized to promulgate the regulations it may deem necessary for the application of this Act, pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.”

Section 4.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 138 (S.B. 847) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to add a subsection (t) to Section 1.2 and a subsection (k) to Section 3.2 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 prohibit the use in official vehicles or means of transportation of any badge, emblem, logo, decal, sticker, label or insignia that does not represent the government agency and instrumentality which uses said vehicles or means of transportation,

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

In San Juan, Puerto Rico, today 2nd of November of 2006.

Francisco J. Domenech
Director