

(H. B. 356)
(Reconsidered)

(No. 178)

(Approved September 1, 2006)

AN ACT

To amend subsection (f) of Section 2.004 and Section 6.001 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” in order to temper the same to the provisions of Act No. 211 of August 2, 1999, known as the “Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act.”

STATEMENT OF MOTIVES

Act No. 211 of August 2, 1999, established that the public policy of the Commonwealth of Puerto Rico is to protect our inhabitants in those emergency situations or disasters that affect our Island and to provide them with the necessary assistance in the speediest and most effective manner possible to ensure the protection of their lives and property before, during and after the event. Likewise, said Act established the obligation of the Government to achieve the earliest recovery and stabilization of the services essential to our citizens and to our industrial, commercial and government activities.

In order to carry out this public policy, the abovementioned Act created the Emergency Management and Disaster Administration Agency of Puerto Rico with the power and responsibility for coordinating all pertinent Commonwealth, Federal, municipal and private plans. This new government

dependency, attached to the Puerto Rico Public Safety and Protection Commission, replaced the former Commonwealth Civil Defense Agency.

On the other hand, Act No. 211 of August 2, 1999, authorized every municipality of Puerto Rico to establish a Municipal Emergency Management and Disaster Administration Office, in accordance with the standards established by the Executive Director of the Commonwealth Emergency Management and Disaster Administration Agency for such a purpose.

The purpose of this Act is to temper Section 6.001 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” to the provisions of Act No. 211 of August 2, 1999.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (f) of Section 2.004 of Act No. 81 of August 30, 1991, as amended, is hereby amended to read as follows:

“Section 2.004.- Municipal Faculties – In general

Each municipality shall order, regulate and resolve whatever is necessary and convenient to attend to its local needs and for its greater prosperity and development. The municipalities shall be vested with the powers that are necessary and convenient to carry out the following functions and activities:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) To establish programs and adopt convenient and useful measures to prevent and fight fires, offer assistance to the community in cases of emergency or natural disasters, catastrophic accidents or fires and for the civil protection in general, pursuant to Act No. 211 of August 2, 1999, as amended, known as the Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act. Provided, That in the cases previously mentioned, the municipality, including any of its municipal dependencies or municipal administrative units or special corporations created thereby, shall provide a control number or, in its default, a copy to serve as a receipt of all requests made by any persons for the purpose of guaranteeing the due process and the award of the various aids to be granted as a consequence of such events.

Section 2.- Section 6.001 of Act No. 81 of August 30, 1991, as amended, is hereby amended to read as follows:

“Section 6.001.- Municipal Executive Branch

The administrative organization of the Executive Branch of each municipality shall respond to a structure that will allow the latter to attend to each and every function and activity within its jurisdiction according to the needs of its inhabitants, the importance of the public services to be rendered and the fiscal capability of the municipality in question.

Every municipality shall have the following administrative units as part of their organizational structure, except for subsection (i), which shall be optional. As to subsection (h), said office may be an independent administrative unit or be part of any of the following units or of any other unit to be established by the Municipality:

(a) The Office of the Mayor

- (b) The Office of the Municipal Secretary
- (c) The Municipal Finance Office.
- (d) The Department of Public Works
- (e) The Office for the Administration of Human Resources
- (f) The Internal Auditing Unit
- (g) The Municipal Emergency Management and Disaster Administration Office
- (h) The Municipal Federal Programs Office
- (i) The Municipal Tourism Development Office. The municipalities that choose to establish the Tourism Office shall have the benefit of receiving from the Tourism Company direct advisory services on internal and external tourism planning, promotion, development, and research and marketing studies, among others.

The basic administrative structure described above shall be considered as the minimum. Each municipality may adapt the latter according to its particular circumstances and with the exception of those itemized in subsections (f) and (g) of this Section, and rearrange or consolidate administrative units or establish others that are not specifically indicated in this Act which will ensure a rational division of the municipal functions and matters according to their nature and to a balanced distribution of the work load and responsibilities. However, the basic administrative units provided above shall always be maintained.

The administrative organization of each municipality, as well as other specific functions assigned to the various administrative units and their coordination shall be governed by their respective organic and functional regulations approved by the Municipal Assembly, except that said approval shall not be required by the Municipal Emergency Management and Disaster

Administration Office. Regarding the latter, the Director of the Municipal Emergency Management and Disaster Administration Office shall organize and administer said unit according to the directions of the Commonwealth Agency Director, pursuant to the provisions of Act No. 211 of August 2, 1999, known as the Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act. However, the Mayor is granted the authority to make those personnel changes he/she may deem necessary or convenient within the Municipal Emergency Management and Disaster Administration Office.”

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 178 (H.B. 356) (Reconsidered) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (f) of Section 2.004 and Section 6.001 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” in order to temper the same to the provisions of Act No. 211 of August 2, 1999, known as the “Commonwealth of Puerto Rico Emergency Management and Disaster Administration Agency Act,”

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

In San Juan, Puerto Rico, today 8th of December of 2006.

Francisco J. Domenech
Director

