

(H. B. 2371)

**(No. 190)**

(Approved September 1, 2006)

### **AN ACT**

To declare the public policy for preparing elected officers or executive appointee officers to protect the integrity of the public service, the treasury, and the trust of the People; to provide that every officer of the Executive Branch of the Commonwealth nominated by the Governor of Puerto Rico, whose appointment requires the advice and consent of the Senate or appointed by the Legislature to an administrative or executive position and every member of the boards of directors or governing boards of autonomous public corporations and instrumentalities, as well as every Chief Executive Officer designated by said boards, shall complete a course on the use of public funds and property and on government ethics prepared by the Office of the Comptroller of Puerto Rico and the Office of Government Ethics, prior to their being sworn into office or within ninety (90) days after their appointment; to provide on the contents of the course and its validation as continuing education and to identify the leading agencies in its design and regulations; to amend Section 2.7 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 validate, as part of the Continuing Education requirements, the courses offered to elected officers as directed by Section 4.001 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Law,” and to exempt from said requirement those officers who are already holding their public positions and have received said training within a recent period.

### **STATEMENT OF MOTIVES**

Our body of laws establishes that a person who has been elected to public office shall receive training in the management of public funds and property and in government ethics.

Section 2.7 of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act,” creates the Center for the Development of Ethical Thought of the Office of Government Ethics as a means of developing training programs on specific and general substantive and procedural aspects of the “Ethics in Government Act,” as well as for developing programs in which the importance of ethics in government and private processes are analyzed and discussed. Said Section 2.7 imposes on every public officer or employee the requirement to take every two (2) years a minimum of ten (10) credit hours of continuing education in the area of government ethics.

Section 4.001(a) of the Electoral Law, Act No. 4 of December 20, 1977, as amended, requires that every elected candidate complete a course designed by the Office of the Comptroller of Puerto Rico, in coordination with the government agencies concerned with the fiscal administration of public funds and property. Said course, which lasts for one business day, covers areas such as public funds management, government accounting, aspects on auditing procedures and the custody of federal funds. Agencies such the Department of the Treasury, the Office of Government Ethics, and the Office of the Comptroller, among others, participate in said training program.

The intention of this Legislature through this Act is to extend these two provisions of law to every officer holding positions of responsibility in the Executive and the Legislative Branches. Since Section 4.001 of the Electoral Law makes it compulsory for those who have been elected by the people to participate in this course prior to holding the position officially, it should also be the duty of the persons nominated to a executive or administrative position to take a course on the use of public funds and

property and government ethics prior to their being sworn into office. This initial course is creditable to the continuing education credit hours validated by the Center for the Development of Ethical Thought. In addition, evidence shall be provided attesting that said requirement shall be met, should a person already appointed to office hold a position in the public service, if while holding said position the person has completed this course in the two (2) years prior to or after the last general elections, whichever is the most recent.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- It is the Public Policy of the Government of the Commonwealth of Puerto Rico to provide public officers, whether elected or by executive appointment, with the training, knowledge and access to available resources that allow them to make decisions using the necessary tools to protect the integrity of the public service, the treasury, and the trust of the People in government institutions.

Section 2.- Every officer of the Executive Branch nominated by the Governor of Puerto Rico, whose appointment requires the advice and consent of the Senate or of the Legislature, to an administrative or executive position, including the members of the Boards of Directors or Governing Boards of autonomous public corporations and instrumentalities, as well as every Chief Executive Officer nominated by said boards shall complete a course on the use of public funds and property, and on Government Ethics, prior to their being sworn into office or within ninety (90) days after their appointment.

The course shall have a minimum duration of six (6) hours and a maximum of twelve (12) hours. The Office of the Comptroller of Puerto Rico and the Center for the Development of Ethical Thought of the Office of

Government Ethics shall design, schedule, and offer the corresponding course. Said Offices may require the assistance, cooperation, and participation of other government entities with competency in the areas or matters of public policy that are identified in this Act and the regulations that govern the operations of said Center.

The Center for the Development of Ethical Thought, created by virtue of Section 2.7 of Act No. 12 of July 24, 1985, as amended, shall assign to this course within the corresponding biennial period, a validation equivalency for the required Continuing Education hours in government ethics provided by said Section for every public officer or employee, in agreement with the length and contents of the course.

The course shall include:

- a) The use of public funds and property;
- b) Government Accounting Principles;
- c) Municipal and Commonwealth Auditing Systems and Procedures
- d) Management of Federal Funds;
- e) Specific and general substantive and procedural aspects of the Ethics in Government Act and its regulations;
- f) Analysis and discussion of the importance of ethics in government and private processes;
- g) Any other subjects that the Office of the Comptroller and the Center for the Development of Ethical Thought of the Office of Government Ethics deem essential and pertinent to government management and ethics.

The Office of the Comptroller and the Office of Government Ethics are hereby authorized to adopt any other necessary regulations for compliance with these provisions.

Section 3.- Section 2.7 of Act No. 12 of July 24, 1985, as amended, is hereby amended to read as follows:

“Section 2.7.- Center for the Development of Ethical Thought

For the purpose of extending and intensifying the public policy for prevention through education, delegated to this Office, the Center for the Development of Ethical Thought (hereinafter the ‘Center’) is hereby created.

The Center has as its mission the following objectives, among others:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...

The Office shall be the entity responsible for designing, offering and coordinating the courses offered by the Center.

In order to carry out said task, the Director of the Office is empowered to:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...

Every public officer or employee shall take every two (2) years a minimum of ten (10) course hours offered by the Office to maintain a Continuing Education process. The Center shall determine an equivalency and validate within the corresponding biennial period the courses offered in

coordination with the Office of the Comptroller of Puerto Rico to elected candidates, as provided by Section 4.001(a) of Act No. 4 of December 20, 1977, as amended.

Upon the request of an agency or public employee, the Center may validate, for the purposes of this legislation, the course hours offered by the Office to a public employee from May 1, 2004, to the date in which the provisions of this Section are formally implemented.

Every head of an executive agency shall grant time, not chargeable to any leave, to its public employees in order for them to comply with the obligation imposed by this Act.”

Section 4.- Whenever a person is appointed to an executive or administrative position, and at the time of his/her appointment, he/she is holding another executive, administrative, or elective position, and has completed before being sworn into said administrative or elective office, the courses prescribed under the provisions of this Act or of Section 4.001(a) of Act No. 4 of December 20, 1977, as amended, within the two (2) years immediately preceding or following the most recent general elections (whichever period is shorter) shall not need to complete said course again before taking office in the new position. However, the public employee shall be responsible for complying with the continuing education hours of the following biennial period, pursuant to the provisions of Section 2.7 of the Ethics in Government Act.

Section 5.- This Act shall take effect within ninety (90) days of its approval, so that the Office of the Comptroller of Puerto Rico, and the Center for the Development of Ethical Thought of the Office of Government Ethics, in coordination with any other government agencies deemed pertinent, may design the course in accordance with the terms provided in

this Act, in Section 2.7 of the Ethics in Government Act, and in the Regulations in effect of the Center for the Development of Ethical Thought.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 190 (H.B. 2371) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to declare the public policy for preparing elected officers or executive appointee officers to protect the integrity of the public service, the treasury, and the trust of the People; to provide that every officer of the Executive Branch of the Commonwealth nominated by the Governor of Puerto Rico, whose appointment requires the advice and consent of the Senate or appointed by the Legislature to an administrative or executive position and every member of the boards of directors or governing boards of autonomous public corporations and instrumentalities, as well as every Chief Executive Officer designated by said boards, etc.,

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

In San Juan, Puerto Rico, today 12<sup>th</sup> of January of 2007.

Francisco J. Domenech  
Director