

H.B. 2599

(No. 216)

(Approved September 28, 2006)

AN ACT

To amend Section 19.003 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 provide that the Commissioner of Municipal Affairs may not, during the four (4) years prior to his/her appointment or during his/her term of office, seek or campaign to hold office in the directorate or the organization of a political party or of a committee or body of a political party, be it at central, regional or municipal government level or at an electoral ward or unit, nor to run for elective public office in general or special elections nor be nominated as candidate to elective public office during primary elections.

STATEMENT OF MOTIVES

The Office of the Commissioner of Municipal Affairs has, among its other duties, the main responsibility of advising, regulating and intervening in the administrative and fiscal procedures of the municipalities. The purpose of such an intervention must be to ensure the application of general accepted accounting procedures, compliance with the norms of the Office of the Comptroller of Puerto Rico and the correctness of those practices that constitute sources of administrative or accounting observations.

The office shall be directed by a Commissioner, appointed by the Governor with the advice and consent of the Senate.

As provided in Section 19.003 of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” the Commissioner of Municipal Affairs shall be responsible to the Governor in the performance of his/her duties.

It is required that the Commissioner be a person of recognized moral probity who is not municipal legislator and who has not held office as Mayor during the eight (8) years prior to his/her appointment.

The Commissioner of Municipal Affairs, because of the nature of his/her duties, must intervene with municipal administrations directed by mayors elected through the ballots of the two main political parties of Puerto Rico.

It is neither proper nor convenient for the public interest that the Commissioner be identified with a political party or that he expresses him/herself or takes actions that may be understood to be favorable or unfavorable to a political party or candidate.

Section 19.003 of the Autonomous Municipalities Act must therefore be amended to provide that the Commissioner of Municipal Affairs has not been, during the four (4) years prior to his/her appointment, nominated as candidate to elective office during the primaries of a political party or nominated as candidate on the ballot of a political party, nor to have held office at a committee or body of a political party, be it at central, regional or municipal government level or at an electoral ward or unit.

It is also necessary to correct the allusion made in said Section 19.003 to the term “Central Government” which should read “Commonwealth Government.”

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 19.003 of Act No. 81 of August 30, 1991, as amended, is hereby amended to read as follows:

“Section 19.003.-Commissioner

The Office of the Commissioner of Municipal Affairs shall be directed by a Commissioner appointed by the Governor with the advice and consent of the Senate of Puerto Rico. The Commissioner shall be directly responsible to the Governor of Puerto Rico in the performance of his/her duties. The Commissioner shall be a person of recognized moral probity. He/she cannot be a municipal legislator, nor have held the office of Mayor during the eight (8) years prior to his/her appointment; nor during the four (4) years prior to his/her appointment to have sought or campaigned to hold office in the directorate or the organization of a political party or of a committee or body of a political party, be it at central, regional or municipal government level or at an electoral ward or unit, nor to have run for elective public office in general or special elections nor to have been nominated as candidate to elective public office during primary elections. While holding office, he/she may not seek or campaign to hold office in the directorate or the organization of a political party or committee nor run for or be nominated for an elective office.

The Governor of Puerto Rico shall fix the annual salary of the Commissioner in accordance with the standards applied in the central government for offices of the same or similar nature and level of responsibility. The Commissioner may avail him/herself of the benefits of Act No. 447 of May 15, 1951, as amended, known as the “Retirement System for Employees of the Government of Puerto Rico and its

Instrumentalities,” and of Act No. 133 of June 26, 1966, as amended, which created the Commonwealth Employees Savings and Loan Fund.”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 216 (H.B. 2599) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 19.003 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 provide that the Commissioner of Municipal Affairs may not, during the four (4) years prior to his/her appointment or during his/her term of office, seek or campaign to hold office in the directorate or the organization of a political party or of a committee or body of a political party, be it at central, regional or municipal government level or at an electoral ward or unit, nor to run for elective public office in general or special elections nor be nominated as candidate to elective public office during primary elections,

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

In San Juan, Puerto Rico, today 27th of November of 2006.

Francisco J. Domenech
Director

