

(S. B. 232)

(No. 3-2021)

(Approved May 24, 2021)

AN ACT

To amend Section 1 of Act No. 83 of June 23, 1954; Section 2 of Act No. 59-1993, as amended; Section 3 of Act No. 113-1996, as amended; Section 3 of Act No. 184-1996, as amended; Section 3 of Act No. 53-1997; Section 2 of Act No. 85-1997, as amended; Section 3 of Joint Resolution 1688-2004, as amended; Section 22 of Act No. 29-2009, as amended; Section 4 of Act No. 48-2018; and Section 15 of Act No. 33-2019 in order to ensure that all the political parties represented in the Legislative Assembly of Puerto Rico are able to participate in the works of the joint committees; as well as to explicitly empower the presiding officers of the Legislative Assembly to appoint independent legislators; and for other related purposes.

STATEMENT OF MOTIVES

Our code of laws recognizes the constitutional standing of the legislative committees. With regards to this matter, Section 17 of Article III of the Constitution of the Commonwealth of Puerto Rico specifically provides the following:

No bill shall become a law unless it has been printed, read, referred to a committee and returned therefrom with a written report, but either house may discharge a committee from the study and report of any bill and proceed to the consideration thereof.

In other words, the legislative works carried out by the committees are a fundamental part of the process of drafting laws and resolutions.

Since the approval of the Constitution of the Commonwealth of Puerto Rico in 1952, and as part of the aforementioned process, the Legislative Assembly has been creating various joint committees to address matters that are fundamental to the

collective wellbeing and a sound government. The creation and composition of these committees were mostly carried out taking into account the limited political diversity of the Legislative Assembly at that time in history.

At present, both Legislative Houses have a historic composition with legislators from five different political parties: the Popular Democratic Party, the New Progressive Party, the Puerto Rican Independence Party, the Citizens' Victory Movement, and Project Dignity. In the case of the Senate, in addition to the aforementioned diversity, an independent senator was elected for a second consecutive term.

As part of the representative regime, minorities are entitled to be part of the works carried out in the legislative committees, including those joint committees created by law. In the landmark case *Silva v. Hernández Agosto*, 181[sic] DPR 45 (1986), the Supreme Court of Puerto Rico held that: "Although the majority party controls all legislative committees, the minority is entitled to take part in their activities and debates."

Through this measure, we seek to adjust the laws that have created the various joint committees in order to ensure the representation and participation of minorities in each of these committees, thus complying with the democratic principle of representation that has been reaffirmed by the decisions of our High Court. It is also expressly provided that the presiding officers of both legislative houses shall have the authority to appoint independent legislators to such committees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 1 of Act No. 83 of June 23, 1954, is hereby amended to read as follows:

"Section 1.- A standing committee of the Legislative Assembly to be called the 'Standing Committee on the Comptroller's Special Reports,' is hereby created which shall be composed of the senators designated by the President of the Senate,

and those representatives designated by the Speaker of the House. The Joint Committee shall be composed of the same number of senators and representatives. Among these, one (1) member from each of the minority parties represented in each House shall be appointed. The presiding officers of the legislative houses shall have the authority to appoint independent legislators to the Committee.

The Committee shall appoint a chair and secretary by a majority vote.”

Section 2.- Section 2 of Act No. 59-1993, as amended, is hereby amended to read as follows:

“Section 2.- The Joint Committee for the Córdova and Fernós Congressional Internships Program is hereby created to be in charge of all matters related to the implementation and operation of the Program established by this Act. The Joint Committee shall be composed of the President of the Senate and the Speaker of the House of Representatives, the Floor Leaders of the various political parties in both Legislative Houses, and the Chairs of the Legislative Committees of each House with jurisdiction over international and federal affairs. The presiding officers of the legislative houses shall have the authority to appoint independent legislators to the Committee. The Committee shall appoint a Chair by a majority vote of its members. The members of the Joint Committee shall have the power to designate a member of the Legislative House to which they belong to serve as their substitute for all purposes, as necessary, in the works of the Committee.”

Section 3.- Section 3 of Act No. 113-1996, as amended, is hereby amended to read as follows:

“Section 3.- Creation of the Special Joint Committee on Legislative Funds for Community Impact.

The Special Joint Committee on Legislative Funds for Community Impact is hereby created to be composed of the Senators appointed by the President of the Senate and the Representatives appointed by the Speaker of the House of

Representatives. The Committee shall be composed of the same number of senators and representatives.

The Committee shall be co-chaired by the Chair of the Committee on Ways and Means and Budget of the House of Representatives, and the Chair of the Committee on Ways and Means and Public Finance of the Senate of Puerto Rico. The presiding officers of the legislative houses shall appoint one (1) member from each of the minority political parties represented in each Legislative House and shall have the authority to appoint independent legislators to the Committee.”

Section 4.- Section 3 of Act No. 184-1996, as amended, is hereby amended to read as follows:

“Section 3.- The Joint Committee created in the previous Section shall be composed of the Presiding Officers of both Legislative Houses, the Floor Leaders of the various parties in both Legislative Houses, the Chairs of the Legislative Committees on Youth Affairs of each House, and those senators and representatives designated by the presiding officers of the legislative houses. The presiding officers of the legislative houses shall have the authority to appoint independent legislators to the Committee. The Committee shall be composed of the same number of senators and representatives and shall elect a Chair from among its members by a majority vote. Committee members may designate any other member of the House to which they belong as their substitute in the Committee for all purposes and at any time.”

Section 5.- Section 3 of Act No. 53-1997 is hereby amended to read as follows:

“Section 3.- The Joint Committee on the Pilar Barbosa Educational Internships Program is hereby created to be in charge of the implementation and administration of the Program created by this Act. The Committee shall be composed of the same number of senators and representatives, including the Presiding Officers of the Legislative Houses, the Floor Leaders of all the political

parties in both Houses, the Chairs of the Committees on Education and Culture of both Legislative Houses, and those senators and representatives appointed by the presiding officers of both legislative houses. The presiding officers of both legislative houses shall have the authority to appoint independent legislators to the Committee. The members of the Joint Committee may appoint another member of their Legislative House to substitute them, for all legal purposes, in the event of their absence. For their participation in the meetings of the Joint Committee, the members thereof shall receive the per diems provided by law for attending legislative sessions and Committee meetings. Provided, further, that the decisions of the Joint Committee shall be made by a simple majority.”

Section 6.- Section 2 of Act No. 85-1997, as amended, is hereby amended to read as follows:

“Section 2.- The Standing Joint Committee for the Review and Reform of the Puerto Rico Civil Code, (hereinafter, ‘the Committee’), shall be composed of the Senators designated by the President of the Senate, one of whom shall be the Chair of the Senate Committee on the Judiciary, and the Representatives designated by the Speaker of the House, one of whom shall be the Chair of the House of Representatives Committee on the Judiciary. The Committee shall be composed of the same number of senators and representatives. Among these, one (1) member from each of the minority political parties represented in each House shall be appointed. The presiding officers of each legislative house shall have the authority to appoint independent legislators to the Committee.

Any vacancy that arises in the Committee shall not affect its duties and powers and shall be filled by a legislator of the same Legislative House that caused said vacancy, and in the same manner as his predecessor.

The Committee shall be co-chaired by the Chairs of the Committees on the Judiciary of the Senate and the House of Representatives.”

Section 7.- Section 3 of Joint Resolution 1668-2004, as amended, is hereby amended to read as follows:

“Section 3.- The Committee shall be composed of the Chairs of the Committees on the Judiciary of both Legislative Houses, and those Senators and Representatives designated by the Presiding Officers of both Houses. The Committee shall be composed of the same number of senators and representatives. Among these, one (1) member from each of the minority political parties represented in each House shall be appointed. The presiding officers of each House shall have the authority to appoint independent legislators to the Committee.

Any vacancy that arises in the Committee shall not affect its duties and powers and shall be filled by a legislator of the same Legislative House that caused said vacancy, and in the same manner as his predecessor.

The Committee shall be co-chaired by the Chairs of the Committees on the Judiciary of the Senate and the House of Representatives.”

Section 8.- Section 22 of Act No. 29-2009, as amended, is hereby amended to read as follows:

“Section 22.- Joint Committee on Public-Private Partnerships

The Joint Committee on Public-Private Partnerships of the Legislative Assembly of Puerto Rico is hereby created to be composed of the senators designated by the President of the Senate and the representatives designated by the Speaker of the House of Representatives. Among these, one (1) member from each of the minority parties represented in each House shall be appointed. The presiding officers of each house shall have the authority to appoint independent legislators to the Committee. Initially, the Chair of the Committee shall be the senator designated by the President. Said designation shall be made every four years alternating between the Senate and the House of Representatives of Puerto Rico.

The Joint Committee shall have jurisdiction to:

(a) Examine, investigate, evaluate, and study all matters relative to Public-Private Partnerships including, but not limited to, the provisions of Section 9(b)(ii);

(b) Evaluate and recommend any Public-Private Partnership proposal not included in the Priority Projects established in Section 3 of this Act;

(c) Recommend the use of funds from the General Fund, as provided in Section 17(d) of this Act, in which case, the Committee shall make its recommendation to the Committees with jurisdiction over budgetary affairs in both Legislative Houses; discharge any other function entrusted thereto through a Concurrent Resolution; and

(d) Provided, further, that, in seeking to protect the public interest, the Joint Committee on Public-Private Partnerships shall review the need and convenience of this Act every three (3) years and submit a report to the Governor and the Legislative Houses.

The Joint Committee shall approve bylaws within a period not to exceed twenty (20) days as of the date of approval of this Act. Such bylaws shall contain rules, procedures, and considerations as necessary to carry out the various tasks assigned thereto. Based on the tasks entrusted thereto, the Joint Committee created herein shall draft and submit reports as are necessary, in order to inform both Legislative Houses of the findings, recommendations, and conclusions derived from carrying out such tasks.

The employees of the Joint Committee shall be subject to the provisions of the Personnel Regulations of each Legislative House, according to the House presiding over the Committee. Joint Committee expenses shall be chargeable to the General Budget Fund of the State Treasury. To achieve the purposes of this Act, the sum of one hundred seventy-six thousand dollars (\$176,000) is hereby appropriated. Beginning Fiscal Year 2012-2013, the sum of three hundred seventy-six thousand dollars (\$376,000) shall be appropriated. Said funds shall be earmarked in the Joint

Resolution of the General Budget of the Commonwealth of Puerto Rico. However, for this Fiscal Year 2011-2012, the Joint Committee is hereby authorized to receive an additional sum of two hundred thousand dollars (\$200,000), which shall be provided by the Public-Private Partnerships.”

Section 9.- Section 4 of Act No. 48-2018 is hereby amended to read as follows:

“Section 4.- Committee Composition.

The Committee shall be composed of the Senators designated by the President of the Senate, one of whom shall be the Chair of the Senate Committee on Government, and the Representatives appointed by the Speaker of the House, one of whom shall be the Chair of the House of Representatives Committee on Government. The Committee shall be composed of the same number of senators and representatives. The presiding officers of the legislative houses shall appoint one (1) member from each of the minority political parties represented in each Legislative House, and shall have the authority to appoint independent legislators to the Committee.

Any vacancy that arises in the Committee shall not affect its duties and powers and shall be filled by a legislator of the same Legislative House that caused said vacancy, and in the same manner as his predecessor.

Initially, the Chair of the Committee shall be the senator designated by the President of the Senate of Puerto Rico. Said designation shall be made every four years alternating between the Senate and the House of Representatives of Puerto Rico.”

Section 10.- Section 15 of Act No. 33-2019 is hereby amended to read as follows:

“Section 15.- Joint Committee on Climate Change Mitigation, Adaptation, and Resilience.

The Joint Committee on Climate Change Mitigation, Adaptation, and Resilience of the Legislative Assembly of Puerto Rico is hereby created. The Joint Committee shall be composed of the senators and representatives designated by the respective presiding officers of the Legislative Houses. The Committee shall be composed of the same number of senators and representatives.

Among these, one (1) member of each of the minority parties represented in each Legislative House shall be appointed. The presiding officers of each house shall have the authority to appoint independent legislators to the Committee. Initially, the Chair of the Joint Committee shall be the senator designated by the President of the Senate of Puerto Rico. Said designation shall be made every four years alternating between the Senate and the House of Representatives of Puerto Rico.

The Joint Committee shall have jurisdiction to:

(a) Study, evaluate, report on, make recommendations for, amend, and approve the Climate Change Mitigation, Adaptation, and Resilience Plan submitted by the Expert Advisory Committee on Climate Change, as provided for in this Act, to each House of the Legislative Assembly assembled as a whole. For such purposes, it is hereby provided that once the Climate Change Mitigation, Adaptation, and Resilience Plan is recommended in accordance with Section 7 of this Act, the Joint Committee shall submit the Plan simultaneously to both Houses of the Legislative Assembly by the end of the next Regular Session;

(b) Examine, research, evaluate, and study all that pertains to climate change mitigation, adaptation, and resilience;

(c) Periodically follow up on the actions taken to implement the Climate Change Mitigation, Adaptation, and Resilience Plan and any proposal related to the purposes of this Act to reduce greenhouse gas emissions and to transition into renewable energy and adaptation strategies;

(d) Evaluate all climate change-related measures introduced in both Legislative Houses and submit a report of such evaluations to the Legislative Assembly;

(e) Draft, introduce, and amend bills, resolutions, and substitute measures relating to climate change and the effects thereof on different sectors;

(f) Recommend the use of funds in the General Fund to enforce the public policy set forth in this Act;

(g) Discharge any other function assigned thereto by Concurrent Resolution.

Provided, further, that the Joint Committee on Climate Change Mitigation, Adaptation, and Resilience shall revise the need and convenience of this Act every three (3) years by filing a report with the Governor and the Presiding Officers of the Legislative Assembly.

The Joint Committee shall approve bylaws within a term not to exceed thirty (30) days as of the approval of this Act. Such Bylaws shall include rules, procedures, and considerations as needed to carry out the different tasks assigned thereto. The Joint Committee created herein shall draft and file reports as needed in order to inform both Houses of the Legislative Assembly of their findings, recommendations, and conclusions while carrying out their duties.

The employees of the Joint Committee shall be subject to the provisions of the Personnel Regulations of each House of the Legislative Assembly, depending on which house is presiding over the Committee.”

Section 11.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 3-2021 (H. B. 232)** of the **1st Regular Session** of the **19^h Legislative Assembly of Puerto Rico**:

AN ACT amend Section 1 of Act No. 83 of June 23, 1954; Section 2 of Act No. 59-1993, as amended; Section 3 of Act No. 113-1996, as amended; Section 3 of Act No. 184-1996, as amended; Section 3 of Act No. 53-1997; Section 2 of Act No. 85-1997, as amended; Section 3 of Joint Resolution 1688-2004, as amended; Section 22 of Act No. 29-2009, as amended; Section 4 of Act No. 48-2018; and Section 15 of Act No. 33-2019 in order to ensure that all the political parties represented in the Legislative Assembly of Puerto Rico are able to participate in the works of the joint committees; as well as to explicitly empower the presiding officers of the Legislative Assembly to appoint independent legislators; and for other related purposes.

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

In San Juan, Puerto Rico, on this 17th day of September, 2021.

Mónica Freire-Florit, Esq.
Director