

(S. B. 2237)
(Conference)

(No. 52)

(Approved January 13, 2004)

AN ACT

To amend the first paragraph of Section 7 and add a new Section 12-A to Act No. 179 of August 16, 2002,” known as the “Act to Regulate the Appropriation of Resources for the Construction of Capital Works (Pork Barrel) and the Acquisition of Equipment, Purchase of Material and Other Social Interest Activities (Small Pork Barrel),” to correct its language; and to establish a provisional procedure for the appropriation of funds by the Management and Budget Office and an expedited procedure for the delivery of funds appropriated through joint regulations that appropriate public funds of legislative origin in emergency situations.

STATEMENT OF MOTIVES

The purpose of Act No. 179 of August 16, 2002, known as the “Act to Regulate the Appropriation of Resources for the Construction of Capital Works (Pork Barrel) and the Acquisition of Equipment, Purchase of Material and Other Social Interest Activities (Small Pork Barrel),” is to adopt the regulations on the appropriation of public funds of legislative origin produced from the Issuing of Bonds and from the General Fund for capital and non-capital works. In said Act, controls were established that govern the delivery of these appropriations, and the management of the information and documents originating thereby.

Undoubtedly, the possibility that damages to property may occur any time among the citizenry due to natural phenomena or other emergency situations warrants the adoption of measures to guarantee immediate economic assistance for these persons thus affected. Therefore, the Legislature of the Commonwealth of Puerto Rico, by means of this Act, expedites the process for the assignment of

funds by the Management and Budget Office, and an expedited procedure is established for the delivery of the money appropriated through joint resolutions approved to assist those persons who suffer material losses caused by a hurricane, storm, earthquake, flood, fire or any other natural disaster.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The first paragraph of Section 7 is hereby amended, and a new Section 12 is added to Act No. 179 of August 16, 2002, to read as follows:

“Section 7.- Any request for public funds for the acquisition of equipment, purchase of materials and other activities of social interest (small pork barrel) made to any entity shall include a certified form which shall be provided therefor by each Legislative Body. In the event the appropriation exceeds the amount of one thousand five hundred dollars (\$1,500), the applicant shall submit a statement sworn before a notary public or before a judge of first instance in order to receive the funds requested. In said request, the applicant shall furnish evidence of his/her financial situation, the need for the legislative contribution, and shall consign whether or not he/she has a relationship, within the fourth degree of consanguinity or second of affinity, with the legislator from whom the appropriation of public funds is requested or with any of his/her employees. If the applicant does have said relationship, he/she shall specify the degree of consanguinity. In the event there exists such degree of consanguinity, the Commission of the Legislative Body that has the consideration of the joint resolution, may recommend the approval thereof with the consent of two thirds (2/3) of its members. In the case of juridical persons, the members of the Board of Directors of the requesting entity shall comply with the requirements listed herein.

...

Section 8.- ...

Section 12-A.- Regardless of the provisions of this Act, in emergency situations such as hurricanes, storms, floods, earthquakes, fire or natural disasters, the Management and Budget Office shall expedite the processing of appropriations of the funds approved and which so expressly state it in the title of the measure, with the phrase “emergency assistance” to help remedy said disasters and shall not take more than five (5) working days to transfer the funds to the designated agencies. Likewise, every designated agency shall establish an expedited procedure for the delivery of said funds within a term that shall not exceed five (5) working days.

When dealing with a request for public funds, pursuant to the provisions of this Section for the acquisition of equipment, the purchase of materials, and other social assistance activities (small pork barrel) to any entity to recover the damages caused by an emergency situation, said request does not have to be accompanied, at the time of approval, by the certified form referred to in Section 7 of this Act. However, said form shall be delivered within the next thirty (30) days, from the approval of the bill that appropriates the requested public funds, and if not done so in the prescribed term, the entity shall be bound to return the appropriated public funds, if they were finally made available.

Under no circumstances shall emergency funds be appropriated, pursuant to the provisions of this Section, to an entity that has a relationship within the fourth degree of consanguinity or a second degree of affinity with the legislator from whom the appropriation of public funds is requested or any of his/her employees.”

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. 52 (S.B. 2237) (Conference) of the 6th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend the first paragraph of Section 7 and add a new Section 12-A to Act No. 179 of August 16, 2002,” known as the “Act to Regulate the Appropriation of Resources for the Construction of Capital Works (Pork Barrel) and the Acquisition of Equipment, Purchase of Material and Other Social Interest Activities (Small Pork Barrel),” to correct its language; and to establish a provisional procedure for the appropriation of funds by the Management and Budget Office and an expedited procedure for the delivery of funds appropriated through joint regulations that appropriate public funds of legislative origin in emergency situations,

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

In San Juan, Puerto Rico, today 2nd of May of 2005.

Luis E. Fusté-Lacourt
Director