

(H. B. 2473)
(Conference)

(No. 124-2010)

(Approved August 9, 2010)

AN ACT

To amend Sections 4, 14, and 23 of Act No. 20 of April 11, 2001, as amended, known as the “Women’s Advocate Office Act,” in order to exclude said Office from the application of Act No. 164 of July 23, 1974, as amended, known as the “General Services Administration Act”; to update the reference regarding the statute in effect that governs human resources administration in the government; and for other purposes.

STATEMENT OF MOTIVES

Act No. 20 of April 11, 2001, as amended, guarantees the full development of and respect for the human rights of women and the exercise and enjoyment of their fundamental liberties. In order to oversee compliance with this public policy by government agencies and private entities, said Act creates the position and the Office of the Women’s Advocate as an independent legal entity, separate from any other public body or entity. It also establishes that said Office shall be conferred educational, investigative, overseeing, regulatory, and quasi-judicial functions, with the purpose of ensuring the most effective promotion of the respect for women’s rights and compliance with the existing public policies.

To exercise such functions, Act No. 20, *supra*, confers onto the Women’s Advocate sufficient autonomy and extensive authorities to determine the Office’s internal organization and to establish any systems necessary for its proper operation. To such ends, the Women’s Advocate is responsible for planning, organizing, and directing all matters and operations related to human resources; contracting of services; budgetary appropriations; acquisition, use, and control of

equipment, materials, and property; document reproduction; and all other issues, transactions, and decisions in connection with the Office's management and internal governance.

With the purpose of reinforcing the autonomy on the administration and operation of the Women's Advocate Office, this Legislative Assembly deems it pertinent to empower said Office to establish streamlined and effective processes to acquire goods and services. Furthermore, in these times when women are increasingly subjected to domestic violence, it is necessary to legislate so as to guarantee that this Office shall have the necessary funds to continue its educational mission without detriment to its finances. This Office shall thus be able to carry out the projected plans and programs for the wellbeing of Puerto Rican women. To such ends, this Act excludes the Office from the application of Act No. 164 of July 23, 1974, as amended, known as the "General Services Administration Act," so as to guarantee swift administrative processing that facilitates the rendering of essential services to women. In the exercise of this power, The Advocate shall adopt the necessary regulations, which shall conform to the best practices in sound public administration, by incorporating mechanisms to guarantee public fund management pursuant to the governing criteria established in Section 9 of Article VI of the Constitution of the Commonwealth of Puerto Rico.

This Act also has the purpose of updating the reference concerning the statute in effect that governs human resources administration in the government.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.—The current Section 4 of Act No. 20 of April 11, 2001, as amended, is hereby replaced with a new Section 4, to read as follows:

“Section 4.—The Women’s Advocate Office is hereby created as an independent legal entity, separate from any other public agency or entity. The Office shall be headed by the Women’s Advocate, who shall be appointed by the Governor with the advice and consent of the Senate. The Women’s Advocate shall be appointed for a term of ten (10) years until her successor is appointed and takes office. Compensation for the office of Advocate shall be fixed by the Governor, which shall never be less than that of a Judge of the Court of Appeals.

The Governor, without impairing his/her constitutional prerogatives, may request and receive recommendations about possible candidates to hold this office from the government sector and from groups that advocate women’s rights and gender equality.

The Governor, after notice and hearing, may declare the office of the Advocate vacant due to physical or mental disability that prevents the Advocate from discharging the functions of her office; negligence in the discharge of her functions; or dereliction of duty.

The appointee to this office shall be a woman of renowned professional capabilities and independent judgment who has stood out for her commitment to the defense of women’s rights and the fight against all manifestations of oppression, marginalization, and discrimination, and for her respect for diversity. She shall also be willing to continuously analyze the situation of women from a gender-based perspective.”

Section 2.—Section 14 of Act No. 20 of April 11, 2001, as amended, is hereby amended to read as follows:

“Section 14.—The Advocate shall determine the internal organization of the Office and establish the necessary systems for its proper functioning and operation. To such ends, the Advocate shall be responsible for planning, organizing, and directing the affairs and operations regarding human resources, the contracting of services, budget appropriations, purchases, use and control of equipment, materials and property, reproduction of documents and other materials, and other matters, transactions, and decisions pertaining to the management and internal control of the Office. The Advocate shall address the claims and complaints filed by women when they denounce inaction by government agencies, private entities, and persons with regards to the compliance with the public policy established in this Act, which is to protect the rights that have been recognized to women by the Constitution and the laws and regulations in effect. The Advocate shall sanction violations thereof pursuant to the provisions of Sections 13 and 20 of this Act.

The Office shall be exempted from the application of Act No. 164 of July 23, 1974, as amended, known as the ‘General Services Administration Act.’ Furthermore, the Advocate shall appoint the personnel needed to carry out the purposes of this Act and shall act as an individual administrator under Act No. 184 of August 3, 2004, as amended, known as the ‘Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico,’ and contract the services of experts and advisors for the faithful compliance with the duties imposed by this Act.”

Section 3.—The current Section 23 of Act No. 20 of April 11, 2001, as amended, is hereby replaced by a new Section 23, to read as follows:

“Section 23.—For Fiscal Year 2001-2002 and in subsequent years, the necessary funds to carry out meet the purposes of this Act shall be consigned in the General Expenses Budget of the Commonwealth. The annual budget appropriated to the Office may never be less than that which was appropriated the preceding year.”

Section 4.—Transitory Provision.—The Women’s Advocate Office shall continue to make its pertinent acquisition of goods and services pursuant to Act No. 164 of July 23, 1974, as amended, and the rules that apply to this Office, until the Advocate approves the necessary regulations to enforce the provisions of this Act.

Section 5.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 124-2010 (H. B. 2473) (Conference)** of the **3rd Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend Sections 4, 14, and 23 of Act No. 20 of April 11, 2001, as amended, known as the "Women's Advocate Office Act," in order to exclude said Office from the application of Act No. 164 of July 23, 1974, as amended, known as the "General Services Administration Act"; to update the reference regarding the statute in effect that governs human resources administration in the government; and for other purposes.

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

In San Juan, Puerto Rico, on the 13th day of December, 2012.

María del Mar Ortiz Rivera