

(H. B. 3931)

(No. 129-2012)

(Approved July 2, 2012)

AN ACT

To renumber current paragraphs (5) and (6) as new paragraphs (4) and (5); add new subparagraphs (E) and (F) to the new paragraph (5) of subsection (b) of Section 3; add a new Section 7 and renumber current Sections 8, 10, 11, 12, 13, 14, and 15 as new Sections 6, 8, 9, 10, 11, 12, and 13 of Act No. 147 of June 18, 1980, as amended, known as the “Office of Management and Budget Organic Act,” in order to grant greater powers to the Office of the Management and Office, so that it may receive contributions and refunds from government agencies and instrumentalities, and adopt regulations to exercise the powers, duties, and authorities conferred thereto; create a special fund under the custody of the Office of Management and Budget; make technical amendments; and for other purposes.

STATEMENT OF MOTIVES

Act No. 147 of June 18, 1980, as amended, known as the “Office of Management and Budget Organic Act,” created the Office of Management and Budget Organic Act as an advisory and support body that has among its functions to advise the First Executive, the Legislative Assembly, and the government bodies on matters related to budget, programs, and administrative management and information technology. Said Office is empowered to evaluate the programs and activities of public bodies in terms of their economy, efficiency, and effectiveness. In order to do so, the office must keep up with new currents and trends in budgetary and managerial aspects of public administration in order to evaluate and adapt those techniques, methods, and viewpoints that apply to the local administrative field, in the process of formulating and executing the budget, as well as in program evaluation, administrative analysis, and operational and administrative auditing.

Furthermore, the Office of Management and Budget also assists other agencies and instrumentalities of the Government of Puerto Rico in establishing and maintaining information systems that promote, facilitate, and expedite the processes of the agencies of the Executive Branch in their relation and interrelation with other agencies. Thus, the Office acquires, leases, and executes contracts for the design and acquisition of equipment, licenses, electronic data, and interconnection processing systems.

On the other hand, Act No. 151-2004, as amended, known as the “Electronic Government Act,” adopts as public policy the incorporation of information technologies to government procedures, to the rendering of services and diffusion of information through a strategy focused on the citizens geared toward the attainment of goals and which actively promotes innovation. The Electronic Government Act confers on the Office of Management and Budget certain powers to provide the people with a more accessible, effective, and transparent government. Said powers include to develop and maintain, directly or by contract, an infrastructure capable of satisfying the technological needs of the Government and that allows for the adequate offering of services and information to citizens; to incorporate the best practices of the technology sector to government operations through licensing and global training or other advantageous methods at the government level; to develop, promote, collaborate, procure, and direct technology projects at the interagency level; to provide government agencies with services such as technical support, data storage, and Internet access; and to evaluate and advise, pursuant to previously adopted criteria, the electronic processing and interconnection systems of the Government. The implementation of the Electronic Government Act has facilitated access to government information and services. It is well known that the incorporation of technology to government programs and services enables the rendering of services of better quality and at the same time reduces the time devoted

thereto, reduces operating costs, and facilitates oversight and the implementation of solutions to the needs of the people.

By virtue of its enabling act and the Electronic Government Act, the Office of Management and Budget has provided services and has purchased, leased, and executed contracts or acquired licenses that have benefited the agencies and instrumentalities of the Government of Puerto Rico. Notwithstanding the foregoing, these functions and tasks generate certain expenditures that are charged to the budget of the Office of Management and Budget. This prevents the Office from staying up to date in the latest advances and in the creation of coordination, planning, or advisory mechanisms to improve the management and operation of the Executive Branch. In this sense, it is necessary to provide the Office with the necessary tools and resources to discharge this important responsibility of keeping the agencies of the Executive Branch up to date with the best technology available for the benefit of the citizens they serve.

Moreover, the agencies and other government instrumentalities have the duty to support the efforts made to measure, improve, and increase the effectiveness, efficiency, and economy in the operation of the regular bodies of the Government of Puerto Rico and its Public Corporations. They also have the duty to support the efforts directed to develop, maintain, and promote information and government services, as well as to direct its efforts and resources to comply with the work plan to digitize transactions.

For all the foregoing, this Legislative Assembly deems it necessary to grant the Office of Management and Budget – as it has been previously done with the General Services Administration, the Office of the Comptroller of Puerto Rico, and the Central Labor Advisory and Human Resources Administration Office (OCALARH) – the capacity and power to receive contributions or refunds as are necessary for the services rendered to government agencies and instrumentalities,

for services, equipment, licenses and others that are contracted to comply with its enabling act and from which the agencies and instrumentalities of the Government of Puerto Rico benefit. As a result, the Office shall have the necessary resources to comply with its duty to keep the technology up to date in the agencies of the Executive Branch, which translates into more efficient services for the citizens.

Lastly, it is necessary to empower the Office of Management and Budget to adopt regulations as are needed to carry out the powers, duties, and functions conferred thereto under this Act. It is also necessary to create a special fund under the custody of the Office of Management and Budget that is different and separate from all other monies or funds of the State, in order to deposit therein the monies received from government agencies and instrumentalities. Likewise, this measure also corrects some errors and omissions in the renumbering of paragraphs and sections that arise from previous amendments made to the Office of Management and Budget Organic Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Paragraphs (5) and (6) are hereby renumbered as paragraphs (4) and (5) and new subparagraphs (E) and (F) are hereby added to the renumbered paragraph (5) of subsection (b) of Section 3 of Act No. 147 of June 18, 1980, as amended, to read as follows:

“Section 3.- Functions and Duties of the Office of Management and Budget

(a) ...

(b) The Office shall have the following powers:

(1) ...

...

(4) Powers relative to the Government’s electronic processing and interconnection systems:

...

(5) General powers inherent to the powers and duties of the Office:

(A) ...

...

(E) The Director of the Office of Management and Budget may fix fees and other charges that are fair and reasonable for the services rendered to government agencies and instrumentalities pursuant to this Act; provided, that the service requested does not consist of the drafting of the budget of the Agencies of the Government of Puerto Rico. Likewise, it may receive contributions or refunds as are necessary from government agencies and instrumentalities, after the Office of Management and Budget has made the payments to its suppliers for services received by such agencies. It shall be an indispensable requirement that, prior to the rendering of any service, the Head of Agency concerned shall submit an application for such purposes to the Office of Management and Budget, and a contract that shall include services to be rendered and the costs entailed by the same shall be executed.

(F) In order to discharge the duties and powers imposed by this Act, the Office of Management and Budget is hereby empowered to adopt regulations as are necessary to carry out the powers, duties and functions conferred thereto by this or any other Act, pursuant to the regulations process provisions established in Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedures Act.”

Section 2.- Section 7 is hereby added to Act No. 147 of June 18, 1980, as amended, to read as follows:

“Section 7.- Special Fund.

A Special Fund is hereby created under the custody of the Office of Management and Budget, without fiscal year determination, different and separate from any other monies or funds of the State, in which the funds proceeding from payments or refunds made by agencies and instrumentalities of the Government of

Puerto Rico as the result of the imposition of fees and/or collections shall be deposited.

This fund shall be used by the Director of the Office of Management and Budget to defray expenses related to the services provided by the Office and/or those to be contracted for the benefit of the agencies and instrumentalities of the Government of Puerto Rico, or to satisfy any needs identified by the Director in the Office of Management and Budget.”

Section 3.- Current Sections 8, 10, 11, 12, 13, 14, and 15 of Act No. 147 of June 18, 1980, as amended, are hereby renumbered as new Sections 6, 8, 9, 10, 11, 12, and 13.

Section 4.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 129-2012 (H. B. 3931)** of the **7th Regular Session** of the **16th Legislative Assembly of Puerto Rico**:

AN ACT to renumber current paragraphs (5) and (6) as new paragraphs (4) and (5); add new subparagraphs (E) and (F) to the new paragraph (5) of subsection (b) of Section 3; add a new Section 7 and renumber current Sections 8, 10, 11, 12, 13, 14, and 15 as new Sections 6, 8, 9, 10, 11, 12, and 13 of Act No. 147 of June 18, 1980, as amended, known as the "Office of Management and Budget Organic Act," in order to grant greater powers to the Office of the Management and Office, so that it may receive contributions and refunds from government agencies and instrumentalities, and adopt regulations to exercise the powers, duties, and authorities conferred thereto; create a special fund under the custody of the Office of Management and Budget; make technical amendments; and for other purposes.

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

In San Juan, Puerto Rico, on this 12th day of February, 2018.

Orlando Pagán-Ramírez
Acting Director