

Annual Salary of the Governor, the Secretary of State, the Secretaries of Government and other Executive Branch Officials

Act No. 13 of June 24, 1989, as amended

(Contains amendments incorporated by:

Act No. 2 of November 18, 1989

Act No. 92 of November 17, 1989

Act No. 11 of April 26, 1994

Act No. 85 of July 22, 1995

Act No. 213 of October 14, 1995

Act No. 63 of July 1, 1996

Act No. 219 of September 12, 1996

Act No. 230 of September 13, 1996

Act No. 125 of September 25, 1997

Act No. 198 of December 26, 1997

Act No. 79 of June 10, 1998

Act No. 44 of January 10, 1999

Act No. 199 of August 21, 2003)

To fix the annual salary of the Governor, the Secretary of State, the Secretaries of Government and other Executive Branch officials; to amend Section 1 of Act No. 97 of June 19, 1968 as amended, which establishes the salaries and emoluments of the members of the Legislature; to repeal Act No. 2 of July 9, 1986; and to provide for the funds to carry out the purposes of this Act.

STATEMENT OF MOTIVES

The foundation of our democratic system is constituted on the system of separation of powers and on the checks and balances of the three Branches of Government. A fundamental element to this Government of powers shared by the three branches, is the hierarchic equality which they enjoy. Although this equality among the three Government Branches has coexisted since the creation of the Commonwealth, it could now be affected if the salary of imbalance that has prevailed in the past years, especially among the salaries received by the highest officials of the three powers, is not corrected.

This democratic system of separate powers is closely related to the ideal that the functioning of the three Branches of Government should respond to the concept of excellence. The people of Puerto Rico demand services of the highest quality from their government and the establishment of new ideas on the organization, development and rendering of public services. To attain these goals it is required that the executive and legislative functions at the highest government levels should be carried out by highly-

qualified officials, to succeed in developing government programs at the levels of excellence, productivity and efficiency needed to solve the serious problems the country is facing.

The attainment of these goals depends to a great extent on whether the Government adopts a more flexible policy in compensation matters, in response to the economic reality prevailing in the Country. At the present time there are persons in the employment market who are highly-qualified to carry out the public positions of our Government with the required excellence. However, these persons earn salaries that are greatly in excess of the income fixed for public officials. This situation markedly obstructs the government's capacity to recruit and retain the most suitable personnel to fulfill the primary objective of offering the people of Puerto Rico the excellent services they demand.

In the specific case of the Legislators, the Governor of Puerto Rico, being aware that the last salary increase granted to them was in 1980, created the Governor's Advisory Committee on a Compensation Plan for Members of the Legislature, by Executive Order No. 5139-A of July 19, 1988. The following conclusions were drawn from the study commissioned to this Committee and its subsequent report to the Governor: 1) there is an imbalance between the salaries of the members of the Legislative Branch and those earned by officials holding similar positions in the other Branches of Government; 2) the work of a legislator is complex, requiring the fulfillment of several functions to attend to the different problems of the Country; 3) the function of the legislator in Puerto Rico has become a full-time task; 4) The compensation that legislators receive at the present time does not respond to the realities of the modern legislative function.

Another aspect of fundamental importance is to recognize that the Government cannot match the salaries of legislators, heads of agencies and other officials to those prevailing in the private sector. Aside from fiscal limitations, the public service responds to the idea of contributing in the search for solutions to the problems our society confronts. This enormous task brings about a spiritual and emotional gratification that cannot be found in the private sector. However, the salaries of these public officials should be improved in order to override the problem caused to government officials by the lack of competitive capability to recruit and retain public officials of excellence, who are able to carry out the programmatic commitments of the Government.

This measure is addressed to establish an adequate balance in salaries among the members of our three Branches of Government and find a solution to the situation described above. To such effects the salaries of the highest officials of the Legislature are hereby matched to those of the Government Secretaries; and the salaries of the Governor, the Secretary of State, the Secretaries of Government and other officials of the Executive Branch, as well as all Members of the Legislature are hereby increased.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — [Governor's annual salary] [3 L.P.R.A. § 2(a)]

The annual salary of the Governor of the Commonwealth of Puerto Rico shall be \$70,000, as of January 2, 1989.

Section 2. — [Compensation of Secretaries] (3 L.P.R.A. § 34)

The annual salary of the Secretary of State shall be \$90,000 starting June 1, 1998.

The annual salary of the other Government Secretaries shall be \$80,000, starting June 1, 1998. Provided, That the powers of the Governor to honor the original salary of those public officials who, due to the needs of public service, have been required to assume the direction of a government organism or entity that entails a reduction in the salary they earned in their former public service position.

The Governor shall hereby be empowered to assign such Secretaries a differential of up to one-third (1/3) of their salary.

For purposes of this section, the term "Secretaries" shall include the following:

The Secretaries of State, Justice, the Treasury, Health and the Family, Education, Recreation and Sports, Housing, Consumer Affairs, Corrections and Rehabilitation, Natural and Environmental Resources, Agriculture, Economic Development and Commerce, Labor and Human Resources, Transportation and Public Works, and any other Secretary that, by means of the creation of a department, may be established by the Legislature.

Section 3. — [Controller annual salary] (2 L.P.R.A. § 75 note)

The annual salary of the Controller of Puerto Rico shall be as established in Act No. 5 of September 30, 1986.

Section 4. — [Compensation of various officers] (3 L.P.R.A. § 577)

The annual salary of each of the following officials shall be that which is set forth next to his/her title as of the date of effectiveness of this act.

<i>Officials</i>	<i>Annual Salary</i>
Chairperson, Planning Board	\$80,000
Members, Planning Board	72,000 each
Superintendent of Police	80,000
Adjutant General, National Guard	75,000
General Services, Administrator	75,000
Regulations and Permits Administrator	75,000
Chairperson, Environmental Quality Board	80,000
Associate Members, Environmental Quality Board	65,000 each
Right to Employment Administrator	75,000
Administrator Labor Relations Advisory Central Office and Human Resources Administration	75,000
Rehabilitation and Corrections Administrator	80,000
Chairperson, Public Service Commission	70,000
Associate Members, Public Service Commission	60,000 each
Executive Director, Institute of Culture	75,000

Chairperson, Board of Appeals of the Personnel Administration System	65,000
Members, Board of Appeals of the Personnel Administration System	60,000 each
Chairperson, Appeals, Construction and Subdivision Board	65,000
Chairperson, Industrial Commission	70,000
Commissioners, Industrial Commission	65,000 each
Director, Commonwealth Civil Defense Agency	75,000
Horsereading Industry and Sport Administrator	70,000
Chief, Puerto Rico Firefighter Corps	75,000
Chairperson, Labor Relations Board	65,000
Director, Industrial Tax Exemption Office	65,000
Inspector of Cooperatives	65,000
Members, Minimum Wage Board	45,000 each
Chairperson, Parole Board	75,000
Members, Parole Board	60,000 each

Section 5. — [Omitted. Section 1 of Act No. 97, of June 19, 1968, amended, is hereby amended.]

Section 6. — Appropriation of funds. (3 L.P.R.A. § 2 note)

The funds needed to carry out the purposes of this Act shall be consigned annually in the General Budget Joint Resolution. Provided, that the salaries of those officials that do not originate from the General Budget shall be defrayed from the Special Budgets of each one of the Bodies.

Section 7. — Repealing Clause. — Act No. 2 of July 9, 1986, is hereby repealed.

Section 8. — Effectiveness. — This Act shall take effect July 1, 1989, but the effectiveness of Sections 1 and 5 shall commence on January 2, 1993, as provided in Article VI, Section 11 of the Constitution of the Commonwealth of Puerto Rico.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.