REORGANIZATION PLAN NO. 12 OF 1950
EXECUTIVE COUNCIL
MESSAGE OF THE GOVERNOR OF PUERTO RICO
TRANSMITTING


To the Legislature of Puerto Rico:

I submit to your consideration Reorganization Plan No. 12 of 1950, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended. After due investigation, I have found that every reorganization included in this Plan is necessary to accomplish one or more of the purposes set forth in Section 3(a) of the above-mentioned Act.

The Executive Council of Puerto Rico was created by the first Insular Organic Act, known as the Foraker Act. Under the provisions of said Act, the Council performed both legislative and executive duties, the typical American system of the separation of powers thus being altered.

The Organic Act of 1917, known as the Jones Act, changed this situation by granting to the Council powers which were exclusively executive. The said Council was composed by the heads of the various government departments. The Legislature was empowered to prescribe by law to the Council other duties in addition to those fixed by the Jones Act.

The situation prevailing in Puerto Rico until 1949 induced the Legislature to exercise this latter power extensively. The Reorganization Committee, in its Report, clearly described that situation in the following manner:

“For a long time the people of Puerto Rico have had difficulty in delegating to the Governor the authority necessary for carrying out his duties as they are set forth in the Organic Act. This situation was based on a simple reason, namely: that the Governor was not selected through the votes of the people, but was appointed. And, as an appointee, he was not responsible to the people and their elected Legislature. As he was not responsible to the people, the latter did not establish with him, through the

PLAN DE REORGANIZACION NUM. 12 DE 1950
CONSEJO EJECUTIVO
MENSAJE DEL GOBERNADOR DE PUERTO RICO
TRANSMITIENDO

EL PLAN DE REORGANIZACION NÚM. 12 DE 1950 QUE TRANSFIERE DIVERSAS FUNCIONES DEL CONSEJO EJECUTIVO AL GOBERNADOR, AL TESORERO, AL COMISIONADO DE SALUD, Y A LA OFICINA DE PERSONAL.

A la Asamblea Legislativa de Puerto Rico:

Refiero a vuestra consideración el Plan de Reorganización Núm. 12 de 1950, formulado de acuerdo con las disposiciones de la Ley de Reorganización de 1949, según enmendada. Después de la debida investigación, he resuelto que cada reorganización incluida en este Plan es necesaria para lograr uno o más de los fines expresados en el Artículo 3, Inciso (a) de la mencionada Ley.

El Consejo Ejecutivo de Puerto Rico fué creado por la primera Carta Orgánica Insular, conocida como la Ley Foraker. Bajo las disposiciones de dicha Ley, el Consejo desempeñaba a la vez funciones legislativas y ejecutivas, alterándose en esa forma el tradicional sistema americano de separación de poderes.

La Carta Orgánica de 1917, conocida como Ley Jones, modificó esta situación concediéndole al Consejo exclusivamente facultades ejecutivas. Este quedó integrado por los jefes de los distintos departamentos del gobierno. “Se facultó a la Asamblea Legislativa para prescribir por ley otros deberes al Consejo, en adición a aquellos fijados por la Ley Jones.

La situación prevaleciente en Puerto Rico hasta el año 1949, motivó que la Asamblea Legislativa utilizara extensamente esta última facultad. La Comisión de Reorganización en su Informe describió claramente esa situación en la siguiente manera:

“Durante mucho tiempo el pueblo de Puerto Rico ha tenido reparos en asignar al Gobernador la autoridad necesaria para cumplir con sus deberes según se declaran en la Carta Orgánica. Esta actitud se fundaba en una razón sencilla, a saber: el Gobernador no se escogía por los votos del pueblo, sino por nombramiento. Y como se le nombraba, no era responsable al pueblo y a su Asamblea Legislativa elegida. Como no era responsable al pueblo, éste no establecía con él, a través de la Legisla-
Legislature, any bond of confidence, and neither did he establish such bond with the people. The latter did not choose him, a basic condition in any democratic community for delegating executive authority to a public officer. Under such circumstances it was practically necessary for the Legislature to restrict executive authority."

The result of this legislative distrust was the investing of the Executive Council with about a hundred functions of various natures, each of them delegated to it by law. The Executive Council is too large numerically to function as an executive body. Its inability to cope with the study and solution of the many and serious government problems coming to it for consideration has become more evident every day.

Other reasons, too, point to the need for redistributing the powers today vested in the Executive Council. The heads of department are extremely busy officers whose responsibilities have noticeably increased in recent years due to the large number of programs for the benefit of the people which this government has put into effect. Their duty to participate in the decision of innumerable matters entrusted by law to the Executive Council robs the Council of precious time which they could devote to taking care of their direct responsibilities. This same situation frequently prevents the Governor from using meetings of his department heads for the discussion of important public matters, as it is imperative that the time be used for the carrying out of the statutory duties imposed on the Council.

Furthermore, using an organization such as the Executive Council, composed of many members, for the performance of executive functions, contributes to the weakening of responsibility and creates innumerable difficulties for the holding of meetings with the requisite number of members, a condition which redounds in unnecessary delays, and also places the decision on various matters in the hands of officers who have no direct knowledge of them.

The Plan I am submitting to you provides for the transfer to the Governor of various functions of the Executive Council. It is considered advisable that in performing the functions enumerated in Sections 3 and 4 of the Plan, the Governor should receive, before taking action, the specific recommendations of the officers mentioned in said sections. Although the Governor will have the final authority for performing such functions as he may
deem advisable, the nature of the decisions to be made under that section makes advisable the participation of other officers.

The Plan moreover contains provisions transferring various faculties from the Executive Council to other officers in the executive branch of the government. These functions are closely related with the present work of said officers and may be effectively performed by them.

Within the next few days I shall submit to you a number of bills to supplement the provisions of this Plan. Those bills will provide for the transfer of other functions of the Executive Council to the Governor and other officers. These changes can not be made within the limitations of the Reorganization Act.

If you approve the changes I am proposing, the Executive Council will lose almost all of its functions. In the new political picture in which the activities of our government are being developed, the Council no longer performs any useful function. By redistributing the authority vested in the Council as years went by and by discontinuing the traditional practice of assigning it executive tasks, the Governor will be able to exercise the authority inherent in his heavy responsibilities.

Respectfully,

Luis Muñoz Marín,
Governor.

LA FORTALEZA, July 21, 1950.

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REORGANIZATION PLAN NO. 12 OF 1950

Prepared by the Governor and transmitted on July 21, 1950 to the President of the Senate and the Speaker of the House of Representatives to be submitted to the Legislature pursuant to the provisions of the Reorganization Act of 1949, as amended.

EXECUTIVE COUNCIL

Section 1.—The following functions of the Executive Council are hereby transferred to the Governor of Puerto Rico:

(1) Authority to fix the date for the transfer of public property to the Puerto Rico Aqueduct and Sewer Authority under the provisions of Sections 1 and 5(b) of Act No. 163 of May 3, 1949.
(2) Declaration of what constitutes urban area under the provisions of Section 1 of Act No. 205 of May 14, 1948.

(3) Approval of applications presented by the agencies of the Government of Puerto Rico in connection with the transfer of funds to the Insular Emergency Council, and additional functions under the provisions of Sections 2 and 3 of Act No. 9 of July 1, 1947.

(4) Approval of rules and regulations drafted by the Central Civilian Defense Committee under the provisions of Section 2 of Act No. 18 of November 30, 1942.

(5) Authority to fix the terms and conditions for the transfer of the title to any property of The People of Puerto Rico to the Puerto Rico Communications Authority under the provisions of Section 13 of Act No. 212 of May 12, 1942.

(6) Authority to fix the terms and conditions for the transfer of the title to any property of The People of Puerto Rico to the Puerto Rico Transportation Authority under the provisions of Section 9 of Act No. 125 of May 7, 1942.

(7) Authority to fix the terms and conditions for the transfer of the title to any property of The People of Puerto Rico to the Puerto Rico Water Resources Authority under the provisions of Section 13 of Act No. 19 of April 8, 1942.

(8) Approval of resolutions of municipal governments declaring necessary the operation of municipal housing authorities under the provisions of Section 4 of Act No. 126 of May 6, 1933.

(9) Declaration of public utility in connection with lands to be used for working offices of mining establishments under Section 66 of Act No. 9 of August 18, 1933.

(10) Approval of rules and regulations prescribed by the Commissioner of Health under the provisions of Section 3 of Act No. 24 of April 22, 1931.

(11) Approval of the establishment and maintenance of a common cemetery for two or more municipalities, and approval of the expenses for said purposes, under the provisions of Section 41 of Act No. 24 of April 22, 1931.

(12) Declaration of public utility under the provisions of Section 1 of Act No. 50 of April 28, 1930.
(13) Authorization to the Commissioner of the Interior to direct the demolition of works which threaten ruin under the provisions of Section 39 of Act No. 54 of July 11, 1921.

(14) Approval of regulations of the Board of Pharmacy under the provisions of Section 5 of Act No. 282 of May 15, 1945.

(15) Approval of the prices fixed by the Commissioner of Agriculture and Commerce for the lease of lands suitable for the planting and cultivation of fiber plants under the provisions of Section 4 of Act No. 270 of May 15, 1938.

(16) Approval of the regulations prescribed, repealed, or amended by the Commissioner of Health under the provisions of Section 1 of Act No. 23 of July 1, 1947.

(17) Authority to condemn real property for the establishment of servicing centers under the provisions of Section 8 of Act No. 83 of May 7, 1947.

Section 2.—The Governor shall be authorized to delegate to the officer or agency designated by him any of the functions transferred to him under Section 1 of this Reorganization Plan.

Section 3.—The following functions of the Executive Council are hereby transferred to the Governor of Puerto Rico, and said functions shall be performed by the Governor upon recommendation of the Treasurer and the Attorney General:

(1) Approval of the exchange, sale or lease of public lands and approval of compensation in such cases, under the provisions of Sections 1 and 2 of Act No. 182 of May 5, 1949.

(2) Approval of the lease of public lands and buildings under the provisions of Section 1 of Act No. 48 of April 20, 1949.

(3) Approval of loans authorized by the Board of Commissioners of the Government of the Capital of Puerto Rico under the provisions of Section 18(3) of Act No. 99 of May 15, 1931, as amended by Act No. 39 of April 28, 1945.

(4) Authority to compensate the municipalities affected by condemnation proceedings instituted by the Federal Government.
or the Insular Government, determining which municipalities have been so affected and under what conditions, in accordance with Sections 1, 2 and 3 of Act No. 83 of May 11, 1943.

(5) Approval of ordinances authorizing the issuance of bonds by the municipalities under the provisions of Section 5 of Act No. 45 of August 7, 1935.

(6) Approval of sales made at public auction by the Commissioner of the Interior of mangrove swamps, and approval of the regulations prescribed by said Commissioner under the provisions of Sections 1 and 2 of Joint Resolution No. 7 of May 13, 1927.

(7) Approval of agreements entered into by the Commissioner of the Interior with the holders of mangrove swamps under the provisions of Section 5 of Joint Resolution No. 7 of May 13, 1927.

(8) Approval of deferments of lease contracts of the reclaimed lands belonging to The People of Puerto Rico and situate on the south side of Ponce de León Avenue in San Juan, under the provisions of Section 1 of Act No. 123 of May 2, 1940.

(9) Approval of sales or leases of the land along the northern and southern lines of the Isla Grande bulkhead and of the land situate to the north of the marginal street, belonging to The People of Puerto Rico, under the provisions of Section 1 of Act No. 16 of May 25, 1927.

(10) Approval of sales or leases of the land belonging to The People of Puerto Rico which is occupied and held in usufruct, under the provisions of Section 2 of Act No. 125 of May 2, 1940.

(11) Approval of contracts between governmental organizations and commercial entities in which any officer, employee or executive of a governmental organization has a financial interest, in accordance with the provisions of Sections 2 and 3 of Act No. 28 of June 8, 1948.

Section 4.—There is hereby transferred to the Governor the functions of the Executive Council to revoke the license of any surety, insurance or loan and building company, or of any bank or quasi-public corporation doing business in Puerto Rico, under the provisions of Section 354 of the Political-Administrative Code.

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5. gobiernos federal o insular, determinar cuáles municipios y bajo qué condiciones, de acuerdo con los Artículos 1, 2, y 3 de la Ley Núm. 83 de 11 de mayo de 1943.

5. Aprobación de ordenanzas autorizando la emisión de bonos por los municipios bajo las disposiciones del Artículo 5 de la Ley Núm. 45 de 7 de agosto de 1935.

6. Aprobación de las ventas hechas en pública subasta por el Comisionado de lo Interior de terrenos cubiertos de mangle y aprobación de los reglamentos dictados por dicho Comisionado bajo las disposiciones de las Secciones 1 y 2 de la Resolución Conjunta Núm. 7 de 13 de mayo de 1927.

7. Aprobación de las transacciones hechas por el Comisionado de lo Interior con los poseedores de manglares bajo las disposiciones de la Sección 5 de la Resolución Conjunta Núm. 7 de 13 de mayo de 1927.

8. Aprobación de prórrogas de contratos de arrendamiento de terrenos ganados al mar pertenecientes a El Pueblo de Puerto Rico y situados al lado Sur de la Avenida Ponce de León en San Juan, bajo las disposiciones del Artículo 1 de la Ley Núm. 123 de 2 de mayo de 1940.

9. Aprobación de ventas o arrendamientos de terrenos a lo largo de las líneas norte y sur del malecón de Isla Grande y de terrenos al norte de la calle marginal, pertenecientes a El Pueblo de Puerto Rico, bajo las disposiciones de la Sección 1 de la Ley Núm. 16 de 25 de mayo de 1927.

10. Aprobación de ventas o arrendamientos de terrenos pertenecientes a El Pueblo de Puerto Rico y que se encuentran ocupados y usufructuados, bajo las disposiciones de la Sección 2 de la Ley Núm. 125 de 2 de mayo de 1940.

11. La aprobación de contratos entre organismos gubernamentales y entidades comerciales en los cuales tenga interés financiero un oficial, empleado o ejecutivo del organismo gubernamental, de acuerdo con las disposiciones de los Artículos 2 y 3 de la Ley Núm. 28 de 8 de junio de 1948.

Artículo 4.—Se transfiere al Gobernador la función del Consejo Ejecutivo de revocar la licencia de cualquier compañía de fianzas, de seguros, o de préstamo y para la construcción de edificios, cualquier banco o corporación cuasi pública que tenga negocios en Puerto Rico bajo las disposiciones del Artículo 354 del
Código Político-Administrativo de Puerto Rico, la cual desempeñará el Gobernador previa recomendación del Secretario Ejecutivo y el Procurador General.

Artículo 5.—Se transfiere al Tesorero de Puerto Rico la función del Consejo Ejecutivo de cancelar exenciones contributivas concedidas a espíritus destilados transferidos o vendidos al Ejército, la Marina y la Fuerza Aérea de los Estados Unidos, bajo las disposiciones del Artículo 2 de la Ley Núm. 82 de 25 de abril de 1949.

Artículo 6.—Se transfiere al Comisionado de Salud la función del Consejo Ejecutivo de aprobar las reglas y reglamentos preparados por la Junta Examinadora de Enfermeras bajo las disposiciones de la Sección 7 de la Ley Núm. 77 de 15 de mayo de 1930, según enmendada.

Artículo 7.—Se transfiere a la Oficina de Personal la función del Consejo Ejecutivo de aprobar becas para el personal del Hospital de Medicina y Cirugía Industrial y de Rehabilitación Física bajo las disposiciones del Artículo 6 de la Ley Núm. 388 de 22 de abril de 1946.

Artículo 8.—Por la presente se transfieren al Gobernador los récords y la propiedad que están siendo usadas por el Consejo Ejecutivo en conexión con las funciones que se le transfieren al Gobernador por las disposiciones de este plan de reorganización. Además se transfieren al Tesorero los récords y la propiedad que están siendo usadas por el Consejo Ejecutivo en conexión con las funciones transferidas por el Artículo 5 de este plan; al Comisionado de Salud las que están siendo usadas en conexión con las funciones transferidas por el Artículo 6; a la Oficina de Personal las que están siendo usadas en conexión con las funciones transferidas por el Artículo 7 de este plan de reorganización.

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**PLAN DE REORGANIZACIÓN NUM. 13 DE 1950**

**ADMINISTRACION GENERAL DE SUMINISTROS Y OFICINA DE SERVICIOS DEL GOBIERNO DE PUERTO RICO**

**MENSAJE DEL GOBERNADOR DE PUERTO RICO**

**TRANSMITIENDO**

El Plan de Reorganización Núm. 13 de 1950 que suprime la Administración General de Suministros y Transfiere sus funciones y las de su administrador al Departamento de Agricultura y Comercio y que además transfiere la Oficina de Servicios del Gobierno de Puerto Rico y la Junta de Subastas al Departamento de Hacienda.