

23 L.P.R.A. § 671

This Session is current through December 2012

**Laws of Puerto Rico Annotated > TITLE TWENTY-THREE Public Planning and Development
> PART II. Economic Development > Chapter 39. Tourism Company**

§ 671. Short title

Puerto Rico Tourism Company Act.

History

—June 18, 1970, No. 10, p. 413, § 1; June 3, 1976, No. 141, p. 416, § 1.

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23 L.P.R.A. § 671a

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**Laws of Puerto Rico Annotated > TITLE TWENTY-THREE Public Planning and Development
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§ 671a. Creation

A public corporation and instrumentality of the Government of the Commonwealth of Puerto Rico is hereby created under the name of “Puerto Rico Tourism Company” which shall be hereafter called the “Company”.

It shall have legal existence and personality independent of the Commonwealth Government or any dependency thereof.

History

—June 18, 1970, No. 10, p. 413, § 2; June 3, 1976, No. 141, p. 416, § 2.

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23 L.P.R.A. § 671b

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§ 671b. Board; powers; composition; term; per diems

The board shall be composed of the following seven (7) members: the Secretary of Economic Development and Commerce, or his/her designated representative, who shall have the capability, knowledge and decision-making authority to effectively represent the executive official being represented; and six (6) regular citizens appointed by the Governor of Puerto Rico for a term of four (4) years with the advice and consent of the Senate of Puerto Rico; provided, that the term of the appointment shall not exceed the term for which the governor who appointed them was elected. Two (2) members shall have experience and knowledge in the hotel and parador sector; at least three (3) members shall represent different tourist regions other than the metropolitan area. Notwithstanding the foregoing, the six (6) members of the private sector may continue to hold their office until the governor in office for the following four-year term appoints their successors. The Secretary of Economic Development and Commerce shall be the Chair of the Board. In the event that the Secretary of Economic Development and Commerce is unable to attend, his/her designated representative shall answer directly to him/her, who shall, in turn, be responsible for the determinations made by the Board. The seven (7) members shall be entitled to vote.

The six (6) private citizens appointed to the board shall meet the requirement of filing an annual report with the Office of Government Ethics, as provided in §§ 1801 et seq. of Title 3, known as the "Ethics in Government Act".

The members of the board shall receive no compensation whatsoever for their services. However, the company shall reimburse the board members of the private sector any expenses incurred by them while performing their duties, as provided in the Tourism Company Personnel's Regulation.

The Board of Directors shall have an advisory council composed of one representative of the Puerto Rico Hotel and Tourism Association, one representative of the Executive Committee of the Puerto Rico Convention Bureau, one representative of the Puerto Rican parador sector, one representative of the Airlines Association, one member of the tourism transportation sector, and any other member of the industry that the board may designate for such purposes. Such Advisory Council shall advise the members of the board on any issue referred to it, provided, however, that no member of the advisory council shall be entitled to vote in the board.

Within sixty (60) days after the board members have been designated, the board shall meet, organize, and appoint a vice chair. It shall also designate and fix the compensation of an executive director and a secretary, none of which shall be a member of the board. The board shall delegate onto the Executive Director those powers and duties that it may deem appropriate to fully execute the public policy on tourism of the government.

The majority of the members appointed to the board shall constitute a quorum to carry out its meetings and all agreements shall be reached by the majority of the members present with a duly constituted quorum; provided, however, that: (1) with respect to matters in which three (3) or four (4) members of the board have any conflict of interests in any particular issue or matter, as provided in this section, at least three (3) members shall constitute a quorum and all actions related to such matters shall be approved, at least, by the affirmative vote of the majority of members, who shall constitute the majority of the board for such issues.

Provided, further, That the presence of the Chair of the Board or his/her designated representative, as authorized by this section, at the board meetings shall be a sine qua non requirement for constituting a quorum in any of the aforementioned cases.

The term "conflict of interests" shall mean any personal, family or business relationship that may be construed as affecting the objectivity of a member of the board. The board may issue any rules, regulations or circular letters it may deem necessary to implement the provisions of this section.

History

—June 18, 1970, No. 10, p. 413, § 3; June 3, 1976, No. 141, p. 416, § 3; July 24, 1985, No. 24, p. 755, § 1; May 6, 2001, No. 29, § 1; Dec. 19, 2002, No. 282, § 64; Dec. 16, 2009, No. 170, § 1.

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23 L.P.R.A. § 671c

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§ 671c. Executive Director

The Executive Director of the Company shall be appointed by the Board and shall exercise the office at the will of the Board. He shall be selected exclusively on the basis of his merits, which shall be determined taking into consideration the technical preparation, skill, experience, and other aptitudes which qualify him particularly to carry out the purposes of this chapter.

He shall be the executive officer of the Company; he shall have all powers and duties assigned to him by the Board; he shall be responsible to the latter for the execution of its policy and for the general supervision of the operational phases of the Company; he shall be in charge of the general supervision of the officers, employees, and agents of the Company; and he shall attend all meetings of the Board, but without voting rights.

History

—June 18, 1970, No. 10, p. 413, § 4.

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23 L.P.R.A. § 671d

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§ 671d. Rights, duties, and powers

The company shall have and may exercise the rights, duties, and powers that are necessary or convenient to promote, develop, and improve the tourist industry, including, but not limited to, the following:

- (a) To have perpetual succession.
- (b) To adopt, alter, and use a corporate seal of which judicial notice shall be taken.
- (c) To formulate, adopt, amend, and repeal rules and regulations, as provided herein, to govern the internal operation as well as such rules and regulations to exercise and discharge the powers, duties, and other tourist functions which by law are granted and imposed.
- (d) To appoint all its officers, agents, and employees, and to grant them the powers and authorities which it may deem proper; to impose their duties and responsibilities; to fix, change, and pay, adequate compensation; and to regulate all personnel matters without being subject to the laws which govern the personnel office of the Commonwealth, or to the rules and regulations promulgated by said office, except those of general character applicable to public corporations. Said officers and employees shall be classified in the exempt service.
- (e) To sue and be sued.
- (f) To have full control and intervention over all its properties and activities, including the power to determine the use and investment of its funds, and the nature and necessity of all the expenses and how they shall be spent, authorized and paid, without taking into consideration any provision of law regulating the public fund disbursements. This determination shall be final and conclusive.
- (g) To enter into contracts and perfect all such instruments as may be necessary or convenient in the exercise of any of its powers.
- (h) To acquire property in any legal manner, including the exercise of condemnation, to possess and administer them as it deems most convenient, and to dispose of them and convey them whenever, and under such conditions as it considers necessary and appropriate.
- (i) To acquire, possess and dispose of shares, rights, contracts, bonds, or other interests in any company, corporation or entity, and to exercise any legal power in relation thereto; to exercise partial or whole control over companies, associations, or subsidiary corporations, for profit or nonprofit purposes, affiliates or associates, when said arrangements may be necessary or convenient to adequately carry out the purposes of the company. It may delegate any of its rights, powers, functions, or duties, to a subsidiary entity which is subject to its whole control, except the right to institute condemnation proceedings.
- (j) Whenever the board deems it necessary, to create subsidiary corporations to fully comply with the mission that this chapter provides.
- (k) To prepare, or cause to prepare or modify plans, projects, and budgets of the cost of the construction, reconstruction, extension, addition, improvement, enlargement or repair or any work of the Company, by means of contract or under the direction of its own officers, agents and employees, or through or by means of the latter.
- (l) To make loans for any of its corporate purposes or to consolidate, restore, pay or liquidate any of its obligations; to guarantee the payment of obligations by means of liens or mortgages of any or all of its contracts, leases, income, or properties, to grant and deliver trust instruments and other agreements with regard to any of said loans, bond issues, notes, obligations, and by the power herein granted by the Commonwealth

of Puerto Rico to issue its own bonds, notes, mortgage bonds or other obligations, in the form, with the security and under such redemption terms, with or without the payment of premiums, and to sell the same at public or private sale for the price or prices, as determined therefor by its board of directors. Provided, That in every debt emission of the company, the Government Development Bank for Puerto Rico shall act as the company's fiscal agent as provided in §§ 581–595 of Title 7.

- (m) To accept gifts and make contracts, leases, agreements, or other transactions with any federal agency, with the government of the United States, with the Commonwealth of Puerto Rico, its agencies or political subdivisions, and to invest the proceeds of said gifts or transactions in any of its corporate purposes.
- (n) To accept, receive, take charge, carry out and conduct, all its functions, faculties, obligations, bureaus, offices, agencies, dependencies, personnel, funds, gifts, properties of any kind which are as signed, conveyed, or transferred by law, by the Governor of Puerto Rico, by any federal agency or by the Government of the United States.
- (o) To administratively propose, recommend, adopt, and coordinate with other agencies, departments, or any pertinent government body, any measures directed, among others, to the following aspects:
 - (1) To develop the quality and the just and reasonable compensation of the products in the tourist traffic.
 - (2) Maintenance of the proper hygienic and health conditions in the tourist facilities and others related to the industry.
 - (3) Conservation of the natural beauties and of the environmental health.
 - (4) Improvement in the services of public cleanliness of streets, parks, beaches, plazas, walks, lakes, forests, and other tourist places.
 - (5) To establish and execute, in coordination with the Department of Transportation and Public Works and the Highway Authority, a plan for marking and identifying streets and tourist, historical and cultural interest areas with international symbols, in agreement with the tourist marking system established by the World Tourism Organization and the federal government of the United States of America. Additionally, to prepare maps and information publications, printed and electronic, including internet pages, in Spanish, English and any other language that the [Tourism] Company deems necessary after performing a market study.
 - (6) Maintenance of order and protection to the persons and to the property.
 - (7) Improvement in the services of communication and transportation by air, sea, and land, including travel agencies and tourist excursions, not only for the increment of tourism, but also for the incentive of the participation in the industrial and commercial activities of Puerto Rico.
 - (8) Improvement in hotel and restaurant services, including safety rules, claims, and other facilities of attention and lodging.
 - (9) To obtain the maximum benefit of the natural resources and the different regions of the Island by virtue of a proportionate distribution of hotel facilities and tourist services. In addition, it shall actively promote and market ecotourism and ecotourism projects, as defined in subsection (n) of Section 3 of Act No. 340 of December 31, 1998.
- (p) To loan money and secure loans granted by financial institutions to any person, firm, corporation, or other organization, through a program of loans and security on loans program to enterprises of interest to tourism in Puerto Rico, when such loans are to be used to promote, develop and improve Puerto Rico's tourist industry. Any loan or security to be granted by the company shall be approved by the board, and shall meet all terms and conditions established by the Board by regulations.
- (q) Require tourism businesses endorsed by the Tourism Company operating in Puerto Rico, to furnish any necessary statistical data, either in electronic or paper format, to develop a data base that may contribute with the marketing and effective planning of the tourist activity: If the paper format option is chosen, the company

shall establish through regulation, a reasonable transition period until the data collection of statistics by electronic means is completed. Each tourist business shall designate a contact person who shall be in charge of furnishing the necessary statistical data to the Tourism Company. The requirements imposed under this section on the Tourism Company and tourist businesses are mandatory and shall be answered within the term provided by the Tourism Company; specifically, but not limited to, tourist businesses endorsed by the company operating in Puerto Rico and registering guests in their facilities, shall be required to furnish data related to guest registers within seven (7) calendar days after the close of the month in question. Failure to comply with said requirements shall constitute a violation of the obligation imposed hereunder of providing the pertinent statistical data. Such data shall be furnished confidentially, if it contains confidential data or trade secrets that may identify specific natural or juridical persons. However, aggregate figures and data and products and statistical analyses that do not disclose confidential data or trade secrets shall be made available to the general public. Such data shall be furnished confidentially, disclosing aggregate figures to tourist businesses that provided them (without disclosing individual data of lodgings or businesses), as well as potential investors in order to help them to develop their plans.

- (r) Hold public hearings, summon witnesses, issue orders, resolutions, and decisions, and perform any other duties of a quasi judicial nature that would be necessary to implement the provisions of this chapter.
- (s) To impose, determine, fix, assess, collect, supervise, distribute, regulate, investigate, intervene and sanction the tax on the room occupancy rate, as provided in §§ 2271–2272v of Title 13, known as the “Commonwealth of Puerto Rico Room Occupancy Rate Tax Act”.
- (t) To conduct adjudicative hearings to hear complaints against any person under its jurisdiction, *motu proprio* or at the request of an interested party, as provided in this chapter, and to impose appropriate sanctions or fines according to the regulations promulgated to those effect[s] pursuant to §§ 2101 et seq. of Title 3, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico”.
- (u) To investigate, issue summons, require documents believed pertinent and declare evidence void *motu proprio* or in representation of the person who initiated the complaint.
- (v) Make effective and implement an administrative structure with full powers to supervise the laws and regulations approved pursuant thereto and resolve those complaints brought before its consideration and grant the pertinent remedies according to law.
- (w) Establish the rules and norms needed to carry out the administrative proceedings it conducts, be they regulatory or adjudicatory, according to the provisions of §§ 2101 et seq. of Title 3.
- (x) Issue orders to compel the appearance of witnesses and the production of the required documents and information.
- (y) Introduce any legal remedies needed to make the purposes of this chapter effective and ensure that the rules, regulations, orders, resolutions and determinations of the Company are complied with, including the power to impose sanctions pursuant to the provisions of §§ 2101 et seq. of Title 3.
- (z) Establish and maintain a register of the authorizations granted, including as well those that have been cancelled or suspended. Any authorization of the Company shall be subject to an administrative action for suspension, cancellation or cease of operations in the case of noncompliance with the norms in effect by the entities to which an authorization has been granted.
- (aa) Require that travel agents and wholesalers include the number and type of license that authorizes them to operate in Puerto Rico, in any travel offer promotion published in the media of the Island, as well as an itemized breakdown of all components of the travel offers.
- (cc) Regulate and issue certifications to juridical persons or entities operating facilities, docks or boats engaged in rendering nautical tourism services, which include, without it being construed as a limitation: (i) rental or chartering of boats for leisure, recreation, and tourist education purposes; (ii) leasing of jet skis and other similar equipment to guests in a hotel, condo-hotel, timeshare or vacation club, or located within a tourist resort; or (iii) services offered by facilities or docks to boats devoted to nautical tourism for guest

entertainment and leisure, in exchange for a compensation in waters within and outside of Puerto Rico. The company shall, in turn, investigate, intervene, and impose administrative fines or other sanctions on any person or juridical entity operating facilities, docks, or boats devoted to providing nautical tourism services.

- (bb)** Establish a program for the certification, promotion, marketing and continuing education aimed at tour guides. In addition, it shall provide continuing education courses for the betterment of the profession. In order to achieve due compliance with the provisions of this subsection, the Company is hereby authorized to establish a Tour Guide Council, presided by the Executive Director of the Company and composed of tour guides and representatives of the tourist transportation sector and by the sectors of the tourism industry he/she deems pertinent, which shall serve as a permanent discussion forum, to contribute, among other things, to the regulations for regulating everything concerning the tour guide certification provided for in § 671e of this title, and to develop a plan for the betterment and professional training of tour guides.

History

—June 18, 1970, No. 10, p. 413, § 5; May 27, 1985, No. 18, p. 55, § 1; Aug. 17, 2002, No. 187, § 1; Sept. 19, 2002, No. 228, § 1; Dec. 19, 2002, No. 282, § 65; Aug. 16, 2003, No. 185, § 1; Aug. 28, 2003, No. 212, § 2; Sept. 9, 2003, No. 272, § 67; Sept. 15, 2004, No. 301, § 1; Sept. 29, 2004, No. 523, § 18; May 27, 2005, No. 16, § 1; May 6, 2008, No. 52, § 1; Dec. 16, 2009, No. 170, § 2.

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23 L.P.R.A. § 671e

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§ 671e. Responsibilities

The Company shall be responsible for:

- (1) Adopting, participating, organizing, and encouraging promotional programs and tourist attraction programs, such as the preparation and publication of books, magazines, pamphlets, maps and printed matter of all kinds and films, which may be distributed, circulated, and exhibited on the Island as well as in other countries.
- (2) Participating, organizing, coordinating, and encouraging promotion programs and tourist attractions whose themes and principal objectives are the native motives, the artistic and cultural production and the distinctive characteristics of our country, in order to make visitors take an interest in our history, culture, and personality of the people.
- (3) To inquire into the opinion that tourists have formed of the country after a visit or several visits; the most common problems that they meet; the criticism which they express; and the constructive measures which may be carried out in that respect.
- (4) To make scientific researches on the tourism potentiality and its demand, as well as on the facilities of the Puerto Rican industry to meet these demands for services.
- (5) Promoting the training of the personnel needed for tourist activities, as well as the opportunities and executive training of employees in the hotel industry. Coordinating with the Department of Education, the establishment of a hotel and tourism school at the vocational and/or specialized and technical level, in order to promote the training and retraining of the human resources of the tourism industry in Puerto Rico.
 - (a) Establishing an Advisory Board of a consultive nature that shall make recommendations to the Department of Education on the content of the curricula and programs according to the needs of the tourism industry. This Board shall be composed of nine (9) members: the Executive Director of the Tourism Company of Puerto Rico, who shall preside it; the Secretary of the Department of Education, who may delegate his/her representation on the Secretary of Vocational Instruction; the Chairman of the Hotels and Tourism Association of Puerto Rico; the Chairman of the Puerto Rico Travel Agents Association; the Dean of the Department of Hotel and Restaurant Administration of the University of Puerto Rico in Carolina, who may delegate his representation on the Director of the Program; the Administrator of the Future Workers and Entrepreneurs Training Administration; and the Secretary of the Department of Labor and Human Resources; a representative of the tourist guides and a representative of land tourist transportation, who shall be appointed by the Director of the Tourism Company of Puerto Rico.
 - (b) *Terms.*— The members of the public sector appointed by virtue of this chapter shall hold office for the term of their appointments as Secretaries or Directors of the aforementioned agencies. The members of the private sector shall hold office for the term of their appointments as chairpersons of the Association. Representatives of the tourist guide and land tourist transportation sectors shall hold office for two (2) years.
 - (c) *Organization of the Board.* — Within a period which shall not exceed thirty (30) days from the approval of this act, the Chairman of the Board shall convoke Board members to meet, organize and establish bylaws for its administration, pursuant to the Uniform Administrative Procedures Act, §§ 2101 et seq. of Title 3.
 - (d) *Meetings.*— The Board shall meet at least, but without limitation, four (4) times per year, in special meetings convened by the majority of the members, when necessary. All regular and special meetings shall be notified to all Board members and to any other person, as determined by the Board.

- (6) Issuing certificates accrediting that the hotels, condohoteles, resorts, paradores, rural tourism lodges, guesthouses, tourist villas and other tourist facilities and activities meet the requirements established through regulations by the Company for promotional purposes concerning such matters as the classification and the category of the quality of the services, the physical facilities, the hygienic and sanitary conditions and the safety and protection of the public that visits them. This authority must not be construed to be limitative of similar functions of any other government agencies or entities, since the categories and classifications fulfill a promotional purpose; however, the establishment of categories or classifications neither makes the Company responsible for the functions of all other government agencies or entities.
- (7) Studying, preparing, reviewing, and coordinating all legislation which affects or may affect, or which in any manner is related to the tourist industry, and to make the necessary and pertinent recommendations to that effect.
- (8) Studying, proposing and coordinating with the Planning Board, a regulating plan for tourism promotion and development in Puerto Rico. It is provided that the company shall establish, in coordination with the municipalities, municipal and regional tourism committees to integrate the community into the process of tourism planning and development. Said committees shall be governed by regulations to be issued for such purposes by the Tourism Company, and shall be composed of representatives of the hotel industry and paradores, restaurants and the commerce and banking sector, transportation, historians, architects, planners, environmentalists and artisans, among others, no later than sixty (60) days after the regulation takes effect. The participation of at least one representative of the residents is hereby guaranteed.
- (9) To advise the Minimum Wage Board in connection with determinations which said Board might make concerning the tourist industry.
- (10) Regulating, investigating, overseeing, intervening and imposing sanctions to those juridical persons or entities engaged in rendering tourist ground transportation services in the Commonwealth of Puerto Rico.
- (11) The development of a Nature Tourism Program, in coordination with the Executive Director of the Puerto Rico National Parks Company, which shall promote and sell this type of tourist attractions, without being limited to those within the Puerto Rico National Parks System; and shall conduct an inventory of said tourist attractions.
- (12) The promotion and advertising of ecotourist projects that have been duly certified by the Secretary of the Puerto Rico Department of Natural and Environmental Resources.
- (13) Regulating, investigating, intervening and sanctioning those persons or entities dedicated to the sale or offering for sale within Puerto Rico of travel [by] air, land or aquatic transportation tickets to persons for places in Puerto Rico, or abroad, or who make lodging, entertainment or land transportation reservations, or prepare and sell integral travel or tours within Puerto Rico, or abroad.
- (14) Approving regulations for regulating everything concerning tour guide certification in the Commonwealth of Puerto Rico.
- (15) Establishing, constituting, and organizing the Puerto Rico Sports Tourism Council, which shall have the duty to draft the public policy on sports as a segment for economic investment and the projection of the Island as a destination. It shall draft, in turn, the strategic plan for the practice of those sports tourism events with the potential of attracting economic benefits and promotion for the Island and promote the development of infrastructure and facilities suitable for holding different kinds of local and international sports events. Creating an inventory of existing sports infrastructure, to be made public and accessed over the agency's webpage (Internet), both in the Spanish and the English languages, not to be construed as an exclusion of any other language that allows for its massive dissemination, and promote the same for holding sports events from abroad; evaluating recommendations for investment by financially supporting different sports events.
 - (a) The Sports Tourism Council shall be composed of the following eight (8) members: the Executive Director of the Puerto Rico Tourism Company, who shall preside the same and render support services pertaining to the Office of the Secretary of the Council regarding minutes and agreement follow-ups; the Secretary of the

Department of Economic Development; the Secretary of the Sports and Recreation Department; the Chair of the Puerto Rico Olympic Committee; the Commissioner of Municipal Affairs; and the Executive Director of the Puerto Rico Convention Bureau; and two (2) members of the private sector who shall represent the public interest, one of whom shall have at least five (5) years of experience in the fields of advertising, public relations and marketing of events of broad international projection and the other one shall have five (5) years of experience in the administration of sports facilities suitable for holding world-class events. Provided, further, That the majority of the members comprising the Council shall constitute a quorum.

- (b) The members of the Sports Tourism Council shall hold their offices for the term of their appointments as secretaries or directors of the above said agencies and entities. Any person appointed to fill a vacancy shall discharge his/her functions for the remainder of the term of the member he/she is succeeding, and in the event the term to hold the office or position to which he/she was appointed has expired, he/she may continue discharging such functions until his/her successor is appointed and takes office. Any vacancies in the Sports Tourism Council in no way shall impair the rights of any other members to exercise their rights and carry out their duties and exercise their authorities.
- (c) The Sports Tourism Council shall hold at least one regular meeting on a quarterly basis. Special meetings may be called by the chair or the majority of the members of the Council. Prompt notice shall be delivered regarding all regular or special meetings to all members as well as to any other such, as the members may determine.
- (d) On or before March 31 of each year, the Sports Tourism Council shall render to the governor and the Legislative Assembly of the Commonwealth of Puerto Rico an annual report on the steps and actions taken to fully comply with the duties entrusted by this subsection. Said report shall comprise the calendar year immediately preceding the term for the filing thereof and include a detailed account of the measures implemented and the issues addressed to attain its objectives.

History

—June 18, 1970, No. 10, p. 413, § 6; July 25, 1997, No. 47, § 1; Aug. 17, 2002, No. 187, § 2; Aug. 29, 2002, No. 213, § 1; Nov. 16, 2002, No. 265, § 6; Dec. 19, 2002, No. 282, § 63; Jan. 4, 2003, No. 63, § 1; Aug. 28, 2003, No. 212, § 1; Sept. 15, 2004, No. 290, § 1; Sept 29, 2004, No. 526, § 1; May 6, 2008, No. 52, § 2; Aug. 15, 2008, No. 280, § 1; Dec. 16, 2009, No. 170, § 3; Nov. 7, 2010, No. 167, § 1.

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§ 671f. Personnel

- (a) The appointments, removals, promotions, transfers, layoffs, reinstatements, suspensions, leaves of absence and changes of category, remuneration or title of the officers and employees of the Company shall be made and permitted as provided by the rules and regulations of the Company.
- (b) The officers and employees of any agency or dependency of the Commonwealth of Puerto Rico may be appointed by the Company without need of examination.

The state officers or employees who may be appointed by the Company and who prior to the appointment might be beneficiaries of any existing pension system or systems; retirement or saving loan fund, shall continue, after said appointment, to have the same rights, privileges, obligations, and status, with respect thereto, which the law prescribes for officers and employees who hold similar positions in the Commonwealth Government; except that if within the term of six (6) months after said appointment an intention is expressed to remove them from the service, in that case his position with respect thereto shall correspond to the position of the officers or employees who resigned or are removed from the Commonwealth Government.

Any employee appointed by the Company who, at the time of his appointment, was holding or had held a position in the Commonwealth Government or had any right or status under the Personnel Office, shall maintain the same condition with respect to the Commonwealth Government which he had at the moment of entering the service of the Company, or those most advantageous which the Personnel Office considers pertinent to the rank or position held in the Company.

Any officer and employee appointed for positions in the Company who at the moment of his appointment had or subsequently might acquire any right or status under the rules and classifications of the Office of Personnel, to be appointed for any similar position in the Commonwealth Government, shall have, when he so requires, the rights, privileges, obligations, and status, with respect to becoming a beneficiary of any existing pension, retirement, or savings and loan fund, system or systems, as if he had been appointed for such a similar position in the Commonwealth Government.

- (c) The officers and employees of the Company shall be entitled to per diem payments which are authorized or approved in accordance with the regulations of the Company.

History

—June 18, 1970, No. 10, p. 413, § 7.

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23 L.P.R.A. § 671g

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§ 671g. Public Hearings

Pursuant to § 5 of this act, the bylaws which the Board may deem necessary and convenient to adopt for the efficient exercise of the powers and duties imposed on the company under this act, and which by their nature affect third parties, shall be subject to the procedures established in §§ 2101 et seq. of Title 3, known as the Uniform Administrative Procedures Act of Puerto Rico.

History

—June 18, 1970, No. 10, p. 413, § 8; Dec. 16, 2009, No. 170, § 4.

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§ 671h. Recommendations

The Company shall recommend the granting of loans, by any government or private entity, authorized to grant them to any natural or artificial person engaged in tourist activities in Puerto Rico, for the purchase, establishment, maintenance, reconstruction, and improvement of facilities and equipment.

History

—June 18, 1970, No. 10, p. 413, § 9.

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23 L.P.R.A. § 671i

This Session is current through December 2012

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§ 671i. Funds; accounting; examination of accounts

All the money of the Company shall be entrusted to recognized depositories of the funds of the Government of the Commonwealth of Puerto Rico, but they shall be kept in a separate account or accounts and be registered in the name of the Company. The disbursements shall be made by the latter in accordance with the regulations and budgets approved as provided by this chapter.

The Company, in consultation with the Secretary of the Treasury, shall establish an accounting system necessary for the adequate control and statistical record of all the income and expenses administered or controlled by the latter. The accounts shall be kept in such a manner that they may be segregated in accordance with the different kinds of activities carried out.

The Comptroller of the Commonwealth of Puerto Rico shall examine, at least once a year, all the accounts and books of the Company, and shall inform the Board, the Governor, and the Legislature of the result of his examination.

History

—June 18, 1970, No. 10, p. 413, § 10.

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23 L.P.R.A. § 671j

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§ 671j. Reports

The Company shall submit to the Governor and to the Legislature, during the beginning of each legislative session, the following reports:

- (a) Financial condition.
- (b) Businesses carried out during the preceding year.
- (c) State and progress of all its enterprises and activities since the creation of the Company or from the date of the last report.

The Company shall also submit to the Governor and to the Legislature, on such occasions as may be required, official reports of their businesses and activities; Provided, That the Company shall submit to the Legislature during the month of January 1973, a complete report on all the enterprises and activities carried out from its creation, and the evaluation and recommendations which it may deem pertinent with respect to its organization and operation.

History

—June 18, 1970, No. 10, p. 413, § 11.

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23 L.P.R.A. § 671k

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§ 671k. Responsibility for debts

The debts and other obligations of the Company shall not constitute debts or obligations of the Commonwealth, nor of any of its municipalities or other political subdivisions, and the latter shall not be liable with respect to them, it being understood that said debts and obligations shall not be payable from funds other than those of the Company.

History

—June 18, 1970, No. 10, p. 413, § 12.

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23 L.P.R.A. § 6711

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§ 6711. Acquisition of property

Every work, project, personal or real, corporeal or incorporeal property with its corresponding accessories, which the Company may deem necessary to acquire, use or administer, shall be declared of public utility by this chapter and they may be condemned by the Company or by the Commonwealth, at its request, without the previous declaration of public utility.

When, in the judgment of the Company, it should be necessary to take immediate possession of the property to be condemned in Puerto Rico, it shall request the Governor who, on behalf of the Commonwealth of Puerto Rico, shall acquire them. The Governor shall have the power to acquire, by any means authorized by law, for the use and benefit of the Company, the property and real rights which may be necessary and proper to carry out the purposes and objects thereof. The Company shall in advance place at the disposal of the Commonwealth of Puerto Rico, the necessary funds which may be considered as the value of the property or rights to be acquired. The difference in value which may be decreed by the court may be paid by the Commonwealth Treasury, but the Company shall be bound to refund the difference to the latter. Once the full refund is made, the title of said property shall be transferred to the Company, by order of the court, upon evidence to that effect. In such cases where the Governor deems it necessary and convenient that the title over the property or rights thus acquired be directly registered in favor of the Company to expedite the accomplishment of the objects and purposes for which it was created, it may so request the court at any time within the condemnation proceeding, and the latter shall so order. The power conferred hereunder shall not limit or restrict, in any manner whatsoever, the Company's own power to acquire property.

The condemnation proceedings instituted under the provisions of this chapter shall be prosecuted in accordance with the provisions of §§ 2901—2913 of Title 32.

History

—June 18, 1970, No. 10, p. 413, § 13.

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23 L.P.R.A. § 671m

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§ 671m. Transfer of public property

The Commonwealth of Puerto Rico, its agencies and political subdivisions, are hereby authorized to assign and convey to the Company, at the request of the latter, and under reasonable terms and conditions, with the approval of the Governor without need of a public auction, any property or interests thereon, including property already devoted to public use, which the Company believes necessary or convenient to carry out its own purposes.

The Secretary of Transportation and Public Works shall transfer to the Company, free of charge, as if they were contributions from public funds and upon the approval of the Governor of Puerto Rico, the lands of the Commonwealth which in the opinion of the Company may be deemed necessary to carry out its projects and purposes.

These provisions shall not be construed in the sense of authorizing the assignment or conveyance of property devoted to other purposes by legislative fiat, nor shall they limit or restrict in any manner whatsoever the Company's own power to acquire property.

The Secretary of Transportation and Public Works shall submit to the Legislature every year a statement of the properties assigned and conveyed to the Company by virtue of the authorization contained herein and the value of said property.

History

—June 18, 1970, No. 10, p. 413, § 14.

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23 L.P.R.A. § 671n

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§ 671n. Liens on properties

The Company shall be subject to all the obligations and liens of the properties transferred to it and shall not take any action to impair the obligations and contractual duties imposed or assumed by the Commonwealth.

History

—June 18, 1970, No. 10, p. 413, § 15.

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23 L.P.R.A. § 671o

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§ 671o. Exemption from payment of taxes

It is hereby resolved and declared that the purposes for which the company and the activities developed by the company and its subsidiaries, are for public purposes and activities in benefit of the Commonwealth of Puerto Rico in general. Therefore, the properties and activities of the company and any subsidiary organized and controlled by the latter, in accordance with the provisions of this chapter, shall be exempt from the payment of any duties, tariffs or levies, whether state or municipal, as well as from any tax.

The company and any subsidiary corporation organized and controlled by the latter shall also be exempt from the payment of fees for the continuance of judicial proceedings, the issuance of certificates in all the offices of the Commonwealth, and the execution and registration of any public document in any public registry.

History

—June 18, 1970, No. 10, p. 413, § 16; Dec. 16, 2009, No. 170, § 5.

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23 L.P.R.A. § 671p

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§ 671p. Transfer of personnel and property from Tourism Department

All the personnel, equipment, material, files, functions, property, obligations, and budgetary funds of the Tourism Department of the Economic Development Administration are hereby transferred to the Company. Likewise, the powers and duties which are at present exercised by the Economic Development Administration under §§ 71—79 of Title 15 are transferred to said Company.

Said transfer shall be carried out within sixty (60) days from the date of approval of this act by executive order of the Governor of Puerto Rico and notice to the Legislature.

History

—June 18, 1970, No. 10, p. 413, § 17.

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23 L.P.R.A. § 671q

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§ 671q. Rights of transferred personnel

The officers and employees of the Tourism Department of the Economic Development Administration who are transferred to the Company by virtue of this chapter shall receive at least the same compensation that they received at the time of the effectiveness of their transfer and shall continue enjoying any benefit in any retirement system or any savings and loan plan of which they had been a member, and any other right, privilege, obligation, and status, with respect to the functions that they have been discharging in the Tourism Department.

History

—June 18, 1970, No. 10, p. 413, § 18.

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23 L.P.R.A. § 671r

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§ 671r. Prohibition of injunction

No injunction shall be issued to enjoin the application of this chapter or any part thereof.

History

—June 18, 1970, No. 10, p. 413, § 19.

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23 L.P.R.A. § 671s

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§ 671s. Penalties

Any person violating any of the provisions of this chapter, as well as of its regulations, shall be guilty of a misdemeanor and if convicted, shall be punished with a fine of not less than one thousand dollars (\$1000), nor greater than three thousand dollars (\$3000), or jail for a period of not less than one (1) month or more than six (6) months, or both penalties, at the discretion of the court.

The Puerto Rico Tourism Company is hereby empowered to withdraw its endorsement from the enterprises who enjoyed it if they persist in not supplying the required statistics to the Company on three (3) consecutive occasions.

History

—June 18, 1970, No. 10, p. 413, § 20; Sept. 19, 2002, No. 228, § 2.

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