

(H.B. 1082)
(Reconsidered)

(No. 158)

(Approved December 20, 2005)

AN ACT

To create and set the boundaries of the Porta del Sol – Puerto Rico Tourist Destination; set the boundaries of the geographical area of the Destination; direct the Puerto Rico Tourism Company to draft a “Strategic Plan for Tourist Development and Marketing of the Destination;” create the Executive Board for the Development of Porta del Sol – Puerto Rico; create the Infrastructure, Development, Transportation and Environmental Matters Committee; create the Education and Marketing Committee; direct the Municipalities that constitute the Porta del Sol – Puerto Rico to prepare an inventory of tourist facilities and attractions; and for other purposes.

STATEMENT OF MOTIVES

The activities that involve the tourist industry constitute one of the main components of the economy of Puerto Rico. This important element is a source for the creation of jobs and for the generation of capital for Puerto Ricans. The allure of the natural beauties of the Island as well as its tourist capabilities due to its infrastructure are essential ingredients for competing in the world markets.

After the exacting work and painstaking efforts of the private sector and the government it has been decided to create and establish the boundaries of a Tourist Destination in Puerto Rico to be known as the “Porta

del Sol – Puerto Rico which shall be constituted by the Municipalities located in the Western Region of Puerto Rico. This destination shall comprise the Municipalities of Aguada, Aguadilla, Añasco, Cabo Rojo, Guánica, Isabela, Hormigueros, Las Marías, Lajas, Maricao, Mayagüez, Moca, Rincón, Sabana Grande, San Germán, San Sebastián and Quebradillas.

This initiative requires the creation of an entity to be called the “Executive Board for the Development of Porta del Sol – Puerto Rico.” This Board shall have the collaboration of two committees, to wit, the Infrastructure, Development, Transportation and Environmental Matters Committee and the Education and Marketing Committee. It shall likewise be necessary that the Tourism Company prepare a Strategic Plan for Tourist Development and Marketing of Porta del Sol – Puerto Rico.

This Legislature, conscious of the need to create legislation to further and strengthen the tourist industry and the economy of Puerto Rico in general, considers the creation of the Porta del Sol – Puerto Rico Tourist Destination to be of vital importance.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-“Porta del Sol – Puerto Rico,” creation

The Tourist Destination to be known as Porta del Sol – Puerto Rico is hereby created. “Porta del Sol – Puerto Rico,” shall be a registered trademark property of the Puerto Rico Tourism Company. No natural or juridical person may use the phrase or concept “Porta del Sol” of the “Porta del Sol – Puerto Rico,” trademark for any purpose whatsoever without the prior consent of the Tourism Company.

Section 2.-Strategic Plan for Porta del Sol – Puerto Rico

The Puerto Rico Tourism Company is hereby directed to prepare a Strategic Plan for the Porta del Sol – Puerto Rico tourist development destination. For the purposes of this Act the term “Plan” shall mean the Strategic Plan for the tourist development destination Porta del Sol – Puerto Rico.

The destination known as the Porta del Sol – Puerto Rico shall comprise the Municipalities of Aguada, Aguadilla, Añasco, Cabo Rojo, Guánica, Isabela, Hormigueros, Las Marías, Lajas, Maricao, Mayagüez, Moca, Rincón, Sabana Grande, San Germán, San Sebastián and Quebradillas.

Section 3.-Executive Board; creation

The Executive Board for the Porta del Sol – Puerto Rico Tourist Development, is hereby created to include a Marketing and Education Committee and an Infrastructure, Development, Transportation and Environmental Matters Committee. Both Committees shall be attached and respond to the Chairperson of the Executive Board for the Porta del Sol – Puerto Rico Development.

Section 4.-Executive Board; composition

The Executive Board for the Porta del Sol – Puerto Rico Development shall be constituted as follows: the Executive Director of the Tourism Company, who shall be its Chairperson; the President of the Planning Board; the Secretary of the Department of Transportation and Public Works; the Secretary of the Department of Natural and Environmental Resources; the President of the Economic Development Bank for Puerto Rico; the President of the Committee of the West of the Puerto Rico Hotels and Tourism Association; a member appointed by the Association of Owners of Paradores whose Parador is located within the Porta del Sol – Puerto Rico Tourist

Destination; the President of the Chamber of Commerce of the West; a member of the Federation of Mayors and a member of the Association of Mayors whose municipalities are located within the Porta del Sol – Puerto Rico Destination; a member of the House of Representatives and a member of the Senate of Puerto to be appointed by the Speaker and the President of each respective body.

Section 5.-Powers of the Executive Board

The Board for the Development of Porta del Sol – Puerto Rico shall direct and coordinate the efforts for the implementation of the Plan and be responsible for delimiting the strategies and for taking all actions necessary for making the Porta del Sol – Puerto Rico Destination as a world class tourist destination.

Section 6.-Powers of the Chairperson of the Executive Board

The Chairperson of the Executive Board shall have, among others, the following powers and duties:

- a. Summon the Executive Board to all its regular and special meetings;
- b. Coordinate the work of the Board oriented towards the development of Porta del Sol – Puerto Rico as a world class tourist destination;
- c. Coordinate in a comprehensive manner the work of the Executive Board together with the Committees;
- d. Create subcommittees to attend to specific matters. They may be constituted by members of the Committees or by other officers or persons of the public or private sector involved in or with expertise on the matters of the subcommittee for which they are designated;

e. Be an ex-officio member of all Committees or Subcommittees created in this Act or by the Executive Board for the Development of Porta del Sol – Puerto Rico;

f. Create, with the approval of the Board, all regulations and plans needed for the implementation of this Act; and

g. Establish an office in any of the Municipalities located within the Porta del Sol – Puerto Rico Destination to provide support to the Executive Board or its Committees as well as any Subcommittee established pursuant to the provisions of this Act.

Section 7.-Infrastructure, Development, Transportation and Environmental Matters Committee

The Infrastructure, Development, Transportation and Environmental Matters Committee shall be constituted by the Secretary of the Department of Transportation and Public Works, who shall be its Chairperson; the Executive Director of the Aqueducts and Sewers Authority; the Director for Planning of the Tourism Company; the President of the Committee of the West of the Puerto Rico Hotels and Tourism Association; the Director of the Electric Power Authority; the Director of the Ports Authority; the Director of the Highways Authority; the Secretary of the Department of Natural and Environmental Resources; the President of the Economic Development Bank for Puerto Rico; the President of the Chamber of Commerce of the West; the Director of the Office of Management and Budget, and a member appointed by the Association of Owners of Paradores whose Parador is located within the Tourist Destination known as Porta del Sol – Puerto Rico.

This Committee shall carry out any task entrusted to it by the Executive Board or its Chairperson, as well as any other task the Committee believes shall help achieve the purpose stipulated in this Act. The

Committee shall also have the task of identifying the immediate needs and establish a work plan, approved by the Board, together with the agencies that constitute the same. It shall evaluate the program for the construction of roads, streets and highways, projects for aqueducts and electric power facilities, among others, that may be necessary for strengthening the tourist infrastructure and financial matters related to the development of tourist attractions and facilities. It shall also give particular attention to evaluating the implementation of all phases of the Master Plan created by the Ports Authority for the Rafael Hernández Airport and the establishment of programs for port incentives that foster the tourist and commercial development of the Mayagüez Maritime Port.

Furthermore, the Committee shall draft Regulations to allow for the coordination of and steps to be taken for the installation of signs indicating the towns and the tourist facilities and attractions and the routes to reach these. These Regulations shall include all matters pertaining to the installation of the signs in coordination with the Committee through interested public or private entities for the purpose of meeting the need for providing easy access and identifying locations. Any sign installed to identify the towns and the tourist facilities and attractions and the routes to reach these shall be written in both the Spanish and English languages and in the case of signals, those that are used internationally shall be employed for the benefit of tourists and the general public.

Section 8.-Education and Marketing Committee

The Education and Marketing Committee shall be constituted by the Executive Director of the Tourism Company, who shall be its Chairperson; the President of the Economic Development Bank for Puerto Rico; the Executive Director of the Corporation for the Comprehensive Development

of Ecotourism; and a member appointed by the Association of Owners of Paradores whose Parador is located within the Tourist Destination known as Porta del Sol – Puerto Rico; the President of the Committee of the West of the Puerto Rico Hotels and Tourism Association; a representative of the guided tours operators sector (Guided Tours Enterprises) of the west; a representative of the tourist transportation sector of the west; the President of the Chamber of Commerce of the West; a representative of the tour guides sector of the west; the Executive Director of PR tech; and a representative of the Academic sector (the Universities).

Section 9.-Substitution

Every member may designate an authorized representative who shall officially substitute him/her in the workings of the Executive Board for the Development of Porta del Sol – Puerto Rico or of the Committees or Subcommittees that may be created pursuant to this Act provided that said person is qualified to make decisions on behalf of the government agency or entity which is represented.

Section 10.-Term and Organization of the Works

The members of the public sector shall hold office for the term of their appointments as Secretaries or Directors of the Agencies in question. The appointment of the Representatives of the Legislature and the Mayors shall be for a period of four (4) years or until their legislative term expires, whichever comes first.

The members of the private sector shall hold office for the term of their appointments as Chairpersons or Presidents of the Private Organizations or Associations. The appointment of representatives of the private sector who are not Chairpersons or Presidents of their Organizations or Associations shall be for four (4) years.

The Executive Board and the Committees shall be organized within a period of not more than thirty (30) days after the approval of this Act. The Chairperson of the Executive Board shall call upon all members who constitute the Executive Board for the Development of Porta del Sol – Puerto Rico so they may meet, organize and establish the structure of the Executive Board and of the Committees and at the same time create an internal work plan for their administration. After the first meeting the Chairperson of the Executive Board shall summon the members of both Committees to create the work plan for these.

Section 11.-Meetings

The Executive Board, after being summoned by the Chairperson and the Committees, shall meet at least once a month. However, the Chairperson may call to special meetings when deemed necessary.

No member shall receive any payment whatsoever for his/her work as member of the Executive Board or of any of its Committees or Subcommittees, nor shall he/she receive a per diem for attending the meetings and activities. Those government employees or officers who by virtue of their functions are entitled to a reimbursement for their expenses on account of per diems or mileage shall be excluded pursuant to the applicable Law or Regulations.

Section 12.-Preparation of the Plan

The Tourism Company is directed to prepare a Plan for the destination known as Porta del Sol – Puerto Rico. This Plan shall be one of several working tools for the Executive Board as well as for the Committees and Subcommittees that may be created pursuant to this Act.

The Puerto Rico Tourism Company shall establish an Office for the Executive Board for the Development of Porta del Sol – Puerto Rico in one

of the Municipalities of the Porta del Sol – Puerto Rico Destination and shall furthermore furnish the personnel, materials and support equipment necessary for the proper operations of the Executive Board or of any of its Committees or Subcommittees.

Section 13.-Responsibilities of the Municipalities

The Municipalities set forth in Section 2 of this Act, are directed to submit to the Executive Board for the Development of Porta del Sol – Puerto Rico, an inventory of the present and potential tourist attractions of the latter, as well as of the infrastructure needs of each Municipality. They shall also submit a list of the resident artisans who participate in the popular feast day celebrations and cultural events that are held or take place in those Municipalities to be submitted on or before sixty (60) days after the approval of this Act.

Section 14.-Responsibilities of the Agencies

The Electric Power Authority, the Department of Transportation and Public Works, the Highways Authority, the Aqueducts and Sewers Authority and the Ports Authority are directed to conduct a study of the needs which shall be submitted to the Planning Board, the Tourism Company and the Executive Board for the Development of Porta del Sol – Puerto Rico, that shall include an analysis of the necessary infrastructure and the plans for the work that must be undertaken. This study shall be submitted on or before sixty (60) days after the approval of this Act.

The Institute of Puerto Rican Culture shall be directed to conduct a thorough study of the distinctive cultural elements such as the history, legends, traditions and historic monuments of Porta del Sol – Puerto Rico. This study shall be submitted to the Advisory Board for the Development of

Porta del Sol – Puerto Rico and to the Puerto Rico Tourism Company on or before sixty (60) days after the approval of this Act.

The Department of Natural and Environmental Resources and the National Parks Authority are directed to submit to the Planning Board, to the Executive Board for the Development of Porta del Sol – Puerto Rico and to the Puerto Rico Tourism Company, an inventory of the natural reserves or resources and the recreational facilities that exist in the Porta del Sol – Puerto Rico Destination. Likewise, the Department of Natural and Environmental Resources shall revise its Regulations for Concessions for those persons or enterprises that apply for concessions in the property administered by the agency.

The Economic Development Bank for Puerto Rico is directed to develop a public finance plan for Porta del Sol – Puerto Rico and to promote the economic sponsorship of the private sector. This finance plan shall be submitted to the Executive Board and to the Puerto Rico Tourism Company on or before sixty (60) days after the approval of this Act.

Section 15.-Signs

The Department of Transportation and Public Works is directed to post signs in the areas and along the highways located within the Tourist Destination known as Porta del Sol – Puerto Rico through signboards written in both the Spanish and the English languages, and in the case of signals, through those that are used internationally. The Department shall give priority to the areas and highways delimited by the Executive Board for the Development of the Porta del Sol – Puerto Rico as recommended by the Infrastructure, Development, Transportation and Environmental Matters Committee. The Regulations for signposting which shall be adopted by the Infrastructure, Development, Transportation and Environmental Matters

Committee pursuant to the provisions of Section 7 of this Act shall allow the posting, by public or private interested entities and in coordination with the Committee, of signs strategically located so as to ensure their easy location and access for the benefit of tourists and the general public.

Section 16.-Exclusions

The Destination known as Porta del Sol – Puerto Rico is excluded from the application of subsection 8 of Section 6 of Act No. 10 of June 18, 1970, as amended, known as the “Puerto Rico Tourism Company Act.” No regional or municipal Committee may exist other than those established by virtue of this Act whose purpose is to achieve the functions delegated to the Executive Board or to its Committees created in this Act. The Tourism Company shall ensure strict compliance with the stipulations of this Section.

Section 17.-Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 158 (H.B. 1082) (Reconsidered) of the 2nd Session of the 15th Legislature of Puerto Rico:

AN ACT to create and set the boundaries of the Porta del Sol – Puerto Rico Tourist Destination; set the boundaries of the geographical area of the Destination; direct the Puerto Rico Tourism Company to draft a “Strategic Plan for Tourist Development and Marketing of the Destination;” create the Executive Board for the Development of Porta del Sol – Puerto Rico; etc.,

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

In San Juan, Puerto Rico, today 5th of July of 2006.

Francisco J. Domenech
Director