

Institute of Puerto Rican Culture

Act No. 89 of June 21, 1955, as amended

(Contains amendments incorporated by:

Act No. 86 of June 20, 1961

Act No. 71 of June 20, 1961

Act No. 20 of June 14, 1965

Act No. 122 of June 30, 1965

Act No. 71 of May 26, 1967

Act No. 52 of June 21, 1971

Act No. 82 of June 24, 1975

Act No. 45 of May 16, 1979

Act No. 83 of July 6, 1985

Act No. 5 of July 31, 1985

Act No. 54 of August 22, 1990

Act No. 119 of September 26, 2005

Act No. 141 of October 4, 2007)

To establish the Institute of Puerto Rican Culture and define its purposes, powers and functions.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Reorganization. (18 L.P.R.A. § 1195)

The Institute of Puerto Rican Culture is hereby reorganized as an official, corporate and autonomous entity whose purpose is to preserve, promote, enrich and diffuse the cultural values of the Puerto Rican people, and achieve a broader and fuller awareness thereof.

Section 2. — Board of Directors. (18 L.P.R.A. § 1196)

From the effective date of this act, the Institute of Puerto Rican Culture shall have a Board of Directors composed of nine (9) members, eight (8) of [whom] shall be appointed by the Governor with the advice and consent of the Senate. The ninth member of the Board of Directors shall be the Chairman of the Musical Arts Corporation with full right to voice and vote. The members appointed shall be persons of recognized competence and knowledge of Puerto Rican cultural values and shall be outstanding in their appreciation thereof. Three (3) of the eight (8) members shall be appointed directly by the Governor from among persons of recognized interest and knowledge of Puerto Rican cultural values; three (3) may be selected,

upon prior recommendation, from among twelve (12) candidates proposed by the Board of Directors of the following institutions:

(a) Ateneo Puertorriqueño, three (3) candidates; (b) Academia Puertorriqueña de la Lengua Española, three (3) candidates; (c) Academia Puertorriqueña de la Historia, three (3) candidates, and (d) Academia de Artes y Ciencias, three (3) candidates. The Governor shall appoint two (2) additional members representing the Cultural Centers of the Island, attached to the Institute. One of these shall be a youth eighteen (18) to thirty (30) years of age and his/her appointment shall be for a four (4) -year term. One (1) of the eight (8) members appointed as Directors shall be designated as Chairman of the Board by the Governor. Five (5) of the directors shall be appointed for a term of four (4) years and four (4) shall be appointed for a term of three (3) years. When the term of the first eight (8) members expires, successive appointments shall be made for a term of four (4) years each and until their successors are appointed and take office. In case a vacancy should occur, the Governor shall make a new appointment for the unexpired term of the person who caused it, subject to the provisions of this section that apply to said appointment. The directors shall not receive a salary, but shall receive per diems of fifty dollars (\$50) for each meeting they attend. They shall also be entitled to reimbursement of traveling expenses authorized by the Board. Five (5) directors shall constitute a quorum for the holding of meetings. The meeting to organize the Board shall be called by the Governor. Subsequent meetings shall be held according to the bylaws approved to such effects by the Board of Directors.

Section 3. — Personnel. (18 L.P.R.A. § 1197)

(a) The Board by a majority of its members shall appoint an Executive Director who shall be a person of recognized background and services in behalf of Puerto Rican culture, subject to the direction or general inspection of the Board, and shall serve at its volition. The Executive Director shall reside in Puerto Rico and shall receive a salary and hold a rank equivalent to a Secretary of the Government.

(b) The Executive Director shall appoint the personnel needed to perform or exercise the functions, powers and duties conferred to the Institute. The Institute shall be an Individual Administrator, as the term is defined in Act No. 5 of October 14, 1975, known as the "Puerto Rico Public Service Personnel Act". With the prior written consent of the Administrator of the Central Office of Personnel Administration and of the Director of the Office of Management and the Budget, the Executive Director may contract the services of the employees and officials of any other agency, instrumentality, dependency, public institution or political subdivision of the Commonwealth, and may pay them due compensation for the additional services they give the Institute after their regular working hours as public servants, without being subject to the provisions of Section 177 of the Political Code [3 L.P.R.A. § 551] and the provisions of any other act. When requesting said authorization the Executive Director shall justify the need to contract such personnel.

Section 4. — Purposes, Functions and Powers. (18 L.P.R.A. § 1198)

The Institute of Puerto Rican Culture shall be the government body charged with executing the public policy regarding the development of the arts, the humanities and the culture in Puerto Rico.

(a) To those ends it shall have the following purposes and functions:

- (1) To preserve, care for, restore and survey real and personal property, corporeal or incorporeal, of value to attaining the fullest cognition of the historical and cultural heritage of the people of Puerto Rico, and place this knowledge within reach of the public through diverse means of diffusion.
- (2) To encourage and sponsor the study and appreciation of the lives and works of illustrious Puerto Ricans of yore.
- (3) To tend to the public diffusion of all outstanding manifestations of Puerto Rican culture through expositions, conferences, concerts, recitals, theatrical and ballet performances, documental films, records, books and other publications, issuance of commemorative medals, fairs, contests and festivals, as well as through the creation and administration of museums and exhibition halls; Provided, That the Institute of Culture may distribute free its publications, records and commemorative medals to libraries, museums, teaching institutions, culture organizations, intellectuals, researchers, artists, teachers, students and local and foreign representative persons or entities, according to the norms prescribed for the purpose by the governing board of the Institute.
- (4) To gather, study and promote the conserving of all manifestations of Puerto Rican folklore.
- (5) To encourage the arts and crafts of popular tradition, such as carving and engraving, weaving, embroidering, ceramics, leathercraft and other activities of like nature.
- (6) To set up and administer files with a view to arranging and preserving public documents and manuscripts on the history of the country.
- (7) To determine which buildings, structures and places in Puerto Rico are of historical or artistical value. To adopt a regulation establishing the procedure to be followed in this determination or declaration.
- (8) To advise the Planning Board on regulations for construction in zones that may be considered of historical value. To recommend to the Planning Board measures of historical or aesthetic character to be followed in the constructions to be carried out in zones of historical value; Provided, That the Regulations and Permits Administration shall see to the enforcement of this regulation.
- (9) To commemorate men and events of significance in the cultural growth of Puerto Rico.
- (10) To promote publication of both old and modern Puerto Rican books, as well as of surveys, monographs and documentary collections on Puerto Rico.
- (11) To organize, administer and enrich libraries for public use.
- (12) To establish and operate those scholarship systems it deems necessary to promote the culture and betterment of its personnel without being subject to Act No. 182 of July 23, 1974. Provided, That a "Scholarship Program of the Institute of Puerto Rican Culture" shall be created to which the functions, funds, properties, personnel and files of the scholarship program for graduate studies operated by the Institute shall be transferred.

This Scholarship Program shall have the purpose of stimulating and facilitating to students studies in plastic arts and other artistic and humanistic disciplines related to the purposes of the Institute of Puerto Rican Culture. In order to be properly implemented, this Program must comply with the following guidelines:

- (A) It shall review the procedures under which the granting of the scholarships is carried out in order to guarantee an equitable distribution of scholarships within the artistic and humanistic areas, inclined towards a balance that does not favor specialties.
 - (B) The proportion and granting of scholarships shall represent the institutional interest in the development of specific programs enabling these recipients to be drafted and become a source of updating, study and investigation that will promote the internal development of the Institute.
 - (C) It shall avoid duplication with respect to other existing programs by limiting the granting of scholarships to the plastic arts and other artistic and humanistic disciplines related to the purposes of the Institute of Puerto Rican Culture.
 - (D) It shall offer greater publicity of the Scholarship Program to insure optimum use of the financial resources and guarantee competitive grants based on academic merit.
 - (E) It must establish the necessary norms so that the student to whom a scholarship is granted under this Program pledges himself to be available to give an activity, free of charge, at the option of the Institute of Puerto Rican Culture, within two (2) years after the conclusion of the studies for which he received a scholarship under this Program.
- (13) [Repealed. Act Aug. 22, 1990, No. 54, § 9, eff. Aug. 22, 1990.]
- (14) To give and grant awards in cash, books, records, specially minted medals and other objects to those citizens who contribute to the conservation of our culture as a means of stimulating literary and artistic creativity, according to the standards that are authorized by the Board of Directors to such effect.
- (15) To establish the appropriate standards and guidelines to reach the optimum development of their activities and the programs related to the arts, humanities and culture in general.
- (16) To plan and coordinate government activities connected with the development, financing and administration of programs related to the humanities and culture in general.
- (17) To carry out the studies and investigations that may be needed to carry out its purposes.
- (18) To establish the standards and guidelines needed to evaluate and process the applications for financial assistance that the Institute may offer from its own funds for the benefit of the arts and humanities, to other entities, institutions and programs and private individuals.
- (19) To promote the participation of private persons and entities directed to the development of the letters, music, fine arts, musical arts and stagecraft, including the theater, ballet and opera. To appropriate funds to them and provide advice according to the standards and criteria that the Board of Directors of the Institute may establish.
- (20) To encourage freedom and pluralism in the artistic, humanistic expression, and support the development of the activities and institutions which facilitate and guarantee the diffusion of that expression throughout the Puerto Rican society.

- (21) To create an awareness of the importance of the arts and the humanities to achieve a better civilization.
 - (22) To improve the cultural activities that the Government offers the citizenry.
 - (23) To promote the free circulation and diffusion of the cultural message using all possible means.
 - (24) To organize, administer and enrich the museums.
 - (25) To promote and organize contests and exhibitions of an artistic, documentary or bibliographic nature, in and outside of Puerto Rico, for the diffusion and knowledge of our cultural heritage promoting the participation of Puerto Rican art in international contests.
 - (26) To hold forums and conferences on art and humanistic themes.
 - (27) To promote a more efficient use of the physical facilities related to the performing arts, music and culture in general.
 - (28) To establish a management service and financial aid program for museums, galleries and libraries.
 - (29) To establish a program for the development of physical facilities for the performing arts and music.
 - (30) To coordinate the efforts of all the Government agencies whose purposes and functions are related in one way or another to those of the Institute.
- (b) In the exercise of such functions, the Institute shall have the following powers:
- (1) To sue and be sued.
 - (2) To adopt, alter and use a corporate seal.
 - (3) To adopt, amend and repeal, through its Board of Directors, the bylaws governing its operations and the discharge and performance of the powers and duties conferred to or imposed on it by law, as well as to impose, through the procedures provided in the Uniform Administrative Procedures Act, [3 L.P.R.A. §§ 2101 et seq.], and its regulations, administrative fines for infractions to this Act or to any other law whose enforcement is overseen by the Institute, by the bodies attached to the same, by its boards, commissions, committees, councils or directors, and the regulations adopted pursuant to this and said laws, to any natural or juridical person who violates the same or fails to comply with any resolution, order or decision issued; Provided, That:
 - (A) The administrative fines shall not exceed ten thousand dollars (\$10,000) per infraction, it being understood that each day the infraction [continues] may be deemed as an independent violation.
 - (B) In case it is determined that contempt of court has been incurred in the commission or continuation of these violations or contempt of court in noncompliance with any resolution, order or decision issued, an additional administrative fine of up to a maximum of fifty thousand dollars (\$50,000) may be imposed for any of the acts herein set forth.
 - (C) The power granted for imposing administrative fines neither substitutes nor diminishes the power for initiating any judicial proceeding, be it civil or criminal, that may be applicable.
 - (D) Any person who knowingly makes any representation, certification or false declaration under this Act or any other applicable law or under the regulations adopted pursuant thereto, and who makes any false representation in any report or

document required by virtue of said laws or their regulations, shall be guilty of a misdemeanor. The penalty for this misdemeanor shall be as provided in Article 16 of the Penal Code of 2004, § 4644 of Title 33. Any individual having personal knowledge of the violation may promote the pertinent action before the competent authorities.

(E) In the case of a violation to the construction and permits and endorsements regulations, whether or not said regulations are primarily administered by the Institute, in those zones or structures that have been declared as of historic, artistic, architectural or archeological value pursuant to the laws and regulations in effect, the Institute may, besides imposing fines in those cases for which it is authorized, issue orders to do or not to do, and to cease and desist, and solicit injunctions or carry out any other action it may deem necessary to ensure compliance with said regulations. The Institute shall also file the necessary complaints or petitions, including writs of mandamus and injunctions, and revisions, appeals and certioraris when it believes that the Planning Board, the Regulations and Permits Administration and any other Commonwealth or federal agency or the municipalities are in noncompliance with the regulations or legislation in effect relative to any such matters.

(F) The monies collected on account of the fines shall be deposited into the funds of the Institute of Puerto Rican Culture, which shall open an account separate from other income, so that these may be used solely and exclusively for the acquisition, conservation and maintenance of historic structures.

(4) To acquire through lawful means, for the carrying out of the ends and purposes of this Act, any real or personal property, corporeal or incorporeal, or any right or interest therein; to hold, give, use and operate same; and to sell, lease or otherwise dispose of said property.

Furthermore, the Institute may acquire all kinds of equipment, materials and services needed for the fulfillment of its functions, without being subject to the provisions of Act No. 96 of June 29, 1954, known as the "Procurement and Service Act". This authorization does not include the purchase of office equipment.

The Institute is hereby empowered to bring and prosecute, with the previous approval of the Governor, eminent domain proceedings, in behalf of the Commonwealth of Puerto Rico, as to any real or personal property, corporeal or incorporeal, or any right or interest therein, which may be necessary to attain the ends and purposes of this Act. Such property may be condemned by the Institute in behalf of the Commonwealth of Puerto Rico, or on petition of the Institute and for its own use and benefit, by the Commonwealth of Puerto Rico, represented by its Governor or by the officer to whom he may delegate, without the prior declaration of public utility provided in the General Law of Eminent Domain, [32 L.P.R.A. §§ 2901-2913]. All real or personal property, corporeal or incorporeal, or any right or interest therein, deemed necessary by the Institute to attain the ends and purposes of this Act, is hereby declared of public utility. In the case of personal property, such property may be acquired through condemnation only when necessary to prevent its destruction, damage or exportation from the country.

(5) To accept gifts or donations of services or of real or personal property, corporeal or incorporeal, which will contribute to attain its purposes.

(6) To enter, in the exercise of its functions, into cooperative agreements and contracts with departments or agencies of the United States Government, the Government of Puerto Rico or the municipal governments, or with corporations, associations or individuals, under such terms and conditions as it may deem advisable.

Section 5. — Finances and Economic Controls. (18 L.P.R.A. § 1199)

(a) To perform the functions authorized by this Act the Institute of Puerto Rican Culture Fund is hereby created.

(b) To this fund shall be credited the receipts derived from any operations carried out under such sections, and all funds appropriated, assigned, transferred, or donated to the Institute. The Fund shall be available for the payment of all expenses of the Institute hereunder and may be invested in debentures of the Commonwealth of Puerto Rico and its dependencies and public corporations, with the approval of the Secretary of the Treasury.

(c) The funds of the Institute of Puerto Rican Culture shall be deposited in recognized banking institutions located in the Commonwealth of Puerto Rico. The accounts shall be opened in the name of the Institute of Puerto Rican Culture. Disbursements shall be made according to the norms and regulations approved by the Board of Directors with the recommendation of the Executive Director.

(d) The Institute shall establish an accounting system with the approval of the Secretary of the Treasury for the adequate control and registration of all its operations. The Institute's accounts shall be kept in such a way that they can be separated by activities or programs as the Executive Director of the Institute may determine.

(e) The Institute shall submit to the Legislature each year, through the Office of the Governor, its budget of expenses and the budget of expenses of each one of its programs, according to the provisions of Act No. 147 of June 18, 1980 [23 L.P.R.A. §§ 101 et seq.].

Section 6. — Transfers. (18 L.P.R.A. § 1200)

The Governor is hereby authorized to transfer to the Institute, upon recommendation of the Board, the functions and such funds, properties, personnel and records of the departments, divisions, dependencies and public corporations of the Commonwealth Government as are in keeping with the functions of the Institute described in Section 4 of this Act. Every transfer shall be made by the Governor through an Executive Order and copy thereof shall be transmitted to the Legislature, for its information, at the regular or special session closest to the date said order was issued.

Section 7. — Report to the Legislature. (18 L.P.R.A. § 1201)

The Institute shall submit to the Governor, for transmittal to the Legislature at the beginning of each regular session, an annual report of its operations.

Section 8. — Effectiveness. — This Act take effect July 25, 1955.

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.