

(H. B. 827)

**(No. 1-2014)**

(Approved January 2, 2014)

## **AN ACT**

To amend Section 19 of Act No. 103-2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” in order to direct the agencies and instrumentalities of the Commonwealth of Puerto Rico to set aside, at least, five percent (5%) of the funds earmarked for television advertisement expenses to contract the services of the Puerto Rico Public Broadcasting Corporation; establish exceptions; and for other purposes.

### **STATEMENT OF MOTIVES**

Act No. 103 of May 25, 2006 sets forth as the public policy of the Government of the Commonwealth of Puerto Rico:

to establish a fiscal system that incorporates effective mechanisms for the control, reduction, and performance of public expenditures, using the following general principles as parameters:... 4) Elimination of the use of public funds for unnecessary, extravagant, and excessive expenses in the three Branches of the Government and 5) Limitation in public relations and broadcasting expenses to those expressly authorized by law...

The legislative process that resulted in the approval of Act No. 103, *supra*, did not consider the possibility of maximizing the funds currently used by the Commonwealth of Puerto Rico for television advertisement expenses. This Act directs agencies and instrumentalities of the Commonwealth of Puerto Rico that buy in television advertisement spots to set aside, at least, five percent (5%) of the funds earmarked to buy such ads in stations operated by the Puerto Rico Public Broadcasting Corporation.

This initiative shall allow the Puerto Rico Public Broadcasting Corporation to receive additional funds to stabilize its finances and expand its services. Furthermore, it shall guarantee the expansion of this important communication medium between citizens and government entities.

The Legislative Assembly deems that this measure will further maximize the funds that are currently invested in private television stations which, incidentally, have drastically reduced programs produced locally over the last decades.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Section 19 of Act No. 103 of May 25, 2006, as amended, is hereby amended to read as follows:

“Section 19.- Government Public Broadcasting Expenses.-

It is hereby prohibited that the Executive Branch and its agencies incur expenses for the purchase of time and space in the public broadcasting media with the purpose of disclosing their programs, projects, achievements, performance, projections, or plans. Those notices and announcements expressly required and/or authorized by law are an exception. It is prohibited for the Legislative and Judicial Branches to incur expenses for the purchase of time and space in the public broadcasting media with the purpose of disclosing their programs, projects, achievements, performance, projections, or plans. Excepted from the above are the costs related to the establishment and maintenance of webpages usually established by the agencies, courts, and legislatures with information on the composition and operation of their structures and information on services, cases, or legislation, as it may apply, as well as any other means of providing information about legislative processes and activities and public interest information. Exception is also made of the purchase of time and space for the disclosure of legislative calendars that do not identify the name of a particular elected official, as well as the publication by

obituaries or the payment of additional segments during the appearance of the Governor before the Legislative Bodies.

Likewise, exception is made of those announcements that are used to disclose urgent, emergency, health-related, or public interest information. For purposes of this Section, public interest information shall be that which:

- (a) Inures to the benefit of the health, safety, morals, and the general well-being of all citizens;
- (b) is destined to a public or semi-public activity;
- (c) promotes the interests and objectives of the government entity in a manner consistent with its duties and functions or the established public policy;
- (d) promotes programs, services, opportunities, and rights, or furthers social, civic, cultural, economic, or sports-related causes, or
- (e) promotes the establishment, modification, or change of a government policy.

If the government branches or the instrumentalities thereof decide to buy television advertisement spots in accordance with the provisions of this Act, they shall use, at least, five percent (5%) of the funds earmarked for such purposes to contract the services of television stations operated by the Puerto Rico Public Broadcasting Corporation. The television advertisement spots bought by the Puerto Rico Tourism Company, the Industrial Development Company, and the Department of the Treasury are hereby exempt from the provisions of this paragraph.

Under no circumstance shall public funds be used with the sole purpose of furthering individual or political-partisan interests.”

Section 2.- The revenues generated by the public funds invested in television advertisements under this Act shall be allocated to the Puerto Rico Public Broadcasting Corporation, which shall use such funds to expand the production of local, educational, and cultural programming. Furthermore, new funds shall be used for the maintenance and expansion of the operations of Channel 6 (WIPR), Channel 3 (WIPM), and other networks belonging to the Corporation.

Section 3.- This Act shall not apply to contracts in effect entered into to buy television advertisement spots in other private television networks. However, said contracts shall comply prospectively with the principles established in this Act.

Section 4.- This Act shall take effect immediately after its approval, however; it shall become effective on July 1, 2014.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 1-2014 (H. B. 827)** of the **2<sup>nd</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to amend Section 19 of Act No. 103-2006, known as the “Commonwealth of Puerto Rico Government Fiscal Reform Act of 2006,” in order to direct the agencies and instrumentalities of the Commonwealth of Puerto Rico to set aside, at least, five percent (5%) of the funds earmarked for television advertisement expenses to contract the services of the Puerto Rico Public Broadcasting Corporation; establish exceptions; and for other purposes.

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

In San Juan, Puerto Rico, on this 3<sup>rd</sup> day of July, 2015.

Juan Luis Martínez Martínez  
Acting Director