

“Puerto Rico Musical Arts and Stagecraft Corporation”

Act No. 42 of May 12, 1980, as amended

(Contains amendments incorporated by:

Act No. 6 of July 31, 1985

Act No. 116 of July 30, 1988

Act No. 46 of January 4, 2003)

To create the "Puerto Rico Musical Arts and Stagecraft Corporation" as a subsidiary of Musical Arts Corporation; to define its purposes, duties and powers; to transfer the programs and corresponding assets and for other purposes.

STATEMENT OF MOTIVES

On our Island there are government programs which foster artistic shows and performances. Nevertheless, these programs operate in a fragmentary way. Therefore, the creation of a body corporate is required to consolidate the government programs which are now scattered throughout the various agencies.

The Casals Festival, Inc., was created under Resolution No. 740 of the Puerto Rico Industrial Development Company and has been attached thereto since its beginning. Because of the nature of its duties, we consider that it should be under a government agency connected with the performing arts. Likewise, there are other government programs such as the Artistic Variety Company of Puerto Rico which develop and foster the performing arts, and several other groups engaged in fostering the opera. For the purpose of coordinating and integrating the efforts of the government programs related to the performing arts, a public corporation, subsidiary to The Arts and Culture Development Administration [Musical Arts Corporation], is hereby created and these programs are placed under such government entity, with the necessary powers and faculties to insure and coordinate all these activities and to foster excellence in the performing arts in Puerto Rico.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Creation. (18 L.P.R.A. § 1160)

A legal government entity which shall be known as the "Puerto Rico Musical Arts and Stagecraft Corporation" is hereby created as a subsidiary of the Musical Arts Corporation for the purpose of adequately developing, fostering and coordinating musical arts and stagecraft in Puerto Rico, relocating existing government programs related to the arts, providing for the

appropriation of funds therefor and transferring programs, funds, facilities and personnel from other existing government programs.

Section 2. — Duties. (18 L.P.R.A. § 1160a)

The Musical Arts and Stagecraft Corporation is hereby established to carry out, without being limited to, the following duties:

- (a) To develop an integral plan following the general directives of the Musical Arts Corporation for the development of musical arts and stagecraft in Puerto Rico. Musical arts and stagecraft shall be understood to be productions and shows such as operas, zarzuelas, ballets, dances, music and popular festivals and other artistic varieties, and giving the broadest participation and preferred treatment to Puerto Rican performers.
- (b) To coordinate and integrate the efforts of the Government, the performers, industry and the citizenry who are interested in musical arts and stagecraft activities and in the creation of Puerto Rican opera, zarzuela, ballet, dance, music and popular festivals and other artistic variety companies, without interfering or affecting the duties which correspond to the Institute of Puerto Rican Culture.
- (c) To stimulate and foster the advancement of the performers and assistant personnel in the performing arts in Puerto Rico in harmony with a program for the development of professional performers which shall include training, job development and technical services.
- (d) To stimulate the development of commercial and financial mechanisms needed for the advancement and further growth of all types of musical arts and stagecraft.
- (e) To coordinate and integrate the efforts of such programs which are now scattered and give due participation to all government agencies whose purposes and duties are related, in one way or another, to musical arts and stagecraft.
- (f) To promote the maximum participation of those groups or individuals who are professionally engaged in musical arts and stagecraft, the students, private citizens with an interest therein, the press and the general public.
- (g) To promulgate by laws and adopt the measures required to carry out the functions and duties described herein.
- (h) To establish a permanent program of special scholarships for students who are gifted in the field of musical arts and stagecraft to study in Puerto Rico or abroad, giving priority to low-income and needy students and requiring the recipients to render the public services that are deemed pertinent pursuant to the standards and criteria established by the General Director of the Musical Arts and Stagecraft Corporation in the formal regulations approved for their selection.
- (i) To establish a permanent program for special resident Puerto Rican or foreign guest artists and performers who shall be selected each year for their personal excellence in the different fields of musical arts and stagecraft so that they may participate in different local teaching or creative activities and to grant these resident artists and performers the best facilities and opportunities to produce artistic work of international excellence. Likewise, to negotiate, enter into and establish reciprocity agreements, so that local artists and performers may participate in similar activities in other countries.

(j) To establish a program to support and promote lyric theater in Puerto Rico and provide all the help that is needed to the groups related to the opera, zarzuela, operetta and ballet in Puerto Rico.

Section 3. — Powers. (18 L.P.R.A. § 1160b)

The Performing Arts Corporation shall be empowered and may exercise the following general powers, in addition to those conferred by other provisions of this act:

(a) To subsist in perpetuity, to sue and be sued as a juridical person.

(b) To hold and use a corporate seal which it may alter at will and of which judicial notice shall be taken.

(c) To acquire rights and properties, both personal and real, by donation, legacy, purchase or other legal manner, and to hold and dispose of them according to law in the manner established in its own bylaws for as long as it is necessary and advisable to fulfill its corporate goals, and in the best interests of the Puerto Rico Musical Arts and Stagecraft Corporation.

(d) To enter into actions, agreements and contracts of all kinds to carry out and comply with the aims and purposes of this act.

(e) To establish the standards and regulations needed for its internal operation and functioning and to govern the programs and activities of the Puerto Rico Musical Arts and Stagecraft Corporation.

(f) To have full control of its properties and activities, including its funds. To adopt its own accounting system for the adequate control and recording of all its operations. The Corporation shall keep its accounts in such a way that each activity may be segregated. The Controller of Puerto Rico or his representative shall examine the accounts and books of the Puerto Rico Musical Arts and Stagecraft Corporation from time to time.

(g) To accept donations or loans and to enter into contracts, agreements and other transactions with federal agencies and with the Commonwealth of Puerto Rico, its agencies, instrumentalities and municipalities, and to invest the proceeds of any such donations or loans for any legal corporate purpose.

(h) To receive funds from public and private sources and to spend such funds for purposes consistent with the objectives of the Puerto Rico Musical Arts and Stagecraft Corporation.

(i) To perform all acts necessary or advisable to carry out the powers granted to it by this or any other act.

(j) To administer its own personnel system, to appoint all its officials, agents and employees who shall be public employees entitled to become members of the Puerto Rico Commonwealth Employees Association and to avail themselves of the benefits of the Retirement System of the Government of Puerto Rico, as well as to vest them with the powers, to assign to them the duties deemed pertinent and to [set] their remuneration. The Musical Arts and Stagecraft Corporation shall be an agency excluded from the provisions of Act No.5 of October 14, 1975, as amended, known as the "Puerto Rico Public Service Personnel Act" and of the personnel regulations adopted thereunder. The Corporation shall give faithful compliance to the provisions of Sections 10.6 of said Act.

(k) To set forth the necessary norms and regulations to guarantee the participation and contracting of Puerto Rican artists in performance art activities for which foreign artists or

musical groups have been contracted. Likewise, to value our typical music, which constitutes a significant part of our cultural array.

With the prior written authorization of the Central Personnel Administration Office and the Director of the Budget and Management Office, and with the consent of the nominating authority from where his regular services are rendered, the Musical Arts and Stagecraft Corporation may contract the services of any of the officials and employees of the departments, agencies, public corporations, subsidiaries thereof and subdivisions to render services outside of their regular working hours and pay them the proper remuneration for the additional services rendered, without being subject to the provisions of Section 177 of the Political Code of Puerto Rico of 1902, amended [3 L.P.R.A. § 577] and the provisions of any other law. The Board of Directors shall adopt a personnel system, compensation and classification plans, and the rules and regulations deemed necessary to comply with said purposes. Upon requesting said authorization, the Executive Director shall justify the need to contract said personnel.

Section 4. — Powers of the Corporation. (18 L.P.R.A. § 1160c)

The powers of the Puerto Rico Musical Arts and Stagecraft Corporation shall be vested in and exercised by the Board of Directors of the Musical Arts Corporation.

The Board shall adopt the standards, rules, regulations and procedures deemed necessary to exercise the powers and comply with the purposes of the Puerto Rico Musical Arts and Stagecraft Corporation.

The Corporation shall have a General Manager appointed by the Board of Directors of the Musical Arts Corporation who shall hold office at the latter's will and until his successor is appointed. The General Manager shall be the Corporation's chief executive, and shall represent it in all the acts and contracts needed to execute its functions, and shall discharge the duties and have the responsibilities, powers and authority delegated to him by said Board of Directors.

Section 5. — Consulting Board. (18 L.P.R.A. § 1160d)

The Consulting Board of the Puerto Rico Musical Arts and Stagecraft Corporation is hereby created and shall be composed of five (5) members appointed by the Board of Directors of the Musical Arts Corporation. Two (2) members shall be appointed for a two (2) -year term each. The remaining three (3) members shall be appointed for a three (3) -year term. Upon the expiration of their terms, the members of the Board shall hold their office until their successors are appointed and take office. In case of vacancies, the Board of Directors shall appoint substitutes who shall exercise their duties for the unexpired term of the original appointment. The members of the Consulting Board shall receive no compensation whatsoever in the performance of their duties as such, but those who are not public officials or employees shall receive a per diem of fifty (50) dollars for each meeting they attend. Three (3) members of the Consulting Board shall constitute a quorum and the decisions shall be made by absolute majority of the members that compose it. The Board shall meet at least once every two (2) months in a regular meeting, and may meet as often as it is deemed convenient upon being called by the Chairman. The Chairman of the Board shall

be appointed by the Board of Directors of the Musical Arts Corporation. The Consulting Board shall constitute a body which shall serve to advise the General Manager of the Corporation in directing and establishing the programs and activities needed to comply with the purposes of this act.

Section 6. — Annual Report. (18 L.P.R.A. § 1160e)

The Corporation shall render an annual report of its activities to the Musical Arts Corporation, the Governor of Puerto Rico and the Legislature of Puerto Rico, on or before November 30 of each year.

The annual report shall include:

- (a) A financial statement audited by a firm of certified public accountants;
- (b) a report of the transactions conducted by the Corporation during the preceding fiscal year, and
- (c) a report of the status and progress of all its activities since the creation of the Corporation, or from the date of the last annual report.

Section 7. — Budget. (18 L.P.R.A. § 1160f)

The Corporation shall annually submit a consolidated budget to the Musical Arts Corporation. The corresponding appropriations shall be set aside in the Annual General Expenses Budget of the Government of Puerto Rico.

Section 8. — Transfer of programs. (18 L.P.R.A. § 1160g)

It is hereby directed that the personnel, programs, equipment and obligations which are at present in the government agencies listed below be transferred, subject to the laws or corporate statutes which create them:

- (a) Casals Festival, Inc., created by Resolution No. 740 of the Industrial Development Company.
- (b) The Corporation which shall create the Inter-American Festival and to which the present programs of the Inter-American Musical Arts Festival and the Youth Symphony Orchestras of America Festival shall be attached.

In coordination with the Musical-Stagecraft Arts Corporation, the Musical Arts Corporation shall take such steps leading to achieve the most effective operation of the abovementioned programs and festivals, as well as the broad participation of soloists, instrumentalists, singers, orchestra conductors and Puerto Rican choirs in said activities, including the creation and proliferation of similar programs and activities that will propitiate the attainment of the purposes of this act.

Any transfer of property, budgets, programs, personnel and obligations shall be carried out pursuant to applicable regulations, and the vested rights of any public employee under the personnel laws and regulations or under any collective bargaining agreement in effect shall not be impaired, nor shall the rights, privileges, obligations and status with regard to any existing pension or retirement system or systems or savings and loan fund, to which they are affiliated upon the approval of this act.

The agencies, public corporations or subsidiaries of government agencies are hereby directed and instructed to make transfers of personnel, equipment, funds, assets and obligations indicated herein to the Corporation, following the applicable procedures, laws and regulations.

Section 9. — Miscellaneous Provisions. (18 L.P.R.A. § 1160 note)

(a) None of the provisions of this act shall be construed as modifying, altering or invalidating any agreement, covenant, claim or contract executed by the officials in charge of the agencies and programs transferred under this act, which are in force when this act takes effect.

(b) With the exception of the changes needed to conform the agencies and programs transferred by this act to the structure of the Puerto Rico Performing Arts Corporation, the laws that govern such agencies and programs shall continue in force, except those provisions that may be in conflict herewith, which are hereby repealed.

(c) All the regulations governing the operation of the programs and duties of the agencies transferred by this act, which are in force when this act takes effect, shall continue in force until they are altered, modified, amended, repealed or substituted by the Board of Directors of The Arts and Culture Development Administration, according to law.

(d) The Governor is hereby authorized to adopt such transitional measures and make the decisions that are needed to carry out the transfers ordered by this Act, without interrupting the administrative procedures and the duties of any of the agencies and programs transferred.

Section 10. — Repeal. (18 L.P.R.A. § 1160note)

Any law or part thereof, joint resolution or government action which is in any way in conflict with this act is hereby repealed.

Section 11. — Effective date — This act shall take effect immediately after its approval.

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.