

“Puerto Rico Symphony Orchestra Corporation”

Act No. 44 of May 12, 1980, as amended

(Contains amendments incorporated by:
Act No. 3 of July 31, 1985)

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

STATEMENT OF MOTIVES

The Puerto Rico Symphony Orchestra was created under Joint Resolution No. 92 of June 20, 1957, attached to the Casals Festival, Inc. We find that the Symphony Orchestra should operate as a separate government entity, with its own identity, even though it is a subsidiary corporation of the Arts and Culture Development Administration [Musical Arts Corporation].

Our people have shown a voluntary disposition and tendency towards the art of music. Although we have not been given generous aid nor the adequate stimuli, we have produced many artists who have brought glory and fame to Puerto Rico, thus exalting our artistic values.

For these reasons it is essential to foster this artistic expression, through programs, acts and government operations which will propitiate a rapid and effective development of the art of music in Puerto Rico.

It is logical that an enterprise such as the organization of a symphony orchestra be attached to a government agency, however, it should have considerable flexibility in its programs and operations. We find that this flexibility would best be achieved through the creation of a public corporation to carry out the purposes for which the Puerto Rico Symphony Orchestra was created.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — [Creation and Purpose] (18 L.P.R.A. § 1162)

A public corporation which shall be known as the "Puerto Rico Symphony Orchestra Corporation" is hereby created as a subsidiary of the Musical Arts Corporation, to be denominated hereinafter as "the Corporation", for the purposes of adequately fostering, planning and coordinating the programs and operation of the Puerto Rico Symphony Orchestra.

Section 2. — Duties and Powers. (18 L.P.R.A. § 1162a)

The Corporation shall have, without being limited to, the following duties and powers:

- (a) To ensure the broadest participation to Puerto Rican composers and a preferred treatment to our country's soloists.
- (b) To coordinate the efforts of the government, the performers, industry and the private citizens interested in the programs and operations of the Puerto Rico Symphony Orchestra.
- (c) To stimulate the development of commercial and financial mechanisms needed for the advancement and proper functioning of the Puerto Rico Symphony Orchestra.
- (d) To establish a permanent program of special scholarships for the improvement of the members of the Puerto Rico Symphony Orchestra, or for those gifted students who could be future members of the Puerto Rico Symphony Orchestra, with the purpose of improving the quality and excellence of musical artistry of the Symphony Orchestra and requiring the recipients to render public services as needed pursuant to the standards and regulations adopted.
- (e) To subsist in perpetuity, to sue and be sued as a juridical person.
- (f) To hold and use a corporate seal which it may alter at will, and of which judicial notice shall be taken.
- (g) 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 convenient to fulfill its corporate goals, and in the best interests of the Puerto Rico Symphony Orchestra Corporation.
- (h) To establish the standards and regulations needed for its internal operation and functioning, and to govern the programs and activities of the Puerto Rico Symphony Orchestra Corporation.
- (i) To have absolute control of its properties and activities, including its funds. To adopt its own accounting system with the approval of the Board of Directors of the Musical Arts Corporation. 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 Corporation from time to time.
- (j) 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.
- (k) To enter into contracts and formalize any kind of documents that are necessary or convenient for the exercise of any of its powers.
- (l) 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 Government Employees Association and to avail themselves of the benefits of the Retirement System of the Government of Puerto Rico. To vest the employees with the powers and assign to them the duties deemed pertinent and to [set] their remuneration, subject to the regulations established by the Board of Directors of the Musical Arts Corporation. The 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 the personnel regulations

adopted by virtue thereof. The Corporation shall faithfully comply with the provisions of Section 10.6 of said Act. With the prior approval of the Board of Directors of the Musical Arts Corporation, the Director General of the Corporation shall adopt a personnel system, compensation and classification plans and the rules and regulations needed to comply with said purposes.

With the prior approval of the Board of Directors of the Musical Arts Corporation and the Director of the Office of Government Management and the Budget, the General Director may contract the services of the employees and officials of any other agency, instrumentality, dependency, public institution or political subdivision of the Government of Puerto Rico, and shall pay them the due compensation due for additional services rendered to the Corporation aside from their regular working hours without being subject to the provision of Article 177 of the 1903 Political Code, amended [3 L.P.R.A. § 551] and to the provisions of any other applicable law.

Upon requesting said authorization, the Director General must justify the need to contract such personnel.

(m) To lease and dispose of any of its properties or of any interest thereon, in the way, manner and extent to be determined by the Corporation.

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

(o) To receive funds from public and private sources and to spend such funds for purposes consistent with the objectives of the Corporation.

Section 3. — Powers of the Corporation; Director General. (18 L.P.R.A. § 1162b)

The Board of Directors of the Musical Arts Corporation shall exercise all the powers of the Corporation.

The Board of Directors shall adopt the standards, rules, regulations and procedures that are necessary or convenient to exercise the powers and comply with the purposes of the Corporation.

The Corporation shall have a Director General appointed by the Board of Directors of the Musical Arts Corporation who shall be a musician with knowledge of administration and shall hold his position at the Board's volition and until his successor is appointed. The Director General shall be the Corporation's chief executive, he shall represent it in all necessary acts and contracts and shall discharge the duties and have the responsibilities, powers and authority delegated to him by the Board of Directors of the Musical Arts Corporation.

The Board of Directors of the Musical Arts Corporation shall fix the salary of the Director General of the Corporation.

Section 4. — Consulting Board. (18 L.P.R.A. § 1162c)

A Consulting Board of the Corporation composed of five (5) members appointed by the Board of Directors of the Musical Arts Corporation is hereby created. Initially, 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. Subsequent appointments shall be for a three (3)-

year term each. The members of said Board shall hold their office until their successors have been appointed and take office. In case of a vacancy, substitutes shall be appointed who shall discharge their duties for the unexpired term of the original appointment. The members of the Consulting Board shall receive no compensation whatsoever for the performance of their duties as such, but those who are not public officials or employees shall be entitled to per diems of fifty (50) dollars for each session they attend. Three (3) members of the Consulting Board shall constitute a quorum and the decisions shall be made by absolute majority.

The Board shall meet at least once every three (3) months in a regular session and may meet in special session as many times as it is deemed pertinent by summons of its 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 as an advisor to the Director General of the Corporation.

Section 5. — Annual report. (18 L.P.R.A. § 1162d)

The Director General shall render an annual report of the activities of the Corporation to the Musical Arts Corporation, to the Governor of Puerto Rico and to 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 all the activities held since the creation of the Corporation from the date of the last Annual Report.

Section 6. — Budget. (18 L.P.R.A. § 1162e)

The Director General of the Corporation shall submit annually for the approval of the Board of Directors of the Musical Arts Corporation a consolidated budget with its appropriations, which shall be consigned annually in the General Budget of Expenses prepared each year for the Government of Puerto Rico.

Section 7. — Transfer. (18 L.P.R.A. § 1162f)

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

- (a) The Puerto Rico Symphony Orchestra created by Joint Resolution No. 92 of June 20, 1957, attached to the Puerto Rico Industrial Development Company.

The transfer of property, budget, programs, personnel and obligations shall be executed pursuant to applicable regulations, and the vested rights of public employees under the personnel laws 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 execute the transfers of personnel, equipment, funds, assets and obligations indicated herein to the Corporation, following the applicable procedures, laws and regulations.

Section 8. — Miscellaneous Provisions. (18 L.P.R.A. § 1162 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 adjust the agencies and programs transferred by this act to the structure of the 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 bodies, programs and duties 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 9. — Repeal. (18 L.P.R.A. § 1162 note)

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

Section 10. — 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.