

“Puerto Rico Conservatory of Music Corporation”

Act No. 77 of May 30, 1980 as amended,

(Contains amendments incorporated by:

Act No. 2 of July 31, 1985

Act No. 116 of July 20, 1988

Act No. 141 of August 9, 1995

Act No. 244 of October 13, 2002

Act No. 155 of November 1, 2007)

To create the Puerto Rico Conservatory of Music Corporation; determine its purposes, functions, and powers; and transfer the programs and assets corresponding to it.

STATEMENT OF MOTIVES

Music is one of the most intimate and beautiful expressions of the arts, which enriches the human spirit beyond definition. The great countries are communities of music lovers, they are the people who sing and dance to the rhythm of their own musical personality. There can be no culture without the development of music. The art of music, as one of the great spiritual values of humanity, has always been given a noteworthy and glorious following, endowing our people with the benefit of its valued enjoyment.

For the above reasons, it is essential for our people to restructure the Conservatory of Music in such way that our community's clamor for the perfecting of its musical skills, may be fully satisfied.

The Puerto Rico Conservatory of Music was created under Act No. 35 of June, 1959, as an organization attached to the Casals Festival, Inc. However, at the present time, our people are making new demands regarding the development of the art of music, which require that a more flexible structure be provided, not only in the educational phase; but also in academic programs for the perfection of musical skills.

It is the public policy of this Legislature to endow Puerto Rico with a body to watch over the development of the musical abilities of our citizens, providing therefore, the environment needed for the optimum development of our enormous musical potential.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Creation. (18 L.P.R.A. § 1163c)

A public corporation which shall be known as the Puerto Rico Conservatory of Music, hereinafter denominated as the Corporation, is hereby created as an autonomous entity for the purpose of reasserting and strengthening the academic autonomy of musical education and

adequately promoting and administering the programs and operations of the Puerto Rico Conservatory of Music.

Section 2. — Powers. (3 L.P.R.A. § 1163d)

The Conservatory shall have following powers, without being construed as a limitation:

- (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 goods and properties, both personal and real, by donation, legacy, purchase or other legal means; to hold and dispose of them according to law and in the manner established in its own regulations, provided it is necessary and convenient to fulfill its corporate goals, and in the best interests of the Conservatory.
- (d) To establish the standards and regulations needed for its internal operation and functioning, and to govern the programs and activities of the Conservatory.
- (e) To have absolute control of its properties and activities, including its funds, and to adopt its own accounting system. The Conservatory shall keep its accounts in such a way that each activity may be segregated. The Controller of Puerto Rico or his/her representative shall examine the accounts and books of the Conservatory from time to time.
- (f) To accept gifts 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 gifts or loans for any legal corporate purposes.
- (g) To award contracts and formalize any kind of documents that are necessary or convenient to exercise any of its powers.
- (h) To adopt and administer its own personnel system and to appoint and contract all its officials, agents and employees, who shall be both classified and teaching public employees entitled to become members of the Puerto Rico Commonwealth Employees Association and avail themselves of the benefits of the Retirement System of the Government of Puerto Rico. It shall likewise vest them with the powers and assign to them the duties it deems pertinent, and [set] their remuneration through the established classification and compensation plans and the regulations thus adopted. The Conservatory shall be exempted from the provisions of Act No. 5 of October 14, 1975, as amended, known as the "Puerto Rico Public Service Personnel Act" and from the personnel regulations adopted by virtue thereof. The Conservatory shall adopt a personnel system, compensation and classification plans and the rules and regulations needed to comply with said plans and systems.

With the prior authorization of the Board of Directors of the Conservatory, the Rector may contract the services of employees and officials of any other agency, public instrumentality or political subdivision of the Government of Puerto Rico, and he/she shall pay them due compensation for the additional services they render to the Corporation outside of their regular working hours without being subject to the provisions of Section 177 of the Political Code of Puerto Rico of 1902, as amended [3 L.P.R.A. § 551] or to the provisions of any other applicable law.

- (i) To lease and dispose of any of its properties or any interest thereon, in the way, manner and extent determined by the Conservatory.

- (j) To perform all acts necessary or convenient to exercise the powers and achieve the objectives conferred it by this Act or by any other law.
- (k) To receive funds from public and private sources and use said funds for purposes consistent with the objectives of the Conservatory.
- (l) To coordinate, supervise and promote the Children's Strings Program, as well as other programs akin to the purposes for which the Conservatory was created.
- (m) To adopt, amend and repeal through its Board of Directors the rules that govern its operations and the discharge of the powers imposed thereto by law.
- (n) To be the legal owner in fee simple, and to administer and coordinate the most efficient use of physical facilities related to its purposes which are currently in use or [at] a stage of construction, or those constructed or acquired in the future.
- (o) The Conservatory may, also, acquire any kind of equipment, supplies and services needed for the discharge of its functions without being subject to the provisions of Act No. 164 of July 23, 1974, as amended.
- (p) To grant and confer academic degrees to its students according to the standards established in similar institutions or by the accredited entities of educational institutions and to, likewise, provide for the validation of studies, credits and degrees, and to grant academic distinctions in the field of music and musical education.

Section 2-A. — Objectives of the Conservatory of Music. (3 L.P.R.A. § 1163d-1)

As a Higher Education Institution and [because of] its obligation to serve the culture and people of Puerto Rico, the Conservatory has the mission of achieving the following objectives consonant with the broadest freedom in teaching and in artistic expression:

- (a) To provide the Puerto Rican community, especially its youth, with all the facilities needed to train and perfect their musical skills, including the offering of higher education study programs addressed to the development of the musical arts.
- (b) To prepare the necessary artistic element, which may serve in the future as the nucleus around which the Symphonic Orchestra of Puerto Rico and other musical organizations of the country shall function and be nurtured.
- (c) To coordinate the government efforts, of industry, the private corporations and the private citizens interested in the programs, operations, and activities of the Conservatory.

Section 3. — Board of Directors of the Conservatory of Music . (3 L.P.R.A. § 1163e)

The direction of the Corporation shall be exercised by the Board of Directors of the Conservatory of Music, hereinafter, "the Board."

- (a) The Board shall consist of seven (7) members, who shall be appointed by the Governor, with the Senate's advice and consent, in the following manner: three (3) for a three (3) -year term; three (3) for a two (2) -year term; and one (1) for a four (4) -year term. Once these initial terms have concluded, the Governor shall appoint the future members of the Board for four (4) year terms. In case of a vacancy, substitutes shall be appointed, who shall exercise their duties for the unexpired term of the original appointment.
- (b) The Board shall adopt the standards, rules, regulations, and procedures needed to exercise the powers and comply with the purposes of the Corporation.

(c) The Board shall appoint the Rector and shall assign his/her salary, taking into account the best interests of the Conservatory.

(d) The members of the Board shall be of legal age, residents of Puerto Rico, and have a bachelor's degree as [a] minimum educational level, except for one (1) who shall be a person between the ages of eighteen (18) and thirty-five (35) and/or a full-time student at [an undergraduate level]. At least one of its members shall have proven musical abilities, and another shall have an outstanding record in the field of either post-secondary education or musical arts, and be committed to achieve the objectives framed in the Act which creates the Puerto Rico Conservatory of Music, and shall not be employees of the Conservatory.

(e) The members of the General Council of the Conservatory who have been appointed and are holding office, shall continue to act as members of the Board of Directors of the Conservatory created by this chapter until the terms of their appointments expire.

(f) The Board shall convene in regular sessions pursuant to an annual agenda which shall be approved in the first session of each year. The Board may hold special meetings after its Chairman has called the same, *motu proprio* or by request of a majority of its members.

Agreements and resolutions of the Board shall be made by the majority of the members attending.

The members of the Board shall receive per diems equal to the minimum per diems established in the Political Code for members of the Legislature for their attendance to sessions or committee meetings, for each special meeting, for meetings of a committee or other body and for the performance of any endeavor authorized by the Chairman of the Board.

Section 4. — Rector. (3 L.P.R.A. § 1163f)

The Rector shall be the chief executive of the Conservatory; he/she shall represent the Conservatory at all functions and in any contracts to be awarded as needed; and shall discharge the duties and have the responsibilities, powers and authority listed below without their being construed as a limitation:

(a) To enforce the objectives, standards, regulations, and budgetary and development plans of the Conservatory.

(b) To represent the Conservatory officially.

(c) To draft a Development Plan for the Conservatory, for the Board to consider.

(d) To submit to the Board the regulations of general application and all those matters which require its approval.

(e) To draft an annual budget bill and submit it to the Board for its consideration and approval and, upon approval thereof, submit it to the corresponding government entities.

(f) To submit to the Board for its approval, the appointments of the deans and any other official that requires confirmation.

(g) To appoint and contract teaching and classified personnel for the Conservatory.

(h) To lead and supervise the Conservatory personnel, as well as the teaching, and research and administrative procedures.

(i) To appoint guest lecturers and any other sort of visiting personnel.

(j) To establish and maintain relations with institutions of higher education and cultural centers in Puerto Rico and abroad.

Section 5. — Annual Report. (3 L.P.R.A. § 1163g)

The Rector shall render an annual report of his/her activities to the Board, 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 carried out by the Conservatory during the preceding fiscal year, and
- (c) a report of every activity held since the creation of the Conservatory or since the date of the last annual report.

Section 6. — Budget. (3 L.P.R.A. § 1163h)

The Conservatory shall submit its budget to the Office of Management and Budget annually, consigning the appropriations which shall appear in the annual budget of expenses of the Government.

Section 7. — Transfers. (3 L.P.R.A. § 1163i)

It is hereby directed that the programs, equipment, personnel and obligations of the Conservatory which are at present in the Musical Arts Corporation or any other government agency, be transferred.

The transfer of property, budget, programs, personnel and obligations shall be made pursuant to applicable regulations, and the vested rights of any public employee 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 make the transfers of personnel, equipment, funds, assets and obligations indicated herein to the Conservatory, following the applicable procedures, laws and regulations.

Section 8. — Miscellaneous Provisions. (3 L.P.R.A. § 1163c 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 Puerto Rico Conservatory of Music Corporation, the laws that govern such agencies and programs shall continue in force, except for those provisions that may be in conflict herewith, which are hereby repealed.

(c) The regulations governing the operation of the bodies, programs and duties transferred by this Act to the Conservatory which are in force shall continue in force until they are amended or repealed by the Board of Directors of the Musical Arts Corporation.

(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 (3 L.P.R.A. § 1163c note)

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

Section 10. — Effective date (3 L.P.R.A. § 1163)

This act shall take effect immediately after its approval.

Note. This compilation was prepared by 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.