

## ***“Puerto Rico Fine Arts Center Corporation”***

Act No. 43 of May 12, 1980 as amended,

(Contains amendments incorporated by:  
Act No. 1 of July 31, 1985)

To create the Puerto Rico Fine Arts Center Corporation attached to the Institute of Puerto Rican Culture; determine its purposes, functions and powers; and transfer the corresponding programs and activities.

### **STATEMENT OF MOTIVES**

Act No. 11 of June 19, 1970 (House Substitute to S.B. 584), provided for the creation of a fine arts center, appropriating the sum of one hundred thousand (100,000) dollars to carry out studies and prepare preliminary plans for the "Fine Arts Center". Subsequently, Joint Resolution No. 9 of March 1971, and Joint Resolution No. 14 of April 17, 1972, appropriated the sums of \$1,250,000 and \$2,500,000, respectively, to carry out this work. In 1973, Joint Resolution No. 30 of March 14, 1973, appropriated the sum of \$1,700,000 for these purposes. By means of Joint Resolution No. 4 of April 5, 1977, and subsequently, pursuant to Joint Resolution No. 19 of April 17, 1979, the sums of \$2,722,000 and \$3,100,000 respectively, were appropriated to complete the construction of the "Fine Arts Center".

This Center was constructed with the purpose of devoting it to musical, terpsichorean, theatrical and other artistic performances.

The center consists of a grand concert hall with a capacity for two thousand (2,000) spectators, a theatre with seven hundred and eighty-two (782) seats and an experimental theatre. In this Center there are also practice rooms, dressing rooms and stage property shops. For this purpose, a body corporate is hereby created which will guarantee an efficient operation and the financial solvency of the programs and operations of the center.

It is necessary to provide the financial resources and fiscal mechanisms to guarantee the efficient operation of the Fine Arts Center.

*Be it enacted by the Legislature of Puerto Rico :*

### **Section 1. — Creation. — (18 L.P.R.A. § 1161)**

A public corporation which shall be known as the "Puerto Rico Fine Arts Center Corporation", hereinafter denominated as "the Corporation", is hereby created for the purpose of administering the complex of performing arts facilities known as the Fine Arts

Center which is hereby transferred and shall be attached to the Institute of Puerto Rican Culture.

**Section 2. — Duties and Powers. —** (18 L.P.R.A. § 1161a)

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

- (a) To have title in dominium plenum, administer and coordinate the most efficient use of the physical facilities related to its corporate purpose presently in use, under construction or to be constructed in the near future.
- (b) To coordinate the activities and make the use of its structures available to all the government agencies whose purposes and functions are related in one way or another with the Corporation's functions, such as the Puerto Rico Conservatory of Music, the Musical Arts and Stagecraft Corporation, the Puerto Rico Symphony Orchestra, the University of Puerto Rico and the Department of Education, and to other private organizations devoted to the performing arts, including recognized professional soloists.
- (c) To draw up and adopt such regulations that may be required to carry out the functions and duties described herein.
- (d) To subsist in perpetuity, to sue and be sued as a juridical person.
- (e) To hold and use a corporate seal which it may alter at will and of which judicial notice shall be taken.
- (f) To acquire rights and properties, both personal and real, by donation, legacy, purchase or other legal means; and to hold and dispose of them, according to law, in the manner established in its own regulations for as long as it is necessary and convenient to fulfill its corporate goals and in the best interest of the Corporation.
- (g) To establish and adopt regulations to govern its activities as well as its internal operation.
- (h) To have absolute control of its properties and activities, including its funds. Adopt its own accounting system with the approval of the Board of Directors of the Institute of Puerto Rican Culture. The Corporation shall keep its accounts in such a way that each activity may be segregated or separated.

The Controller of Puerto Rico or his representative shall examine the Corporation's accounts and books from time to time.

To enter into contracts and execute any kind of documents that may be necessary and convenient in the exercise of its powers.

- (i) To administer its own personnel system and appoint all its officials, agents and employees who shall be public employees entitled to become members of the Puerto Rico Government Employees Association, avail themselves of the benefits of the Retirement System of the Government of Puerto Rico and assign to them the duties deemed pertinent, as well as to [set] their remuneration subject to the regulations established by the Board of Directors of the Institute of Puerto Rican Culture. The Corporation shall be an Individual Administrator, as defined in Act No. 5 of October 14, 1975, known as the "Public Service Personnel Act of Puerto Rico", and in the personnel regulations adopted thereunder. The Board of Directors of the Institute of Puerto Rican Culture shall adopt for the Corporation a personnel system, compensation and classification plans and the rules and regulations deemed necessary to comply with said plans and systems.

(j) Accept donations or loans and enter into contracts, leases, 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 lease and dispose of any of its properties or any interest thereon, in the form, manner and to the extent determined by the Corporation.

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

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

(n) With the approval of the Government Development Bank which shall act as its fiscal agent, to borrow money and issue bonds and secure them with any property of the Corporation including the Fine Arts Center.

**Section 3. — Powers of the Corporation and the General Manager. —** (18 L.P.R.A. § 1161b)

The Board of Directors of the Institute of Puerto Rican Culture shall execute all the Corporation's powers.

The Board shall adopt the standards, rules, regulations and procedures necessary or convenient to execute its powers and comply with the purposes of the Corporation.

The Corporation shall have a General Manager appointed by the Board of Directors of the Institute of Puerto Rican Culture who shall hold office at the latter's will until his successor is designated. The General Manager shall be a person of recognized capability and knowledgeable of Puerto Rico's cultural affairs and shall be experienced in the administrative and managerial field. The General Manager shall be the Corporation's chief executive and shall represent it in all necessary acts and contracts granted and entered into, and shall perform the duties and shall have the responsibilities, powers and authority delegated to him by the Board of Directors of the Institute. The Board of Directors shall delegate to the General Manager or other employees of the Corporation whichever powers and duties it may deem proper, except the power to regulate which is not delegable. The Board of Directors of the Institute of Puerto Rican Culture shall [set] the salary of the Executive Director of the Corporation according to the standards that apply to positions of the same category.

**Section 4. — Consulting Board of the Puerto Rico Fine Arts Center. —** (18 L.P.R.A. § 1161c)

The Consulting Board of the Corporation is hereby created and shall be composed of five (5) members who shall be appointed in the following manner: the Board of Directors of the Institute of Puerto Rican Culture shall appoint three (3) members for a term of four (4) years each, and the Board of Directors of the Musical Arts Corporation shall appoint two (2) members for a term of three (3) years each. When said terms expire, subsequent appointments shall be made for a term of four (4) years.

In the event a vacancy occurs, substitute members shall be appointed who shall exercise their duties for the remainder of the unexpired term of the member who caused the vacancy.

The members of the Board shall receive no compensation whatsoever in 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 meeting they attend.

The attendance of three (3) members of the Board shall constitute a quorum and the decisions shall be made by an absolute majority of its members. The Board shall meet at least once every three (3) months in regular meetings and may meet in special meetings whenever it is necessary after being called by the Chairman.

The Chairman of the Board shall be appointed by the Board of Directors of the Institute of Puerto Rican Culture. The Board shall be a consulting body that will serve to counsel the General Manager of the Corporation in the management and implementation of the programs and activities of the Corporation.

The General Manager of the Corporation shall establish the qualifications of the members of the Consulting Board, as well as the reasons and procedures for their dismissal from office.

**Section 5. — Annual report.** — (18 L.P.R.A. § 1161d)

The General Manager shall render an annual report of the Corporation's activities to the Board of Directors of the Institute of Puerto Rican Culture which shall, in turn, render an annual report of said activities 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 external auditors of professional renown;
- (b) a report of the transactions conducted by the Corporation during the preceding fiscal year, and
- (c) a report of all its activities since the creation of the Corporation or from the date of the last annual report.

**Section 6. — Appropriations.** — (18 L.P.R.A. § 1161e)

All the financial resources and the funds appropriated in the General Budget of Expenses of the Government of Puerto Rico for fiscal year 1985-86 to the government agencies whose programs are transferred hereby shall be transferred to the Corporation. In subsequent years the General Manager shall work out and present to the Board of Directors of the Institute of Puerto Rican Culture for its approval a consolidated budget that shall include the Corporation's programs and activities, and the appropriations shall be set aside in the Government's annual budget of expenses.

**Section 7. — Transfer of Programs.** (18 L.P.R.A. § 1161f)

All the powers, duties, rights, contracts, obligations, exemptions, properties and privileges of the Fine Arts Center created by Act No. 11 of June 19, 1970, are transferred to the Fine Arts Center Corporation, with its functions, programs and activities. All transfers of property, budget, programs, personnel and obligations shall be carried out in accordance with the applicable rules and regulations herein, and the vested rights of the public employees if any,

under the laws which regulate personnel, shall not be impaired, nor shall the rights, privileges, obligations and status with regard to any existing pension, retirement, savings and loan fund system or systems 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 property, personnel, equipment, funds, assets and obligations indicated herein to the Corporation, following the proper procedures, laws and regulations.

**Section 8. — Miscellaneous Provisions.** — (18 L.P.R.A. § 1161 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 [May 12, 1980].

(b) With the exception of the modifications needed to conform the agencies and programs transferred by this Act to the structure of the Puerto Rico Fine Arts 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) All the regulations governing the operations, programs and duties of the agencies, 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 Corporation.

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

(e) The programs sponsored directly or indirectly by the Institute of Puerto Rican Culture and by the Musical Arts Corporation shall have priority for the use of the Puerto Rico Fine Arts Center facilities.

**Section 9. — Repeal.** — (18 L.P.R.A. § 1161 note)

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