

(H. B. 2905)

(No. 307)

(Approved December 27, 2006)

AN ACT

To amend Sections 1, 2, 3, 4, 5, and 6 of Act No. 85 of July 29, 2001, known as the “Act of the Artistic Participation of the Students of Free Schools of Music and music programs of other Public Schools of Puerto Rico,” to authorize school youth cooperatives to participate in the artistic activities of agencies, public corporations, and other government entities of the Executive, Legislative and Judicial Branches of the Government of the Commonwealth of Puerto Rico, and the Municipalities.

STATEMENT OF MOTIVES

The artistic participation, preferably, of the students of the Free Schools of Music and music programs of other public schools of Puerto Rico in the activities of agencies, public corporations, and other government entities of the Executive, Legislative and Judicial Branches of the Government of the Commonwealth of Puerto Rico, and the Municipalities was authorized through the promulgation of Act No. 85 of July 29, 2001, known as the “Act of the Artistic Participation of the Students of Free Schools of Music and music programs of other Public Schools of Puerto Rico.”

On the other hand, the Act grants a monetary stipend to every participant for his/her artistic collaboration in such activities. According to its Statement of Motives, the formation of a new generations of musicians in Puerto Rico is based upon, among other aspects, the praiseworthy work performed by the Free Schools of Music of Puerto Rico. The Puerto Rico

Legislature is certainly in complete agreement with the aforementioned statement. However, we deem it reasonable to extend the radius of action of this Act to include organizations constituted as school youth cooperatives.

In general terms, youth cooperatives are groups of young people that become incorporated to develop educational and socio-economic activities to satisfy the needs of the school or residential community, and that also provide a workshop for the practice of cooperativism. Through these organizations, students have the opportunity to promote the establishment of workshops for the development of creative, artistic and sports skills. The aforementioned makes this Act the key to access to a practical laboratory, that is, participation in artistic events to be offered by the Government of Puerto Rico.

Considering the broad spectrum of Government agencies in Puerto Rico that, due to their purposes, offer artistic events for the people, we deem it reasonable to extend the sphere and participation to include organizations constituted as school youth cooperatives. With this opportunity, school youth cooperatives shall be able to present their best work while they receive compensation for their services.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 1 of Act No. 85 of July 29, 2001, is hereby amended to read as follows:

“Section 1.- This Act shall be known and cited as the “Act of the Artistic Participation of the Students of Free Schools of Music, music programs of other Public Schools of Puerto Rico, and entities constituted as school youth cooperatives.”

Section 2.- Section 2 of Act No. 85 of July 29, 2001, is hereby amended to read as follows:

“Section 2.- The following terms used in this Act shall have the meanings specified below:

- (1) ...
- (2) Counselors – Person or persons that shall give support to the school youth cooperatives.
- (3) School youth cooperative – Youth organization whose members are under twenty-two (22) years of age created pursuant to Act No. 220 of August 29, 2002, as amended, known as the “Special Act of Youth Cooperatives,” that operates within a public school building.
- (4) Stipend – The bonus, in cash or in kind, to be received by each participating student or organization constituted as a school youth cooperative for its artistic presentation, which shall not be considered as income, salary or wage, but rather as monetary aid in cash or in kind destined to the student or organization constituted as a school youth cooperative to defray personal or operating expenses, or needs such as transportation, food or lodging.
- (5) ...
- (6) ...
- (7) ...
- (8) ...”

Section 3.- The first, second and third paragraphs of Section 3 of Act No. 85 of July 29, 2001, are hereby amended to read as follows:

“Section 3.- The artistic participation, preferably, of the students of the Free Schools of Music, the music programs of other public schools of Puerto Rico, and of organizations constituted as school youth cooperatives in activities of agencies, public corporations, and other government entities of the Executive, Legislative and Judicial Branches

of the Government of the Commonwealth of Puerto Rico, as well as the municipalities, is hereby authorized.

Likewise, the granting of a monetary stipend for every participating student and organization constituted as a school youth cooperative for their artistic collaboration in such activities is hereby authorized.

In addition, the granting of an additional payment or extraordinary compensation as it may correspond to regular employees of the Department who perform tasks related to the activities in which the students participate is also authorized herein. In those cases in which the counselor of the school youth cooperative is not a Department employee, the payment of a stipend to be determined by the Regulations to be promulgated by the Secretary, as provided in this Act, is hereby authorized.”

Section 4.- Section 4 of Act No. 85 of July 29, 2001, is hereby amended to read as follows:

“Section 4.- The participation of the students and the members of school youth cooperatives in these activities shall not be construed as employment of minors. Provided, that the Department personnel, either teaching or non-academic staff, that is regularly employed and performs tasks related to the participation of the students in said activities may receive additional payment or extraordinary compensation, without being subject to Section 177 of the Political Code, as amended.”

Section 5.- The first paragraph of Section 5 of Act No. 85 of July 29, 2001, is hereby amended to read as follows:

“Section 5.- The Secretary shall provide on matters concerning the educational services and the stipend to be provided to the participating students and organizations constituted as school youth cooperatives, as

well as on the additional payment or extraordinary compensation for the Department personnel. To such end, the Secretary shall coordinate and enter into agreements and contracts with every agency, public corporation, department, municipality or other public or private entity that requests the artistic participation of the students of the Free Schools of Music of Puerto Rico and of the organizations constituted as school youth cooperatives.

...”

Section 6.- Section 6 of Act No. 85 of July 29, 2001, is hereby amended to read as follows:

“Section 6.- The Secretary shall approve rules and regulations for the implementation of this Act, whose texts shall be written with the joint participation of the Secretary, the Director of the Specialized Schools Unit of the Department, and the Director of the Coordination and Cooperative Education Division of the Department, and the Directors of the Free Schools of Music of Puerto Rico.”

Section 7.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 307 (H.B. 2905) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 1, 2, 3, 4, 5, and 6 of Act No. 85 of July 29, 2001, known as the “Act of the Artistic Participation of the Students of Free Schools of Music and music programs of other Public Schools of Puerto Rico,” to authorize school youth cooperatives to participate in the artistic activities of agencies, public corporations, and other government entities of the Executive, Legislative and Judicial Branches of the Government of the Commonwealth of Puerto Rico, and the Municipalities,

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

In San Juan, Puerto Rico, today 17th of September of 2007.

Francisco J. Domenech
Director