

House Bill 291

By: Representatives Wilkinson of the 52<sup>nd</sup>, Butler of the 18<sup>th</sup>, Rice of the 51<sup>st</sup>, Ashe of the 56<sup>th</sup>, Stephens of the 164<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to the Georgia Council for the Arts, so as to create the Georgia Arts Alliance; to  
3 provide for legislative findings; to foster a public-private partnership for support of the arts;  
4 to provide for the membership, appointment, terms, filling of vacancies, duties, and  
5 responsibilities of the board of trustees of the Georgia Arts Alliance; to provide for the  
6 creation, appointment, terms, filling of vacancies, duties, and responsibilities of an advisory  
7 committee to the alliance; to provide for certain reports and audits; to provide for  
8 development of a cultural policy for the State of Georgia; to amend Part 14 of Article 6 of  
9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational  
10 programs for elementary and secondary education, so as to provide for the development of  
11 a Future Art and Music Teachers Pilot Program; to provide for related matters; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the  
16 Georgia Council for the Arts, is amended by designating the existing text as Part 1 and  
17 inserting a new Part 2 to read as follows:

18 "Part 2

19 50-12-30.

20 The General Assembly finds that:

- 21 (1) Tourism is Georgia's second largest industry and cultural heritage tourism is the  
22 fastest growing industry segment;
- 23 (2) The arts surpass professional sports in attendance and are ranked as one of the top ten  
24 reasons for corporate relocations;

- 1 (3) The arts preserve history and heritage for Georgians;
- 2 (4) The arts enhance education success for our children through the teaching of complex  
3 and abstract ideas; the nurturing of the development of cognitive, social, and personal  
4 competencies; and the reaching of otherwise unreachable students;
- 5 (5) Preparing Georgia children for success in our competitive global economy that  
6 increasingly demands creative solutions to challenging problems is a fundamental  
7 obligation of the State of Georgia;
- 8 (6) Utilizing all available tools to improve Georgia's public schools is critical to  
9 demonstrating Georgia's strong commitment to work force readiness and to encouraging  
10 continued job growth and relocation of attractive knowledge based industries within  
11 Georgia;
- 12 (7) Research studies and experience in recent years demonstrate that the presence of arts  
13 in education, whether part of the curriculum or as supplemental programs, can increase  
14 students' engagement in learning as well as their social and civic development;
- 15 (8) Integrating arts in education in various ways as a meaningful part of the K-12 school  
16 environment can have the following benefits:
  - 17 (A) Reaching and increasing the performance of students who often struggle to succeed  
18 in school, including disadvantaged students, English language learners, and students  
19 with disabilities;
  - 20 (B) Providing new challenges for those students already considered successful;
  - 21 (C) Improving the cognitive skills of students involved in reading, language  
22 development, and mathematics;
  - 23 (D) Lead to a student's development of problem solving and critical and creative  
24 thinking skills;
  - 25 (E) Motivating students to learn and become more involved in their schools;
  - 26 (F) Increasing student attendance and engagement and lowering drop out rates; and
  - 27 (G) Promoting student self-confidence and fostering better relationships among  
28 students and teachers;
- 29 (9) Public funding support for the arts and the teaching and physical infrastructure  
30 needed to provide arts and arts in education is an essential part of Georgia's efforts to  
31 improve education and provide for economic development and tourism;
- 32 (10) Companies desire employees who can meet the challenges of a global economy and  
33 can apply creative thought to problem solving;
- 34 (11) The arts build communities and increase the quality of life for Georgians;
- 35 (12) Increasing the availability of the arts and tourism is a direct economic benefit for  
36 the economy of Georgia and will provide jobs and opportunities for our citizens;

1 (13) It is in the best interests of this state and its citizens to support the arts, education,  
2 economic development, and tourism; and

3 (14) The success and significant advances made by the Georgia Research Alliance as a  
4 public-private partnership in higher education demonstrates that a coordinated  
5 public-private partnership to focus resources on critical educational objectives is an  
6 efficient and flexible means for allocating resources and ensuring measurable results.

7 50-12-31.

8 (a) In order to foster a public-private partnership for the support of the arts, education,  
9 economic development, and tourism in this state, there is created the Georgia Arts Alliance.  
10 Such alliance shall be for the purpose of receiving and distributing funds for the support  
11 of the arts, including the Georgia Council for the Arts, and the teaching and physical  
12 infrastructure needed to provide arts and arts in education in order to improve education  
13 and provide for economic development and tourism. The Georgia Arts Alliance shall not  
14 be an entity or agency of government, but shall be a private entity operating under and in  
15 accordance with the laws of this state. It is the intent of the General Assembly that such  
16 private entity take all necessary steps to become a Section 501(c)(3) entity under the  
17 Internal Revenue Code.

18 (b)(1) The Georgia Arts Alliance shall be governed by a board of trustees consisting of  
19 ten members. The members of the board shall include the State School Superintendent,  
20 the commissioner of economic development, the Executive Director of the Georgia  
21 Council for the Arts, and seven members appointed by the Governor, with one member  
22 representing each of the following categories: the head of a not for profit arts  
23 organization with an annual budget of more than \$10 million; the head of a not for profit  
24 arts organization with an annual budget of less than \$10 million; the head of a school  
25 district with more than 25,000 students; the head of a school district with fewer than  
26 25,000 students; the chief executive officer of a for profit company with more than 1,000  
27 employees in Georgia; the chief executive officer of a for profit company with fewer than  
28 1,000 employees in Georgia; and a representative of a private charitable foundation based  
29 in Georgia which provides funding for the arts.

30 (b)(2) The Governor shall appoint one member to serve as chairperson of the board of  
31 trustees. The board may elect such other officers as the board deems appropriate. The  
32 board shall meet at the call of the chairperson or the request of any three members.

33 (c) The members of the board of trustees shall serve terms of four years and until their  
34 successors are appointed and qualified; provided, however, that the initial terms of the head  
35 of a not for profit arts organization with an annual budget of more than \$10 million, the  
36 head of a school district with more than 25,000 students, and the chief executive officer of

1 a for profit company with fewer than 1,000 employees in Georgia shall be for two years  
2 and until their successors are appointed and qualified. Thereafter, such members shall  
3 serve four-year terms and until their successors are appointed and qualified. The members  
4 of the board shall serve without compensation but may be reimbursed for actual and  
5 reasonable expenses incurred while on the business of the alliance.

6 (d) The board of trustees shall appoint an advisory committee to assist the board members  
7 in their duties. Such advisory committee shall consist of not more than 30 members and  
8 shall be chaired by the executive director of the alliance. The advisory committee shall  
9 include at least two representatives from each of the state's congressional districts. In  
10 making its appointments, the board shall select members of the boards of arts, education,  
11 economic development, and tourism organizations; persons who have shown a commitment  
12 to the arts in their communities; and persons who understand the needs of business,  
13 education, and the arts and tourism industries. Such members shall serve for four-year  
14 terms and until their successors are selected and qualified; provided, however, that the  
15 board of trustees shall designate 15 of the initial appointees to serve terms of two years and  
16 until their successors are selected and qualified. Such 15 members shall thereafter serve  
17 four-year terms and until their successors are selected and qualified. The members of the  
18 advisory committee shall serve without compensation but may be reimbursed for actual and  
19 reasonable expenses incurred while on the business of the advisory committee.

20 50-12-32.

21 The Georgia Arts Alliance shall have the following purposes:

22 (1) To support the efforts of the Georgia Council for the Arts in the advancement of the  
23 arts and tourism industries of this state;

24 (2) To recommend a cultural policy for the State of Georgia;

25 (3) To support the improvement of public education in Georgia through the integration  
26 of the arts in education and to ensure that the benefits of arts education are competitively  
27 available to all schools;

28 (4) To provide annually to individual public schools enabling matching grants for up to  
29 three years for a specified arts program or project for students based on competitive  
30 evaluation by the advisory board or a committee of the advisory board of the various  
31 proposals, taking into consideration:

32 (A) Demonstrated local leadership and commitment to oversee the program or project;

33 (B) Demonstrated school administrative support for the program or project;

34 (C) Demonstrated support for the program or project evidenced by local funding  
35 support in a flexible match grant to be determined based on local capacity;

1 (D) Engagement of arts expertise appropriate for the content and structure of the  
2 program or project; and

3 (E) Commitment to measure and evaluate the results of the program or project;

4 (5) To provide annually to the Georgia Council for the Arts an incremental addition to  
5 the council's funding from other sources to support professional development of teachers,  
6 teaching artists, and administrators for arts in education through learning grants to  
7 individuals; and to support employment of an art education specialist in both the Georgia  
8 Council for the Arts and the Department of Education;

9 (6) To provide annually to support the construction and operation of a Learning Center  
10 for Excellence in the Arts serving all of Georgia which is owned or operated by an  
11 organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue  
12 Code and which is part of a Music Center of Excellence serving all of Georgia the  
13 aggregate construction cost of which is \$300 million or more;

14 (7) To receive, invest, and administer funds received, including without limitation funds  
15 from the state, any state-wide video licensing authority, the federal government, private  
16 donations, grants, and other sources to fulfill the purposes for which the alliance is  
17 created;

18 (8) To attract contributions and grants for the purposes of the alliance;

19 (9) To utilize funds of the alliance for matching dollars for federal and foundation grants  
20 to fulfill the purposes of the alliance; and

21 (10) To engage in other activities designed to support Georgia's arts and the teaching and  
22 physical infrastructure needed to provide arts and arts in education in order to improve  
23 education and provide for economic development and tourism.

24 50-12-33.

25 The board of trustees shall have the following duties and responsibilities:

26 (1) To operate and manage the Georgia Arts Alliance, including the investment and  
27 reinvestment of the alliance's funds, the management of assets of the alliance, and the  
28 distribution of such funds and assets to fulfill the purpose of the alliance;

29 (2) To enter into contracts with public and private entities for services needed by the  
30 alliance and to fulfill the purposes of the alliance;

31 (3) To employ an executive director and such other staff and consultants as deemed  
32 necessary to fulfill the purposes of the alliance and to manage, invest, and administer  
33 funds and assets of the alliance;

34 (4) To receive, retain, and invest donations, state and federal funding, grants, and other  
35 funds and assets;

1 (5) To direct and administer any funds to be collected for educational purposes as  
 2 permitted by law from franchisees of any state-wide video licensing authority that may  
 3 be created in the State of Georgia;

4 (6) To ensure that an annual independent audit is conducted of all funds and assets of the  
 5 alliance;

6 (7) To apply for and administer grants from public and private entities to fulfill the  
 7 purposes of the alliance, to assist Georgia arts organizations in obtaining and  
 8 administering grants for these purposes, and to partner with other organizations in order  
 9 to obtain such grants;

10 (8) To institute and administer grant programs for Georgia arts organizations and  
 11 programs to fulfill the purposes of the alliance;

12 (9) To ensure that determinations of any public funding recipients shall be based not on  
 13 political expediency but rather on the project's contribution to the general welfare of its  
 14 intended audience and the project's demonstration of its relative ability to provide  
 15 benefits to the state and its citizens as quantified as required by paragraph (11) of this  
 16 Code section.

17 (10) To promote, fund, conduct, and assist in the development, provision, and expansion  
 18 of arts education programs in Georgia and the teaching and physical infrastructure needed  
 19 to provide arts and arts in education;

20 (11) To develop a measurement system that will ensure that information provided by the  
 21 alliance in any report to the Governor and the General Assembly concerning the impact  
 22 of the arts on education, economic development, and tourism have verifiable metrics in  
 23 order to aid the General Assembly in determining whether any public money expended  
 24 in support of the arts provides quantifiable benefits to the state and its citizens; and

25 (12) To perform such other tasks as may be appropriate to fulfill its purposes not  
 26 inconsistent with law.

27 50-12-34.

28 (a) The funds and assets of the alliance shall be independently audited annually, and the  
 29 results of such audit shall be open to inspection at reasonable times by any person. A copy  
 30 of the audit report shall be sent to the state auditor and the state accounting officer.

31 (b) The alliance shall provide the Governor and the members of the General Assembly  
 32 with a full report of its activities and funds distribution in December of each year with  
 33 recommendations, if any, for legislation to assist the alliance in achieving its purposes. The  
 34 report shall include information on the impact of the arts on education, economic  
 35 development, and tourism, specifying the metric results using the measurement system  
 36 developed by the alliance as required in paragraph (11) of Code Section 50-12-33.

1 50-12-35.

2 By no later than June 1, 2008, the Georgia Arts Alliance shall recommend to the Governor  
3 and the General Assembly a cultural policy for the State of Georgia. The policy shall  
4 include, but not be limited to, the following elements:

5 (1) Strategies for promoting, both within Georgia and beyond, cultural tourism for all  
6 areas of the state; and

7 (2) A recommendation for a state framework for instruction in the arts in public schools,  
8 including a recommendation for minimum periods of instruction."

9 **SECTION 2.**

10 Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
11 relating to other educational programs for elementary and secondary education, is amended  
12 by adding a new Code section as follows:

13 "20-2-319.3.

14 (a) By no later than June 1, 2008, the Department of Education, in conjunction with the  
15 Georgia Arts Alliance, shall develop and implement a Future Art and Music Teachers Pilot  
16 Program.

17 (b) The Future Art and Music Teachers Pilot Program shall provide, in at least six schools  
18 in this state, a program through which students in grades 11 and 12 may provide visual art  
19 and music instruction to students in kindergarten through grade six."

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.