

House Bill 338

By: Representatives Wilkinson of the 52<sup>nd</sup>, Stephens of the 164<sup>th</sup>, Abrams of the 89<sup>th</sup>, Parrish of the 158<sup>th</sup>, Carter of the 175<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 clarify the role of arts in economic  
3 development and other vital functions to the state; to provide for membership changes; to  
4 provide for meetings; to provide for responsibilities; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the  
9 Georgia Council for the Arts, is amended by revising Code Section 50-12-20, relating to  
10 legislative findings and declaration of public policy, as follows:

11 "50-12-20.

12 (a) The General Assembly finds that the general welfare of the people of ~~the~~ this state will  
13 be promoted by giving recognition to the arts as a vital part of our culture and heritage; that  
14 with increasing leisure time, the practice and enjoyment of the arts are of increasing  
15 importance; and that many of our citizens lack the opportunity to view, enjoy, or participate  
16 in live theatrical performances, film making, photography, music, opera, dance, art  
17 exhibits, examples of fine architecture, and the performing and visual arts. The General  
18 Assembly finds that many of our citizens possess talents of an artistic and creative nature  
19 which are not currently utilized to the fullest extent; that broadened activity in the arts will  
20 increase employment in the state by encouraging additional cultural activity throughout ~~the~~  
21 this state, thus utilizing the talents and abilities of many more citizens; and that the  
22 standards of artistic performance will be further improved by continuing encouragement  
23 and support. The General Assembly, therefore, declares it to be the public policy of this  
24 state to encourage the development of the arts.

25 (b) The arts industry fuels cultural heritage tourism, the fastest growing segment of  
26 tourism; is a catalyst for community revitalization, boosting local economies; fuels arts

27 education in our schools, which prepares students to be entrepreneurial, critical thinkers;  
 28 and spurs innovation, helping industries to become more competitive in a global  
 29 marketplace."

30 **SECTION 2.**

31 Said article is further amended by revising Code Section 50-12-21, relating to the creation  
 32 of the council, as follows:

33 "50-12-21.

34 There is created an arts council to be known as the 'Georgia Council for the Arts,'  
 35 hereinafter referred to as the council. The council is created as an advisory body."

36 **SECTION 3.**

37 Said article is further amended by revising Code Section 50-12-22, relating to appointment  
 38 of members, terms, vacancies, expenses, removal, chairman, and meetings, as follows:

39 "50-12-22.

40 ~~(a) The council shall consist of two members from each congressional district and four~~  
 41 ~~members representing the state at large who shall be appointed by the Governor. All~~  
 42 ~~members shall have demonstrated an interest in the arts. Except for certain members who~~  
 43 ~~were appointed in 1979, the term of office of each member shall be three years. In 1979,~~  
 44 ~~eight members were appointed for terms of office of one year, eight members for terms of~~  
 45 ~~two years, and eight members for terms of three years. The initial appointments were made~~  
 46 ~~so that no more than one member from each congressional district or two state-at-large~~  
 47 ~~members' terms of office would expire in any one year. Vacancies shall be filled for~~  
 48 ~~unexpired terms in the same manner as the original appointment. Membership on the~~  
 49 ~~council shall be limited to two successive three-year terms, and a member may be~~  
 50 ~~reappointed after a lapse of one year. No member initially appointed to one-year or~~  
 51 ~~two-year terms of office shall be prohibited from serving two consecutive three-year terms~~  
 52 ~~of office. The council shall consist of nine members who shall be appointed by the~~  
 53 ~~Governor. Councilmembers shall serve two three-year terms. The Governor shall fill any~~  
 54 ~~vacancies for unexpired terms. The Governor shall appoint two ex officio members from~~  
 55 ~~the General Assembly.~~

56 (b) With regards to the composition of the council:

57 (1) Councilmembers shall be broadly representative of the major fields of the arts and  
 58 related creative industries;

59 (2) The council should be a balanced representation of the entire state, accounting for,  
 60 but not limited to, minority and ethnic groups, gender diversity, geographic diversity,  
 61 large and small organizations, and the public and private sectors;

62 (3) Councilmembers shall be appointed from among private citizens who are widely  
 63 known for their competence and experience in connection with the arts and related  
 64 creative industries, as well as their knowledge of community and state interests; and

65 (4) Consideration shall be given to recommendations for membership made by persons  
 66 or organizations involved in civic, educational, business, labor, professional, cultural,  
 67 ethnic, and performing and creative arts fields, as well as those with knowledge of  
 68 community and state interests.

69 ~~(b)~~(c) Members shall be entitled to reimbursement for expenses incurred in the work of  
 70 the council when authorized in advance by the commissioner of economic development.

71 ~~(e)~~(d) Active and continuing participation by members of the council is needed. Any  
 72 member who fails to attend three regularly scheduled, consecutive meetings may be  
 73 removed by the council.

74 ~~(d)~~(e) A ~~chairman~~ chairperson shall be appointed annually by the Governor for a term  
 75 ending on June 30 of the year following such appointment. The chairperson shall be a  
 76 person widely recognized for his or her knowledge, experience, and interest in the arts  
 77 industry, as well as his or her knowledge of community and state interests.

78 ~~(e)~~(f) The council shall meet ~~annually, or more often, on~~ upon the call of the ~~chairman~~  
 79 ~~chairperson, but not less often than twice during each fiscal year. A majority of the~~  
 80 members appointed to the council shall constitute a quorum."

#### 81 SECTION 4.

82 Said article is further amended by revising Code Section 50-12-23, relating to powers and  
 83 duties, as follows:

84 "50-12-23.

85 The council shall advise the Governor through the Department of Economic Development  
 86 concerning methods and programs to:

87 (1) Stimulate and encourage the study and development of the arts as well as public  
 88 interest and participation therein;

89 (2) Encourage public interest in the cultural heritage of this state;

90 (3) Expand this state's cultural resources;

91 (4) Encourage and assist freedom of artistic expression essential for the well-being of the  
 92 arts;

93 (5) Assist the communities and organizations within this state in originating and creating  
 94 their own cultural and artistic programs; ~~and~~

95 (6) Survey public and private institutions engaged within this state in cultural activities,  
 96 including, but not limited to, architecture, dance, folk arts and applied arts and crafts,  
 97 literature, music, painting, photography, sculpture, and theater;

- 98 (7) Advance the arts in education, tourism, community development, and economic  
99 development in Georgia;  
100 (8) Assist local governments and communities within this state to plan, build, and  
101 connect the arts to their tourism, community, and economic development initiatives;  
102 (9) Establish standards and procedures and advisory committees as necessary to support  
103 the director and staff in furthering the objectives of the council's programs; and  
104 (10) Seek and receive the views of all levels of government and the private and nonprofit  
105 sectors with respect to state programs and policies for the promotion and assistance of the  
106 arts industry."

107 **SECTION 5.**

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