

House Bill 338 (AS PASSED HOUSE AND SENATE)

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 amend Code Section 50-3-54 of the  
5 Official Code of Georgia Annotated, relating to the state wild flower, so as to designate the  
6 native azalea as the state wild flower; to provide for related matters; to repeal conflicting laws;  
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "50-12-20.

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

27 local economies; fuels arts education in our schools, which prepares students to be  
 28 entrepreneurial, critical thinkers; and spurs innovation, helping industries to become more  
 29 competitive in a global marketplace. The General Assembly, therefore, declares it to be the  
 30 public policy of this state to encourage the development of the arts."

31 **SECTION 2.**

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

34 "50-12-21.

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

37 **SECTION 3.**

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

40 "50-12-22.

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

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

59 (1) The council shall be broadly representative of the major fields of the arts and related  
 60 creative industries;

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

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

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

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

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

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

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

83 **SECTION 4.**

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

86 "50-12-23.

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

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

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

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

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

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

97 ~~(6) Survey public and private institutions engaged within this state in cultural activities,~~  
 98 ~~including, but not limited to, architecture, dance, folk arts and applied arts and crafts,~~  
 99 ~~literature, music, painting, photography, sculpture, and theater. Advance the arts in~~  
 100 ~~education, tourism, community development, and economic development in Georgia;~~  
 101 ~~(7) Assist local governments and communities within this state to plan, build, and connect~~  
 102 ~~the arts to their tourism, community, and economic development initiatives;~~  
 103 ~~(8) Establish standards and procedures and advisory committees as necessary to support~~  
 104 ~~the director and staff in furthering the objectives of the council's programs; and~~  
 105 ~~(9) Seek and receive the views of all levels of government and the private and nonprofit~~  
 106 ~~sectors with respect to state programs and policies for the promotion and assistance of the~~  
 107 ~~arts industry."~~

108 **SECTION 5.**

109 Code Section 50-3-54 of the Official Code of Georgia Annotated, relating to the state wild  
 110 flower, is amended as follows:

111 "50-3-54.

112 ~~The azalea is~~ native azaleas (*Rhododendron sp.*), collectively, are designated as the Georgia  
 113 state wild flower."

114 **SECTION 6.**

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