

House Bill 1462

By: Representatives Reese of the 140th, Hugley of the 141st, and Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the creation of the Columbus Music Commission; to provide for a short title;
2 to provide for findings; to provide for definitions; to provide for membership, terms of office,
3 and vacancies; to confer powers and impose duties on the commission; to provide for bylaws;
4 to provide for a quorum; to provide for audits; to provide for venue; to provide for tax
5 exemptions from levy and sale; to provide for liberal construction; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Short title.

10 This Act shall be known and may be cited as the "Columbus Music Commission Act."

11 **SECTION 2.**

12 Findings.

13 It is found and determined that:

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- 14 (1) The music and recording industry is a complex ecosystem comprising various
15 components that work together to create, promote, distribute, and consume music;
- 16 (2) The Columbus area is poised to become a destination hub for the music industry;
- 17 (3) Artists, producers, labels, marketers, and many others all play critical roles in bringing
18 music to life and ensuring it reaches audiences globally. Understanding these components
19 is essential for a successful blueprint for the Columbus area's music industry; and
- 20 (4) It will be the mandate of the Columbus Music Commission to promote the music
21 industry in the Columbus area.

22 SECTION 3.

23 Definitions.

24 As used in this Act, the following words and terms shall have the meaning specified unless
25 the context or use clearly indicates a different meaning or intent:

- 26 (1) "Board" means the board of directors of the Columbus Music Commission.
- 27 (2) "Commission" means the Columbus Music Commission.

28 SECTION 4.

29 Columbus Music Commission created.

30 There is created a body corporate and politic to be known as the "Columbus Music
31 Commission" which shall be deemed to be a public corporation. Such corporation shall be
32 separate and distinct from any public corporation or other entity heretofore created by the
33 General Assembly and shall be an instrumentality of the State of Georgia exercising
34 governmental and proprietary powers. The commission is created for the purpose of
35 promoting the Columbus area as a music destination; recruiting and organizing music
36 festivals and concerts; partnering with local businesses, schools, and organizations to create

37 diverse music programs; working with local government and businesses to secure funding
38 and sponsorships for music initiatives; advocating for music education and resources in local
39 schools; and otherwise promoting the music industry in the Columbus area. In connection
40 with the exercise of any of its powers, the members of the commission may make findings
41 or determinations that the exercise of its powers will support the purposes for which the
42 commission is created.

43 SECTION 5.

44 Board of directors.

45 (a) The commission shall be governed by a board of directors consisting of nine members
46 appointed by the members of the Georgia General Assembly House of Representatives and
47 the members of the Georgia General Assembly Senate who represent any portion of
48 Columbus, Georgia.

49 (b) The board of directors shall consist of:

50 (1) Three members who shall be music producers, recording artists, or managers;

51 (2) Two members who shall be local music venue owners or business leaders in music
52 related industries;

53 (3) Two members who shall be representatives from local arts organizations or cultural
54 affairs departments; and

55 (4) Two members who shall be city commission members or tourism officials.

56 (c) Appointed members of the commission shall serve three-year terms. Members appointed
57 to fill a vacancy shall serve the remainder of the unexpired term. No member appointed to
58 the commission shall serve more than two consecutive complete terms. A member becomes
59 eligible to serve again one year after his or her second consecutive complete term ended.

- 60 (d) The board shall establish bylaws that elect officers, set election dates, outline nomination
61 processes, and sets forth the rules and regulations of the commission. Once approved by the
62 board, the bylaws shall be voted on by the general membership of the commission.
- 63 (e) A majority of the members shall constitute a quorum.

64 **SECTION 6.**

65 Powers and duties.

66 The commission shall have the following powers and duties:

- 67 (1) To have a seal and alter the same at its pleasure;
- 68 (2) To contract for services necessary to carry out its mission;
- 69 (3) To adopt and alter its own bylaws;
- 70 (4) To receive and utilize gifts, donations, and contributions of money and property and
71 services as necessary to carry out its mission;
- 72 (5) To exercise the powers conferred upon a "public corporation" by Article IX, Section
73 III, Paragraph I of the Constitution of Georgia, such corporation being expressly declared
74 to be a public corporation within the meaning of such provision of the Constitution of
75 Georgia;
- 76 (6) To appoint, select, and employ, with or without bidding as the commission may
77 choose, officers, agents, and employees;
- 78 (7) To acquire, construct, purchase, hold, own, lease as lessee, expand, improve,
79 renovate, repair, maintain, and operate real and personal property or interests therein;
- 80 (8) To sell, lease as lessor, or otherwise transfer, pledge, or dispose of any real and
81 personal property interests therein. In connection with any such sale, lease, transfer
82 assignment, or other disposition, the commission need not comply with any other
83 provision of law requiring public bidding or notice to the public of such sale, lease,
84 transfer, assignment, or other disposition;

85 (9) To acquire projects and other property in its own name by gift or by purchase on such
86 terms and conditions and in such manner as it may deem proper. If the commission shall
87 deem it expedient to construct any project on real property or any interest therein or
88 usufruct therein which is subject to the control of any other public body, then such other
89 public body is hereby authorized to convey or lease such real property or interest therein
90 to the commission for no consideration or for such consideration as may be agreed upon
91 by the commission and such other public body, taking into consideration the public
92 benefit to be derived from such conveyance, lease, or usufruct. Any public body may
93 transfer such real property or interest therein without regard to any determination as to
94 whether or not such property or interest therein is surplus;

95 (10) To make and execute with one or more public bodies and private persons contracts,
96 lease agreements, rental agreements, installment sale agreements, and other instruments
97 relating to the property of the commission and incident to the exercise of the powers of
98 the commission, including contracts for constructing, leasing, renting, and selling its
99 projects for the benefit of other public bodies and, without limiting the generality of the
100 foregoing, authority is specifically granted to the commission and to other public bodies
101 to enter into contracts, lease agreements, rental agreements, installment sale agreements,
102 and related agreements with each other relating to the provision of any project or services
103 for a term not exceeding 50 years, as provided in Article IX, Section III, Paragraph I(a)
104 of the Constitution of Georgia;

105 (11) To be a co-owner, along with other public bodies, or to the extent allowed by the
106 Constitution of Georgia, private persons of any property, if the commission finds and
107 determines that such co-ownership is in the best interests of the commission and will
108 serve the public purposes of the commission;

109 (12) To purchase policies of insurance as may be deemed appropriate for its corporate
110 purposes;

- 111 (13) To operate, lease, sell, transfer, or otherwise dispose of any property, real or
112 personal, or assets of the commission, or to assign its rights under its contracts, lease
113 agreements, or installment sale agreements or its right to receive payments thereunder,
114 either directly or through trust or custodial arrangements whereby interests are created
115 in such contracts, lease agreements, or installment sale agreements or the payments to be
116 received thereunder through the issuance of trust certificates, certificates of participation,
117 custodial receipts, or other similar instruments. In connection with any such lease, sale,
118 transfer, assignment, or other disposition, the commission need not comply with any
119 other provision of law requiring public bidding or any notice to the public of such lease,
120 sale, transfer, assignment, or other disposition;
- 121 (14) To accept loans and grants of money or property of any kind from the United States
122 or any public body or private person, and all public bodies are authorized to make grants
123 to the commission, subject to any limitations in the Constitution of Georgia;
- 124 (15) To make such rules and regulations governing its employees and property as it may
125 in its discretion deem proper;
- 126 (16) To be sued the same as any private corporation on any contractual obligation of the
127 commission. The commission shall have the same rights to sue any other person or entity
128 as any private corporation; and
- 129 (17) To have and exercise the usual powers of private corporations, except such as are
130 inconsistent with this Act, and to do any and all things necessary and convenient to
131 accomplish the purposes and powers of the commission as stated in this Act.

132 **SECTION 7.**

133 The board as trustees.

134 The board shall be held accountable in all respects as trustees. The commission or its fiscal
135 agent shall keep suitable records of all receipts, income, and expenditures of every kind.
136 There shall be an independent audit of the commission if the commission received or spent
137 money in a taxable year without the use of a fiscal agent.

138 **SECTION 8.**

139 Charitable and public functions.

140 The creation of the commission and the carrying out of its corporate purposes is in all
141 respects for the benefit of the people of the state. The commission is an institution of purely
142 public charity and will be performing an essential governmental function in the exercise of
143 the power conferred upon it by this Act. The commission shall not be required to pay any
144 taxes or assessments upon any of the property acquired or leased by it or under its
145 jurisdiction, control, possession, or supervision or upon its activities in the operation or any
146 rates, fees, tolls, or other charges for the use of such projects or other income received by the
147 commission.

148 **SECTION 9.**

149 Actions.

150 Any action brought against the commission shall be brought in the Superior Court of
151 Muscogee County and such court shall have exclusive, original jurisdiction of such question.

152 **SECTION 10.**

153 Liberal construction.

154 Being for the welfare of the state and its inhabitants, this Act shall be liberally construed to
155 effect the purposes of the Act.

156 **SECTION 11.**

157 Repealer.

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