

Senate Bill 396

By: Senators Halpern of the 39th, Butler of the 55th, Beach of the 21st, Goodman of the 8th,
Brass of the 28th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Department of Economic Development, so as to enact the "Georgia State-wide Music Office
3 Act"; to provide for legislative findings; to provide for definitions; to create the Georgia
4 State-wide Music Office; to provide for administration of the office; to provide for duties of
5 the office; to create the Georgia Music Advisory Council; to provide for membership, terms,
6 and filling of vacancies; to provide for administration of the council; to provide for duties of
7 the council; to provide for the adoption and promulgation of rules and regulations; to provide
8 for appropriations contingency; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
13 of Economic Development, is amended by revising Article 10, which is reserved, as follows:

14 "ARTICLE 10

15 50-7-120.

16 This article shall be known and may be cited as the 'Georgia State-wide Music Office Act.'

17 50-7-121.

18 (a) The General Assembly finds that it is in the state's interest to establish a dedicated
19 office, which shall be known as the Georgia State-wide Music Office, to be administered
20 by the Department of Economic Development. The office shall focus on the state-wide
21 support, promotion, and cultivation of Georgia's growing music industry.22 (b) The mission of the office shall be to create opportunity and connect businesses, to
23 serve as a clearing-house for Georgia music industry information and as a liaison between
24 music businesses and government offices and agencies, to publicize significant
25 developments within the music industry, and to foster a vibrant music industry to bolster
26 the economic development of music businesses and musicians in Georgia.

27 50-7-122.

28 As used in this article, the term:29 (1) 'Agency' or 'agencies' means any officer, board, department, agency, commission,
30 bureau, authority, public corporation, instrumentality, council, or other entity of state
31 government when engaged in an activity conducive to marketing which promotes music.32 (2) 'Commissioner' means the commissioner of economic development.33 (3) 'Coordinate' and 'coordination' include issuing rules, policies, standards, definitions,
34 specifications, and other guidance and direction.35 (4) 'Council' means the Georgia Music Advisory Council established pursuant to Code
36 Section 50-7-124.37 (5) 'Department' means the Department of Economic Development.

38 (6) 'Implement' and 'implementation' include planning, writing, drafting, designing,
39 study, and market analysis; solicitation and acceptance of gifts, contributions, and
40 cooperation; contracting, procurement, retention of consultants, outsourcing, similar
41 activities, and other activities within the ordinary meaning of the term in this context.

42 (7) 'Market' and 'marketing' include promotion, advertising, signage, public relations,
43 press relations, branding, and use of a 'look'; creation, use, and licensing of trademark,
44 copyright, and other intellectual property; discounts; and other activities of similar nature
45 or within the term as it is commonly understood.

46 (8) 'Office' means the Georgia State-wide Music Office established pursuant to Code
47 Section 50-7-123.

48 (9) 'Resident' means a person who has a permanent home or domicile in Georgia and to
49 which, having been absent, he or she has the intention of returning. For the purposes of
50 this article, there is a rebuttable presumption that any person who, except for infrequent,
51 brief absences, has been present in the state for 30 or more days is a resident.

52 50-7-123.

53 (a) There is established within the department the Georgia State-wide Music Office. The
54 office is assigned to the department for administrative purposes only. The commissioner
55 shall appoint personnel within the department to facilitate the functions of the office.

56 (b) The office shall have a director and staff. The director shall report to the
57 commissioner. In selection of the director, consideration shall be given to individuals who
58 possess extensive knowledge of the many aspects of the music industry, including, but not
59 limited to, live touring, recording, and distribution, and who possess at least five years of
60 experience in the music industry.

61 (c) Primary duties of the office shall include, but shall not be limited to, promoting the
62 increased production of music in this state, the enjoyment and appreciation of the Georgia

63 music industry, and the benefits of visiting and viewing the diverse music productions in
64 this state. In particular, the office shall:

65 (1) Serve as a music business promotion office and information clearing-house for the
66 Georgia music industry, including, but not limited to, through creating and implementing
67 a strategic business development plan to help music industry professionals and businesses
68 to relocate to this state by providing resources and acting as a conduit for music related
69 economic development;

70 (2) Coordinate and market specific programs and initiatives to attract music industry
71 professionals and to foster the economic development of Georgia music businesses and
72 musicians;

73 (3) Assist in growing Georgia's music industry by providing music industry professionals
74 with production contacts in this state; suggesting possible performing, publishing, and
75 recording locations; and other activities as may be required to promote this state as a
76 national music center;

77 (4) Serve as a liaison between music businesses and governmental offices and agencies
78 in areas including, but not limited to, workforce development, education, and tourism;

79 (5) Publicize significant developments within the industry;

80 (6) Develop resource guides and create and maintain an information data base and a
81 secure public website;

82 (7) Develop and market listings of music festivals, productions, and other music events
83 being held throughout this state;

84 (8) Publicize and market this state's music heritage and culture; and

85 (9) Facilitate the expansion of the music industry in this state.

86 50-7-124.

87 (a) The office shall be under the direction of the Georgia Music Advisory Council whose
88 mission shall include raising awareness of the rich and thriving music industry in Georgia.

89 Such council shall consist of eight members and one chairperson who shall be appointed
90 by the Governor. The Governor, in making such appointments, shall ensure to the greatest
91 extent possible that the membership of the council is representative of this state's
92 geographic and demographic composition, with appropriate attention to the representation
93 of women, minorities, and rural Georgia. The members of the council shall be individuals
94 of recognized ability and achievement. The appointments made by the Governor shall
95 include:

96 (1) One member of the Georgia Film, Music, and Digital Entertainment Office who is
97 experienced in the music sector and who will represent the department;

98 (2) One member with focus and experience in music education and workforce
99 development;

100 (3) One member with focus and experience in music technology, music distribution, or
101 music manufacturing;

102 (4) One member who is a music creator, including, but not limited to, a songwriter,
103 musician, producer, or composer;

104 (5) One member who is a representative of a state-wide music organization, including,
105 but not limited to, Georgia Music Partners, the Recording Academy, or the Audio
106 Engineering Society;

107 (6) One member who is a representative of the live music industry, including, but not
108 limited to, a venue owner, operator, promoter, or talent buyer;

109 (7) One member who is a representative of the recorded music industry, including, but
110 not limited to, a studio owner, studio producer, or engineer; and

111 (8) One member who is a representative of a music nonprofit organization, including, but
112 not limited to, organizations involved in the performing arts, opera, or symphony.

113 (b) The Governor shall appoint a person to chair the council. Such person shall not be a
114 member of the council. The chairperson may vote to break a tie.

115 (c) The commissioner, or his or her designee, shall serve as an ex officio, nonvoting
116 member of the council.

117 (d) Each member shall serve for a term of four years and shall be eligible for successive
118 appointments by the Governor. Any member with four consecutive unexcused absences
119 from regular monthly meetings may be removed from the council by the Governor. Each
120 person appointed to the council shall be a resident of Georgia. Any person appointed to
121 the council who ceases to be a resident of this state during his or her term shall be removed
122 from the council and such vacancy shall be filled by the Governor. All vacancies shall be
123 filled for the unexpired term by the Governor.

124 (e) The council shall adopt procedures for its own operation and for the transaction of
125 business, including, but not limited to, setting a quorum for meetings and for the
126 transaction of business; setting meeting dates, times, and places; and calling meetings.

127 (f) As part of its advisory duties, the council shall:

128 (1) Advise the Governor, the General Assembly, the department, and other state agencies
129 on music related policy initiatives, including, but not limited to, the protection,
130 promotion, and preservation of music and the music industry in this state and any
131 conditions, restrictions, or burdens imposed by law or otherwise adversely affecting the
132 legitimate development and expansion of the music industry in this state;

133 (2) Create and implement a strategic business development plan to help music industry
134 professionals and businesses to relocate to this state by providing resources and acting
135 as a conduit for music related economic development;

136 (3) Advise and assist public agencies in elevating the role of and fostering appreciation
137 for the value of music;

138 (4) Create and assist in the implementation of an ongoing marketing campaign to
139 promote Georgia as a music destination for both visitors and music professionals;

140 (5) Encourage educational, creative, and professional music activities; attract outstanding
141 musicians to this state through direct activities, such as sponsorship of music; and
142 implement programs of publicity, education, and coordination; and
143 (6) Protect, promote, and preserve the rich musical traditions of Georgia.

144 50-7-125.

145 (a) The department is authorized to adopt and promulgate such rules and regulations as
146 may be necessary to carry out this article.

147 (b) In marketing and implementation of marketing for Georgia's music industry, the
148 department may exercise its powers under paragraphs (9) and (11) of Code Section 50-7-8
149 and may authorize and delegate to the office and to the council all or parts of such powers
150 for their own implementation.

151 50-7-126.

152 This article shall be subject to appropriations by the General Assembly or other available
153 funding. Reserved."

154 **SECTION 2.**

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