

House Bill 549

By: Representatives Smith of the 18<sup>th</sup>, Carpenter of the 4<sup>th</sup>, Stephens of the 164<sup>th</sup>, Bonner of the 73<sup>rd</sup>, and Seabaugh of the 34<sup>th</sup>

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 adding a new article as follows:

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14 "ARTICLE 11

15 50-7-130.

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

17 50-7-131.

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, to serve as a liaison  
24 between music businesses and government offices and agencies, to publicize significant  
25 developments within the music industry, and to attract essential music industry to foster the  
26 economic development of music businesses and musicians in Georgia.

27 50-7-132.

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 the Department of Economic  
33 Development.

34 (3) 'Coordinate' and 'coordination' include issuing rules, policies, standards, definitions,  
35 specifications, and other guidance and direction.

36 (4) 'Council' means the Georgia Music Advisory Council, established pursuant to Code  
37 Section 50-7-134.

38 (5) 'Department' means the Department of Economic Development.

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

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

47 (8) 'Office' means the Georgia State-wide Music Office, established pursuant to Code  
48 Section 50-7-133.

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

53 50-7-133.

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

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

63 (c) Primary duties of the office shall include, but shall not be limited to, promoting the  
64 increasing production of music in this state, the enjoyment and appreciation of the Georgia  
65 music industry, and the benefits of visiting and viewing the diverse music productions in  
66 this state. In particular, the office shall:

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

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

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

79 (4) Serve as a liaison between music businesses and governmental offices and agencies,  
80 including workforce development, education, and tourism;

81 (5) Publicize significant developments within the industry;

82 (6) Develop resource guides and create and maintain an information data base and a  
83 secure internet website;

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

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

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

88 50-7-134.

89 (a) The office shall be under the direction of the Georgia Music Advisory Council, an  
90 advisory council consisting of eight members and one chairperson, appointed by the  
91 Governor, whose mission shall include raising awareness of the rich and thriving music  
92 industry in Georgia. The Governor, in making such appointments, shall ensure to the  
93 greatest extent possible that the membership of the council is representative of this state's  
94 geographic and demographic composition, with appropriate attention to the representation  
95 of women, minorities, and rural Georgia. The members of the council shall be individuals  
96 of recognized ability and achievement. The appointments made by the Governor shall  
97 include:

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

100 (2) One member with focus and experience in music education and workforce  
101 development;

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

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

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

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

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

113 (8) One member who is a representative of a music nonprofit organization, including, but  
114 not limited to, the performing arts, opera, or symphony.

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

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

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

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

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

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

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

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

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

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

146 50-7-135.

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

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

153 50-7-136.

154 This article shall be subject to appropriations by the General Assembly or other available  
155 funding."

156 **SECTION 2.**

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