

House Bill 762 (AS PASSED HOUSE AND SENATE)

By: Representatives Gilliard of the 162nd, Petrea of the 166th, Hitchens of the 161st, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the creation of the Savannah 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 "Savannah Music Commission Act."

11 **SECTION 2.**
12 Findings.

13 It is found and determined that:

(1) The music and recording industry is a complex ecosystem comprising various components that work together to create, promote, distribute, and consume music;

(2) The Savannah area is poised to become a destination hub for the music industry;

(3) Artists, producers, labels, marketers, and many others all play critical roles in bringing music to life and ensuring it reaches audiences globally. Understanding these components is essential for a successful blueprint for the Savannah area's music industry; and

(4) It will be the mandate of the Savannah Music Commission to promote the music industry in the Savannah area.

SECTION 3.

Definitions.

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

(1) "Board" means the board of directors of the Savannah Music Commission.

(2) "Commission" means the Savannah Music Commission.

SECTION 4.

Savannah Music Commission created.

There is created a body corporate and politic to be known as the "Savannah Music Commission" which shall be deemed to be a public corporation. Such corporation shall be separate and distinct from any public corporation or other entity heretofore created by the General Assembly and shall be an instrumentality of the State of Georgia exercising governmental and proprietary powers. The commission is created for the purpose of promoting the Savannah area as a music destination; recruiting and organizing music

festivals and concerts; partnering with local businesses, schools, and organizations to create diverse music programs; working with local government and businesses to secure funding and sponsorships for music initiatives; advocating for music education and resources in local schools; and otherwise promoting the music industry in the Savannah area. In connection with the exercise of any of its powers, the members of the commission may make findings or determinations that the exercise of its powers will support the purposes for which the commission is created.

SECTION 5.

Board of directors.

(a) The commission shall be governed by a board of directors consisting of nine members appointed by the members of the Georgia General Assembly House of Representatives and the members of the Georgia General Assembly Senate who represent any portion of Chatham County.

(b) The board of directors shall consist of:

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

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

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

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

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

(d) The board shall establish bylaws that elect officers, set election dates, outline nomination processes, and sets forth the rules and regulations of the commission. Once approved by the board, the bylaws shall be voted on by the general membership of the commission.

(e) A majority of the members shall constitute a quorum.

SECTION 6.

Powers and duties.

The commission shall have the following powers and duties:

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

86 provision of law requiring public bidding or notice to the public of such sale, lease,
87 transfer, assignment, or other disposition;

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

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

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

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

(13) To operate, lease, sell, transfer, or otherwise dispose of any property, real or personal, or assets of the commission, or to assign its rights under its contracts, lease agreements, or installment sale agreements or its right to receive payments thereunder, either directly or through trust or custodial arrangements whereby interests are created in such contracts, lease agreements, or installment sale agreements or the payments to be received thereunder through the issuance of trust certificates, certificates of participation, custodial receipts, or other similar instruments. In connection with any such lease, sale, transfer, assignment, or other disposition, the commission need not comply with any other provision of law requiring public bidding or any notice to the public of such lease, sale, transfer, assignment, or other disposition;

(14) To accept loans and grants of money or property of any kind from the United States or any public body or private person, and all public bodies are authorized to make grants to the commission, subject to any limitations in the Constitution of Georgia;

(15) To make such rules and regulations governing its employees and property as it may in its discretion deem proper;

(16) To be sued the same as any private corporation on any contractual obligation of the commission. The commission shall have the same rights to sue any other person or entity as any private corporation; and

(17) To have and exercise the usual powers of private corporations, except such as are inconsistent with this Act, and to do any and all things necessary and convenient to accomplish the purposes and powers of the commission as stated in this Act.

SECTION 7.

The board as trustees.

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

SECTION 8.

Charitable and public functions.

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

SECTION 9.

Actions.

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

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SECTION 10.

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Liberal construction.

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Being for the welfare of the state and its inhabitants, this Act shall be liberally construed to

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effect the purposes of the Act.

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SECTION 11.

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