AN ACT concerning the arts; creating the creative arts industries commission within the department of commerce; transferring the powers, functions and duties from the Kansas arts commission and the Kansas film services commission to the Kansas creative arts industries commission; abolishing the Kansas arts commission and the Kansas film services commission; creating the arts industries commission checkoff; amending K.S.A. 46-1801, 74-7901 and 75-2249 and K.S.A. 2011 Supp. 8-1,161, 75-2389 and 75-5072 and repealing the existing sections; also repealing K.S.A. 74-5202, 74-5203, 74-5204, 74-5205 and 74-5206 and K.S.A. 2011 Supp. 74-6201 and 74-6202.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) For the taxable years commencing after December 31, 2012, each Kansas state individual income tax return form shall contain a designation as follows:

Kansas Creative Arts Industries Commission Checkoff Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, $1, $5, $10 or $20.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas creative arts industries commission checkoff fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas creative arts industries commission checkoff fund which fund is hereby established in the state treasury. All moneys deposited in such fund shall be used solely for the purpose of funding the Kansas creative arts industries commission. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the Kansas creative arts industries commission.

New Section 2. (a) There is hereby created within the department of commerce the Kansas creative arts industries commission to measure, promote, support and expand the creative industries to drive the Kansas economy, grow jobs and enhance the quality of life for all Kansans.

(b) (1) The commission shall consist of 11 members, serving for terms of three years. Members may be reappointed to a term of three years. Members may not serve more than two terms and are not eligible for reappointment following the end of such member’s second term of office. There shall always be at least one member from each congressional district. The members of the commission shall include: Two members appointed by the president of the senate; one member appointed by the minority leader of the senate; two members appointed by the speaker of the house of representatives; one member appointed by the minority leader of the house of representatives; and five members appointed by the governor. All members appointed by the governor shall be appointed for terms of three years, except that in the initial appointment, three of the members shall be appointed for two-year terms and two shall be appointed for three-year terms. The governor shall designate the term for which each of the members first appointed shall serve. The commission shall convene annually by the 20th day of the legislative session and elect a chairperson and a vice-chairperson from among its members.

(2) The members of the commission shall be broadly representative of the major fields of the arts and related creative industries and shall be appointed from among private citizens who are widely known for having competence and experience in connection with the arts and related creative industries or business leaders with an interest in promoting the arts and the creative industries, as well as having knowledge of community and state interests. In making these appointments, the appointing authorities shall seek and consider those recommended for membership by persons or organizations involved in civic, educational, business, labor, professional, cultural, ethnic or performing and creative arts fields.

(c) The commission shall meet on the call of the chair, but not less than four times during each calendar year. Six members of the commission shall constitute a quorum. Meetings may take place in various locations across Kansas. Members of the commission attending meetings of such division, or attending a subcommittee meeting thereof, authorized by such division, shall be paid compensation, subsistence allowances,
mileage and other expenses as provided in K.S.A. 75-3223, and amend-
ments thereto. Employment by the state, or any instrumentality or sub-
division of the state, shall not prevent any person from accepting appoint-
tment to and serving on the advisory board.

New Sec. 3. (a) There is hereby created in the state treasury the
creative industries fund. Moneys from the following sources shall be cred-
ted to the fund:
(1) Moneys appropriated to the fund by the legislature; and
(2) any gifts, grants or donations from private or public sources that
the commission is hereby authorized to accept. No moneys from gifts,
grants and donations shall be spent for any purpose other than arts pro-
grams that the commission has authorized.
(b) All payments and disbursements from the fund shall be made in
accordance with appropriation acts upon warrants of the director of ac-
counts and reports issued pursuant to vouchers approved by the director
or by a person or persons designated by the director.

New Sec. 4. (a) The commission shall be the official agency of the
state for the development and coordination of the arts within the state
and employment development in the creative arts industries. The com-
mission shall promote, support, coordinate, foster, develop and measure
the outcomes of the arts, their practice and their impact on employment
development within this state and shall have the power to:
(1) Appoint such advisory committees as it deems advisable and nec-
essary to effectuate the provisions of this act;
(2) accept, on behalf of the state of Kansas, and expend any federal
funds granted by act of congress or by executive order for all or any
purpose of the commission, except that the commission may expend such
funds only upon appropriation by the legislature if the federal funds re-
quire matching state contributions or capital outlay or create a commit-
ment for future state spending;
(3) accept any gifts, grants, donations or bequests for all or any of the
purposes of the commission, including funds from the sale of real or
personal property;
(4) propose methods and processes to encourage private and public
initiatives that recognize and enhance the role that the arts play in creative
industries;
(5) prepare, promulgate or publish advertising and promotional
books, pamphlets and materials consistent with the purposes of this act,
and prepare and publish reports or surveys containing information relat-
ing to the arts and the activities of the commission or other agencies,
public or private, as may be requested by the governor or the legislature;
(6) advise and consult with national foundations and other local, state
and federal departments and agencies on methods by which to coordinate
and assist existing resources and facilities to foster artistic and cultural
endeavors toward the use of the arts, both nationally and internationally,
in the best interest of Kansas;
(7) enter into agreement with other states, or with the United States
or any agency or instrumentality thereof, having duties or functions sim-
ilar to the commission, or with private associations or corporations, or
with private or public colleges or universities, or with any public or private
school, or with individual persons for any purpose consistent with the
objectives and purposes of this act;
(8) undertake any and all other acts or things as may be deemed
necessary and convenient by the commission to foster and promote the
development of the arts in this state;
(9) promote employment development within the creative industries;
and
(10) adopt rules and regulations as may be necessary to effectuate
the provisions of this act.
(b) The duties of the commission shall include:
(1) To stimulate and encourage throughout the state the study and
development of the arts, as well as public interest and participation
therein;
(2) to take such steps as may be necessary and appropriate to en-
courage public interest in the cultural heritage of the state of Kansas and
to expand the state’s cultural resources;
(3) to encourage and assist freedom of artistic expression essential for the well-being of the arts;

(4) to assist the communities and organizations within the state in originating and creating their own cultural and artistic programs;

(5) to make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including, but not limited to, humanities, music, theater, dance, painting, sculpture, photography, architecture and allied arts and crafts and to make recommendations concerning the appropriate methods to encourage participation in and appreciation of the arts in order to meet the legitimate needs and aspirations of persons in all parts of the state;

(6) to develop strategies on methods to attract film making enterprises to the state of Kansas; assist the division of business development in the locating and researching of locations for possible use by the movie industry; assist students in Kansas in developing film making skills; provide assistance to movie personnel who utilize Kansas as a location for filming as may be directed by the division; provide support at official hospitality functions for the film industry; participate in trade show and official functions pertaining to the film industry; and assist in the establishment of motion picture ventures and such related matters as the commission deems appropriate;

(7) to formulate, in cooperation with the state board of education, programs furthering the arts in education, including artists-in-residence programs. Such programs shall be designed to foster a greater understanding and knowledge of the arts, to utilize the arts as an intellectual stimulus, to utilize the arts as an aid in dealing with personal and social adjustment problems or learning disabilities and to facilitate and to improve other academic courses or programs by using the arts as an educational tool and medium. The commission shall disseminate information about such programs. Any board of education or the governing body of any other political subdivision, or any agent or employee thereof, may request information on such programs or request to participate in such programs, and such board of education or governing body may implement such programs with such political subdivision;

(8) to develop metrics showing the impact of the creative industries on employment development; and

(9) to submit a report of the commission’s recommendations not later than February 1 of each calendar year to the governor, the secretary of commerce and the legislature.

(c) The department of commerce shall provide staff consisting of a director and other assistance as may be required by the commission in the performance of its duties. The secretary of revenue shall provide any datum relevant in measuring the economic outcomes of arts programs to the commission.

New Sec. 5. (a) The Kansas arts commission created by K.S.A. 74-5202, and amendments thereto, and the Kansas film services commission created by K.S.A. 74-9201, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing Kansas arts commission and the Kansas film services commission are hereby transferred to, conferred and imposed upon the creative arts industries commission within the department of commerce, established by this act.

(c) Except as otherwise provided by this act, the creative arts industries commission within the department of commerce established by this act shall be the successor in every way to the powers, duties and functions of the Kansas arts commission and the Kansas film services commission in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the creative arts industries commission within the department of commerce established by this act shall be deemed to have the same force and effect as if performed by the Kansas arts commission and the Kansas film services commission in which such powers, duties and functions were vested prior to the effective date of this act.

(d) Except as otherwise provided by this act, whenever the Kansas arts commission or the Kansas film services commission, or words of like effect, are referred to or designated by a statute, contract or other doc-
ument, such reference or designation shall be deemed to apply to the creative arts industries commission within the department of commerce established by this act.

(e) All rules and regulations of the Kansas arts commission and the Kansas film services commission in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the creative arts industries commission within the department of commerce established by this act until revised, amended, revoked or nullified pursuant to law.

(f) All orders and directives of the Kansas arts commission and the Kansas film services commission in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the creative arts industries commission within the department of commerce established by this act, until revised, amended, revoked or nullified pursuant to law.

(g) On the effective date of this act, the creative arts industries commission within the department of commerce shall succeed to whatever right, title or interest the Kansas arts commission and the Kansas film services commission have acquired in any real property in this state, and the creative arts industries commission within the department of commerce shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas arts commission or the Kansas film services commission to acquire, hold or dispose of real property or any interest therein, the creative arts industries commission within the department of commerce shall succeed to such power or authority.

(h) The creative arts industries commission within the department of commerce established by this act shall be a continuation of the Kansas arts commission and the Kansas film services commission.

(i) On the effective date of this act, all officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the Kansas arts commission and the Kansas film services commission which are transferred by this act, or who become a part of the creative arts industries commission within the department of commerce, and who, in the opinion of the director of the creative arts industries commission within the department of commerce, are necessary to perform the powers, duties and functions of the creative arts industries commission within the department of commerce, shall be transferred to, and shall become officers and employees of the creative arts industries commission within the department of commerce.

(j) Officers and employees of the Kansas arts commission and the Kansas film services commission transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rule and regulation adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the Kansas arts commission and the Kansas film services commission prior to the date of transfer.

(k) For the purposes of K.S.A. 12-2536, and amendments thereto, the creative arts industries commission within the department of commerce, instead of the Kansas arts commission, shall provide an appointee to serve on the metropolitan culture commission.

Sec. 6. K.S.A. 2011 Supp. 8-1,161 is hereby amended to read as follows: 8-1,161. (a) On and after January 1, 2010, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of not more than 20,000 pounds who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one support Kansas arts license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The Kansas arts commission creative arts industries commission,
created under K.S.A. 74-5202, section 2, and amendments thereto, may authorize the use of their logo to be affixed on license plates as provided by this section. Any royalty payment to such commission derived from this section shall be credited to the Kansas arts commission creative arts industries commission special gifts fund and shall be used in accordance with the provisions of K.S.A. 74-5204, section 3, and amendments thereto. Any motor vehicle owner or lessee may annually apply to the commission for the use of such logo. Upon annual application and payment to the commission in an amount of not less than $25 nor more than $100 as a logo use royalty payment for each license plate to be issued, the commission shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a support Kansas arts license plate may make application for such plates not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of motor vehicles, and any applicant for the support Kansas arts license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or support Kansas arts license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the support Kansas arts license plate to the county treasurer of such person’s residence.

(f) The Kansas creative arts industries commission shall:

(1) Pay the initial cost of silk-screening for such support Kansas arts license plates; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the Kansas creative arts industries commission for information concerning the application process or the status of their license plate application.

(g) The Kansas creative arts industries commission, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.

Sec. 7. K.S.A. 46-1801 is hereby amended to read as follows: 46-1801. (a) There is hereby established a joint committee on the arts and cultural resources which shall consist of five senators and five members of the house of representatives. The senate members shall be appointed by the committee on organization, calendar and rules. The house of representative members shall be appointed by the speaker of the house of representatives. Not less than one representative member shall be a member of the house committee on appropriations and not less than one senator member shall be a member of the senate committee on ways and means. In addition, not less than one representative member shall be a member of the house committee on economic development and not less than one senator member shall be a member of the senate committee on commerce. The committee on organization, calendar and rules shall designate a senator member to be chairperson or vice-chairperson of the joint committee as provided in this section. The speaker of the house of representatives shall designate a representative member to be chairperson or vice-chairperson of the joint committee as provided in this section.

(b) A quorum of the joint committee on the arts and cultural resources shall be six. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson of the joint committee shall be the designated member of the house of representatives from the convening of the regular session
in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson of the joint committee shall be the designated member of the senate from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on the arts and cultural resources shall study, investigate and analyze the following matters:

(1) The goals appropriate to the future of the arts and cultural life of Kansas including, but not limited to, the following: Public art; individual artists; films, video, radio and music; and historic preservation;

(2) the role the legislature and state government should play in the achievement of these goals;

(3) arts legislation in other states and at the federal level;

(4) the budget and programs of the Kansas creative arts industries commission and other state supported arts and cultural programs and agencies;

(5) the present status of arts education in Kansas; and

(6) the economic impact of arts and cultural resources in Kansas.

(d) The joint committee shall report to the legislature on or before December 31 each year any finding and recommendations concerning the arts in Kansas which the joint committee deems appropriate. The joint committee may introduce such legislation as it deems necessary in performing its functions.

(e) The joint committee on the arts and cultural resources shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka, unless authorized to be held in a different place by the legislative coordinating council. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(f) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.

Sec. 8. K.S.A. 74-7901 is hereby amended to read as follows: 74-7901. There is hereby created a Kansas wildlife arts council which shall be composed of five members. One member shall be a member of the Kansas wildlife and parks commission appointed by such commission, one member shall be a member of the Kansas creative arts industries commission appointed by such commission, one member shall be the director of the Fort Hays state university Sternberg museum, and two members shall be from the public at large appointed by the president of Fort Hays state university. The director of the Fort Hays state university Sternberg museum shall be chairperson of the council, and personnel of the Fort Hays state university Sternberg museum shall provide such staff and clerical services as the council may require.

Sec. 9. K.S.A. 75-2249 is hereby amended to read as follows: 75-2249. (a) The director of architectural services shall cause a work of sculpture, selected in the manner prescribed by this section prior to its amendment by this act, to be placed atop the state capitol.

(b) The Kansas creative arts industries commission is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing the cost of acquiring and placing atop the state capitol the work of sculpture selected pursuant to this section prior to its amendment by this act. There is hereby established in the state treasury the state capitol dome sculpture fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas creative arts industries commission.

Sec. 10. K.S.A. 2011 Supp. 75-2269 is hereby amended to read as follows: 75-2269. (a) There is hereby created a capitol preservation committee which will include the membership of the following:

(1) The statehouse architect;

(2) the executive director of the state historical society;
(3) the executive director of the Kansas creative arts industries commission;
(4) three members appointed by the governor;
(5) two members appointed by the president of the senate and one member appointed by the minority leader of the senate; and
(6) two members appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives.

The governor shall appoint the chair of the committee. The committee shall meet at least annually and more often upon call of the chairperson, but no more than four meetings shall be called in any year.

(b) Of the members first appointed to the committee, the following term lengths shall apply:
(1) Two members appointed by the governor shall serve two-year terms, and one member appointed by the governor shall serve a one-year term;
(2) the members appointed by the minority leaders of the senate and the house of representatives shall each serve two-year terms; and
(3) the members appointed by the president of the senate and the speaker of the house of representatives shall each serve one-year terms.

Successors to such members shall serve two-year terms.

(c) The committee shall have the following responsibilities:
(1) On or after January 1, 2013, approve all proposals for renovation of all areas of the state capitol, the capitol’s visitor center and the grounds surrounding the state capitol to insure that the historical beauty of the areas are preserved;
(2) preserve the proper decor of such areas;
(3) assure that any art or artistic displays are historically accurate and have historic significance;
(4) the location and types of temporary displays and revolving displays in the state capitol including the visitor center; and
(5) oversee the reconfiguration or redecoration of committee rooms within the statehouse.

Implementation of the recommendations of the committee shall be the responsibility of the division of legislative administrative services.

(d) Any permanent displays or monuments proposed to be located on the state capitol grounds must be approved by the committee and authorized by the passage of a bill of the state legislature.

(e) The capitol preservation committee shall annually submit to the governor and the legislature a report of its activities and recommendations.

(f) Members of the committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, however full-time state employees serving on the committee shall not receive such compensation.

(g) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(h) Committee members may engage in or encourage fund raising activities for the limited purpose of funding committee responsibilities as described in subsection (c).

(i) No member of the committee shall hold a fiduciary interest, either directly or indirectly, in any contract relating to the committee responsibilities as described in subsection (c).

Sec. 11. K.S.A. 2011 Supp. 75-5072 is hereby amended to read as follows: 75-5072. (a) As used in this section:
(1) “Qualified hometown” means a city or unincorporated community that is a governor’s hometown as defined by this section and which has satisfied the requirements of this section; and
(2) “governor’s hometown” means the city or unincorporated community listed in the election records of the secretary of state as the residence of a successful candidate for governor of the state of Kansas the first time such candidate was elected governor.

(b) For all qualified hometowns, the secretary of the Kansas depart-
The secretary of transportation shall install governors' hometown signs only if:

1. The governing body of the city or the board of county commissioners for the unincorporated community has adopted a resolution requesting the installation of such signs;
2. The city or unincorporated community is located on a highway which is part of the state highway system; and
3. The secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the initial cost of installing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs.

The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing governors' hometown signs.

(c) The secretary of transportation, or the secretary's designee, shall design the governors' hometown signs. The size, shape, color, design and content of such signs shall be distinctive and shall be determined by the secretary of transportation, except that such signs shall include: (1) The name of the city or unincorporated community; (2) the governor's hometown logo; and (3) an indication that such city or unincorporated community is the hometown of one or more governors of Kansas, the name of each governor of Kansas whose hometown is such city or unincorporated community, the numerical designation of each such governor in the succession of governors of Kansas and the years each such governor served as governor of Kansas.

(d) The secretary of commerce, or the secretary's designee, shall conduct a competition for the design of the governor's hometown logo. The logo shall include a representation of the dome of the state capitol building. In organizing and conducting such competition, the secretary of commerce shall consult with and cooperate with the executive director of the state historical society, the executive director of the Kansas creative arts industries commission, Kansas humanities council and such other agencies, persons or organizations as the secretary finds appropriate.

(e) The governing body of any city or the board of county commissioners for any unincorporated community, not located on a highway which is part of the state highway system, may request a governor's hometown sign from the secretary of transportation which meets the design specifications of subsection (c). Such city or unincorporated community shall reimburse the secretary for the cost of such sign and shall be responsible for the installation, repair, maintenance or replacement of such sign.

(f) (1) The governing body of any city or the board of county commissioners for any unincorporated community which was a territorial capital of Kansas, may request a territorial governor's sign from the secretary of transportation, subject to the same procedure, conditions and limitations contained in subsections (b) and (e).

2. The secretary of transportation, or the secretary's designee, shall design the territorial governor's signs. The size, shape, color, design and content of such signs shall be distinctive and shall be determined by the secretary of transportation, except that such signs shall include: (1) The name of the city or unincorporated community; and (2) an indication that such city or unincorporated community was a territorial capital of Kansas, the name of each territorial governor of Kansas who served in such territorial capital, the numerical designation of each such governor in the succession of governors of Kansas and the years each such governor served as territorial governor of Kansas.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above Bill originated in the House, and passed that body.

________________________________________
House adopted
Conference Committee Report

________________________________________
Speaker of the House

________________________________________
Chief Clerk of the House

Passed the Senate
as amended

Senate adopted
Conference Committee Report

________________________________________
President of the Senate

________________________________________
Secretary of the Senate

Approved

________________________________________
Governor