

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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September 25, 2012

To: Joint Committee on Arts and Cultural Resources
From: Melissa Calderwood, Assistant Director for Research
Re: 2012 Senate Sub. for HB 2454 - Kansas Creative Arts Industries Commission

This memorandum provides summary of the 2012 enacted legislation that abolished the Kansas Arts Commission and the Kansas Film Commission and established a new Commission to oversee those agencies' existing powers, functions, and duties. The memorandum also highlights the statutory oversight of the Joint Committee.

A copy of the enrolled version of the legislation is included in your Committee Resources folder.

CREATIVE ARTS INDUSTRIES COMMISSION—KANSAS ARTS COMMISSION

2012 Senate Sub. for HB 2454 created the Creative Arts Industries Commission (CAIC) within the Department of Commerce. The bill merged the existing powers, functions, and duties of the Kansas Arts Commission and the Kansas Film Commission. Under the bill, the CAIC is the official State program for the arts and is charged with promoting, supporting, coordinating, fostering, developing, and measuring the outcomes of the arts. The Kansas Arts Commission and the Kansas Film Services Commission (statutory name) were abolished by enactment of this legislation.

The CAIC is administered under the authority of the Kansas Department of Commerce. Under the provisions of the bill, the Department of Commerce is required to provide staff consisting of a director and other assistance as may be required by the CAIC in performance of its duties.

Tax Checkoff [New Section 1]

The bill created a new individual income tax checkoff program to provide an additional funding source for the CAIC. Beginning in tax year 2013, individual income taxpayers will have the option of donating to the Kansas Creative Arts Industries Commission Checkoff Fund. All moneys deposited in the fund will be used to fund the CAIC. The CAIC may authorize the use of its logo to be affixed on license plates issued to support the Kansas arts (in accordance with KSA 2011 Supp. 8-1,161). Any royalty payment to CAIC derived from the sale of the Kansas arts license plates will be credited to the CAIC special gifts fund.

Joint Committee on Arts and Cultural Resources
September 25, 2012
Attachment 1

***Kansas Creative Arts Industries Commission – Purpose and Membership
[New Sections 2 - 4]***

The bill created the CAIC, a commission which is 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” [New Section 2 (a)]. The CAIC consists of 11 members, who serve for terms of three years and could be reappointed to a term of three years. Under the provisions of the bill, members may not serve more than two terms. Additionally, there will always be at least one member from each congressional district. All members appointed by the Governor must be appointed to terms of three years. However, in the initial appointment, three of the gubernatorial appointees shall be appointed for two-year terms and two shall be appointed to three-year terms. The Governor is to designate the term for which each of the members first appointed shall serve. The members of the CAIC include the following:

- 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;
- One member appointed by the Minority Leader of the House; and
- Five members appointed by the Governor.

The bill directed that members of the CAIC should broadly represent the major fields of the arts and related creative industries. Additionally, the bill directed that the appointees must 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.

The CAIC is to meet on the call of its chairperson, but no less than four times during each calendar year and meetings may take place in various locations across Kansas.

Kansas Creative Arts Industries Commission – Fund and State Agency Designation [New Section 3 – 4]

The bill established the Creative Industries Fund, with the following designated sources:

- Moneys appropriated by the Legislature; and
- Gifts, grants or donations from private or public sources that the Commission is authorized to accept.

The bill further specified that the gifts and grants moneys cannot be spent for “any other purpose than arts programs that the [C]ommission has authorized.” [New Section 3(a)(2)]

The bill also designated the CAIC as the official state agency for the development and coordination of the arts and employment development in the creative arts industries. The mission and purpose of the Commission is further enumerated in New Section 4.

Statutory Duties and Functions – Joint Committee on Arts and Cultural Resources
[Section 7]

The statutory role of the Joint Committee was updated with the enactment of Sen. Sub. for HB 2454. Under this revision, the Joint Committee is charged to “study, investigate and analyze the following matters”:

1. The goals appropriate to the future of the arts and cultural life in 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 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.

Additional amendments included updating statutory references with the new agency and to recognize the elimination of the Kansas Arts Commission and Kansas Film Services Commission.