

5
6 **SENATE BILL No. 2**

7
8 By Confirmation Oversight Committee

9
10 12-17

11
12 AN ACT concerning certain boards; relating to the terms of members
13 thereof; amending K.S.A. 2-3709 and *[K.S.A. 2002 Supp.]* 76-3304
14 and repealing the existing sections.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2-3709 is hereby amended to read as follows: 2-
18 3709. (a) There is hereby created the Kansas agricultural remediation
19 board. The board shall consist of five members appointed by the gover-
20 nor. Of the five members, one shall be a representative of agricultural
21 retailers, one shall be a representative of agricultural producers, one shall
22 be a representative of agricultural processors, one shall be a representa-
23 tive of specialty chemical distributors or retailers and one shall be a rep-
24 resentative of agricultural and specialty chemical registrants. Not more
25 than three voting members shall be members of the same political party.
26 One representative of the Kansas department of agriculture and one rep-
27 resentative of the Kansas department of health and environment shall
28 serve as members of the board *ex officio*.

29 (b) (1) Members appointed by the governor shall be subject to con-
30 firmation by the senate as provided by K.S.A. 75-4315b, and amendments
31 thereto. Except as provided by K.S.A. 46-2601, and amendments thereto,
32 no person appointed to the board, whose appointment is subject to con-
33 firmation shall exercise any power, duty or function as a member of the
34 board until confirmed by the senate. *Except as provided by paragraph*
35 *(2) of this subsection*, the term of office of each member of the board
36 shall be four years, except the initial appointments to the board shall be
37 as follows: Two members shall be appointed for terms of two years, two
38 members shall be appointed for terms of three years and one member
39 shall be appointed for a term of four years. The governor shall designate
40 the term of office for each member appointed to the first board. Each
41 member shall serve until a successor is appointed and confirmed. When-
42 ever a vacancy occurs in the membership of the board prior to the expi-
43 ration of a term of office, the governor shall appoint a qualified successor

1 to fill the unexpired term.

2 (2) *The terms of members appointed pursuant to paragraph (1) of*
3 *this subsection who are serving on the board on the effective date of this*
4 *act shall expire on March 15, of the year in which such member's term*
5 *would have expired under the provisions of this section prior to amend-*
6 *ment by this act. Thereafter, members shall be appointed for terms of four*
7 *years and until their successors are appointed and confirmed.*

8 (c) The governor shall designate the chairperson and vice-chairper-
9 son of the board from the members of such board.

10 (d) Meetings shall be held as determined by the board.

11 (e) Members of the board attending meetings of the board, or at-
12 tending a subcommittee meeting thereof authorized by the board, shall
13 be paid compensation, subsistence allowances, mileage and other ex-
14 penses as provided in K.S.A. 75-3223, and amendments thereto.

15 Sec. 2. K.S.A. [2002 Supp.] 76-3304 is hereby amended to read as
16 follows: 76-3304. (a) There is hereby established a body politic and cor-
17 porate, with corporate succession, to be known as the university of Kansas
18 hospital authority. The authority shall be an independent instrumentality
19 of this state. Its exercise of the rights, powers and privileges conferred by
20 this act shall be deemed and held to be the performance of an essential
21 governmental function.

22 (b) The authority shall be governed by a nineteen-member board of
23 directors. Thirteen of the members *shall be appointed by the governor,*
24 *subject to confirmation by the senate as provided in K.S.A. 75-4315b, and*
25 *amendments thereto. Members appointed by the governor shall be rep-*
26 *resentatives of the general public who are recognized for outstanding*
27 *knowledge and leadership in the fields of finance, business, health-care*
28 *management, health care providers, legal affairs, education or govern-*
29 *ment. Of the 13 members representing the general public, there shall be*
30 *at least one member from each congressional district. Six members shall*
31 *be ex officio voting members consisting of the chancellor of the university*
32 *of Kansas, the executive vice chancellor of the university of Kansas med-*
33 *ical center, the executive dean of the university of Kansas school of med-*
34 *icine, the chief of staff of the university of Kansas hospital medical staff,*
35 *the president of the authority and the dean of the university of Kansas*
36 *school of nursing.*

37 ~~(c) The 13 members representing the general public appointed to the~~
38 ~~board shall be appointed by the governor pursuant to subsection (f) and~~
39 ~~subject to senate confirmation as provided in K.S.A. 75-4315b, and~~
40 ~~amendments thereto. Any member whose nomination is subject to con-~~
41 ~~firmation during a regular session of the legislature shall be deemed ter-~~
42 ~~minated when the senate rejects the nomination. No such termination~~
43 ~~shall affect the validity of any action taken by such member prior to such~~

1 ~~termination.~~

2 ~~—(d) On the effective date of this act~~

3 (c) On April 18, 2002, the terms of the general public board members
4 then serving on the board shall expire, and, pursuant to subsection ~~(f)~~ (e),
5 the governor shall reappoint all such general public board members. Of
6 the general public members appointed to the board by the governor under
7 this section, three shall have a term of office of one year, three shall
8 have a term of office of two years, three shall have a term of office of
9 three years and four shall have a term of office of four years. Terms of
10 general public members ~~appointed pursuant to this section~~ shall expire
11 on March 15. Any general public member whose term expires under this
12 ~~section subsection~~ and thereafter is reappointed under this ~~section sub-~~
13 ~~section~~ shall be exempt ~~to~~ from the requirements of subsection ~~(f)~~ (e) for
14 the term of office appointed under this ~~section subsection~~.

15 ~~(e)~~ (d) After the board of directors is appointed under subsection ~~(d)~~
16 (c), members other than ex officio shall be appointed for a term of four
17 years each, ~~except in the event of a vacancy the appointment shall be for~~
18 ~~the remainder of the unexpired portion of the. Whenever a vacancy oc-~~
19 ~~urs in the membership of the board prior to the expiration of a term of~~
20 ~~office, the governor shall appoint, in the manner provided by subsec-~~
21 ~~tion (e), a qualified successor to fill the unexpired term. Each member~~
22 shall hold office for the term of appointment and until the successor has
23 been *appointed and confirmed*. Any member is eligible for reappoint-
24 ment, but members shall not be eligible to serve more than three con-
25 secutive four-year terms, except that this limitation shall not include any
26 previous term of office of any general public member serving on the board
27 on ~~the effective date of this act~~ April 18, 2002.

28 ~~(f)~~ (e) When a vacancy occurs or is announced regarding a member
29 or members representing the general public, a nominating committee of
30 the board after receiving input from the board and conferring with the
31 board shall assemble a slate of not less than two nor more than three
32 persons for each vacancy and shall forward each slate to the governor.
33 The governor shall appoint one board member from each slate and shall
34 forward each appointment to the senate for confirmation as provided in
35 K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A.
36 2002 Supp. 46-2601, and amendments thereto, no person appointed to
37 the board shall exercise any power, duty or function as a member of the
38 board until confirmed by the senate.

39 ~~(g)~~ (f) The terms of members serving by virtue of their office shall
40 expire immediately upon termination of their holding such office.

41 ~~(h)~~ (g) The board annually shall elect one of their number as chair-
42 person and another as vice-chairperson. The board also shall elect a sec-
43 retary and treasurer for terms determined by the board. The same person

1 may serve as both secretary and treasurer. The board shall establish an
2 executive committee, nominating committee and other standing or special
3 committees and prescribe their duties and powers, and any executive
4 committee may exercise all such powers and duties of the board as the
5 board may delegate.

6 ~~(h)~~ *(h)* Members of the board of directors of the authority shall serve
7 without compensation. Members of the board attending meetings of the
8 board, or attending a subcommittee meeting thereof authorized by the
9 board, shall be paid mileage and all other applicable expenses, provided
10 such expenses are consistent with policies established from time-to-time
11 by the authority's board of directors and as required by subsection ~~(j)~~ *(i)*.

12 ~~(i)~~ *(i)* No part of the funds of the authority shall inure to the benefit
13 of, or be distributed to, its employees, officers or members of the board,
14 except that the authority may make reasonable payments for expenses
15 incurred on its behalf relating to any of its lawful purposes and the au-
16 thority shall be authorized and empowered to pay reasonable compen-
17 sation for services rendered to or for its benefit relating to any of its lawful
18 purposes including to pay its employees reasonable compensation.

19 ~~(j)~~ *(j)* Any member of the board of directors other than an ex officio
20 member may be removed by an affirmative vote of 10 of the members
21 of the board for malfeasance or misfeasance in office, regularly failing to
22 attend meetings, or for any cause which renders the member incapable
23 of or unfit to discharge the duties of director.

24 ~~(k)~~ *(k)* The board shall meet at least six times per year and at such
25 other times as it deems appropriate, or upon call by the president or the
26 chairperson, or upon written request of a majority of the directors. The
27 board may adopt, repeal and amend such rules, procedures and bylaws,
28 not contrary to law or inconsistent with this act, as it deems expedient for
29 its own governance and for the governance and management of the au-
30 thority. A majority of the total voting membership of the board shall
31 constitute a quorum for meetings. The board may act by a majority of
32 those at any meeting where a quorum is present, except upon such issues
33 as the board may determine shall require a vote of 10 members for ap-
34 proval. The board shall meet for the initial meeting upon call by the
35 chancellor of the university of Kansas who shall act as temporary chair-
36 person until officers of the board are elected pursuant to subsection ~~(h)~~
37 *(g)*.

38 ~~(m)~~ *(l)* The board shall appoint a president who shall serve at the
39 pleasure of the board. The president shall serve as the chief executive
40 officer of the authority. The president's salary shall be set by the board.
41 The board may negotiate and enter into an employment agreement with
42 the individual selected as president of the authority which may provide
43 for compensation allowances, benefits and expenses as may be included

1 in such agreement. The president shall direct and supervise administra-
2 tive affairs and the general management of the authority. The president,
3 as a member of the board of directors, may not vote on such president's
4 salary.

5 ~~(m)~~ (m) The board may provide to the president of the authority and
6 other employees designated by the board supplemental benefits in ad-
7 dition to the benefits provided in K.S.A. 2002 Supp. 76-3322, and amend-
8 ments thereto.

9 ~~(n)~~ (n) The authority shall continue until terminated by law, except
10 that no such law shall take effect so long as the authority has bonds out-
11 standing, unless adequate provision has been made for the payment or
12 retirement of such debts or obligations. Upon any such dissolution of the
13 authority, all property, funds and assets thereof shall be vested in the
14 state, university of Kansas medical center or other hospital entity as des-
15 ignated by the board and approved by act of the Kansas legislature.

16 Sec. 3. K.S.A. 2-3709 and [**K.S.A. 2002 Supp.**] 76-3304 are hereby
17 repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.

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