

## SENATE BILL No. 13

By Senator Hensley

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9 AN ACT concerning the Kansas bioscience authority; regarding mem-  
10 bership on the board; amending K.S.A. 2008 Supp. 74-99b04 and re-  
11 pealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 74-99b04 is hereby amended to read  
15 as follows: 74-99b04. (a) There is hereby established a body politic and  
16 corporate, with corporate succession, to be known as the Kansas biosci-  
17 ence authority. The authority shall be an independent instrumentality of  
18 the state. Its exercise of the rights, powers and privileges conferred by  
19 this act shall be deemed and held to be the performance of an essential  
20 governmental function.

21 (b) In order to accelerate any and all synergy and opportunities for  
22 the growth of the authority, the authority shall be headquartered and  
23 establish its principal operation in the county in the state with the highest  
24 number of bioscience employees associated with bioscience companies  
25 as of the effective date of this act. The exact location of the authority's  
26 headquarters and principal operations in such county shall be at the dis-  
27 cretion of the authority's board.

28 (c) The authority shall be governed by an eleven-member board. One  
29 member of the board shall be an agricultural expert who is recognized  
30 for outstanding knowledge and leadership in the field of bioscience. Eight  
31 of the members of the board shall be representatives of the general public  
32 who are recognized for outstanding knowledge and leadership in the  
33 fields of finance, business, bioscience research, plant biotechnology, basic  
34 research, health care, legal affairs, bioscience manufacturing or product  
35 commercialization, education or government. Of the nine voting mem-  
36 bers, five must be residents of the state. The other two members of the  
37 board shall be nonvoting members with research expertise representing  
38 state universities and shall be appointed by the Kansas board of regents.  
39 Nonvoting members shall serve at the pleasure of the board of regents.  
40 *On and after January 1, 2009, no individual who is a member of the*  
41 *legislature shall be appointed to or serve on the board.*

42 (d) Of the nine voting members who will be appointed to the au-  
43 thority's first board, two shall be appointed by the governor for a term of

1 office of four years, two shall be appointed by the speaker of the house  
2 of representatives, one of which shall be the agricultural expert as au-  
3 thorized in subsection (c), for a term of office of three years, two shall be  
4 appointed by the president of the senate for a term of office of three  
5 years, one shall be appointed by the minority leader of the house of rep-  
6 resentatives for a term of office of two years, one shall be appointed by  
7 the minority leader of the senate for a term of office of two years, and  
8 one shall be appointed by the Kansas technology enterprise corporation  
9 for a term of office of one year. Members of the first board shall be  
10 appointed by August 1, 2004. No more than three voting members shall  
11 be appointed from any one congressional district. All voting members of  
12 the board shall be subject to senate confirmation as provided in K.S.A.  
13 75-4315b and amendments thereto. Any member of the board whose  
14 nomination is subject to confirmation during a regular session of the leg-  
15 islature shall be deemed terminated when the senate rejects the nomi-  
16 nation. No such termination shall affect the validity of any action taken  
17 by such member of the board before such termination.

18 (e) Terms of voting members appointed pursuant to this section shall  
19 expire on March 15.

20 (f) After the expiration of the terms of the authority's first board, or  
21 whenever a vacancy occurs or is announced regarding a voting member  
22 or members of the board, such voting member or members shall be ap-  
23 pointed as described in subsections (c) and (d), except that such members  
24 shall be appointed for terms of four years each. In the event of a vacancy  
25 the appointment shall be for the remainder of the unexpired portion of  
26 the term. Each member of the board shall hold office for the term of  
27 appointment and until a successor has been confirmed. Any member of  
28 the board is eligible for reappointment, but members of the board shall  
29 not be eligible to serve more than three consecutive four-year terms.

30 (g) Except for appointments of nonvoting members, each appoint-  
31 ment shall be forwarded to the senate for confirmation as provided in  
32 K.S.A. 75-4315b and amendments thereto. Except as provided by K.S.A.  
33 2008 Supp. 46-2601 and amendments thereto, no person appointed to  
34 the board shall exercise any power, duty or function as a member of the  
35 board until confirmed by the senate. In case of a vacancy when the senate  
36 is not in session, the appointing entity may make a temporary appoint-  
37 ment to the board until the next meeting of the senate. Any person who  
38 is temporarily appointed by the appointing entity to the board shall have  
39 all of the powers, duties and functions as a member of the board during  
40 such temporary appointment.

41 (h) The board annually shall elect a voting member as chairperson  
42 and at least one other as vice-chairperson. The board also shall elect a  
43 secretary and treasurer for terms to be determined by the board. The

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

6 (i) Members of the board are entitled to compensation and expenses  
7 as provided in K.S.A. 75-3223, and amendments thereto. Members of the  
8 board attending board meetings or subcommittee meetings authorized  
9 by the board, shall be paid mileage and all other applicable expenses,  
10 provided such expenses are consistent with policies established from  
11 time-to-time by the board and as required by subsection (k).

12 (j) No part of the funds of the authority shall inure to the benefit of,  
13 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 (k) Any member of the board other than a nonvoting member may  
20 be removed by an affirmative vote by six members of the board for mal-  
21 feasance or misfeasance in office, regularly failing to attend meetings, or  
22 for any cause which renders the member incapable of or unfit to discharge  
23 the duties of director.

24 (l) The board shall meet at least four times per year and at such other  
25 times as it deems appropriate, or upon call by the president or the chair-  
26 person, or upon written request of a majority of the directors of the board.  
27 The board may adopt, repeal and amend such rules, procedures and by-  
28 laws, not contrary to law or inconsistent with this act, as it deems expe-  
29 dient for its own governance and for the governance and management of  
30 the authority. A majority of the total voting membership of the board  
31 shall constitute a quorum for meetings. The board may act by a majority  
32 of those at any meeting where a quorum is present, except upon such  
33 issues as the board may determine shall require a vote of six members of  
34 the board for approval. The board shall meet for the initial meeting upon  
35 call by the member of the board appointed by the Kansas technology  
36 enterprise corporation, who shall act as temporary chairperson until of-  
37 ficers of the board are elected pursuant to subsection (i).

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

1 such agreement. The president shall direct and supervise administrative  
2 affairs and the general management of the authority.

3 (n) The board may provide supplemental benefits to the president  
4 and other authority employees designated by the board in addition to the  
5 benefits provided under this act.

6 (o) The authority shall continue until terminated by law, except that  
7 no such law shall take effect so long as the authority has debts or obli-  
8 gations outstanding, unless adequate provision has been made for the  
9 payment or retirement of such debts or obligations. Upon any such dis-  
10 solution of the authority, all property, funds and assets thereof shall be  
11 vested in the state, bioscience research institutions or both as designated  
12 by the board, or any other public institute or private enterprise engaged  
13 in the business of bioscience, or any combination thereof, as designated  
14 by the board and approved by act of the legislature.

15 Sec. 2. K.S.A. 2008 Supp. 74-99b04 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the Kansas register.