

SENATE BILL No. 189

By Committee on Commerce

2-10

1 AN ACT concerning the Kansas bioscience authority; pertaining to the
2 number of voting members; amending K.S.A. 2010 Supp. 74-99b04
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2010 Supp. 74-99b04 is hereby amended to read
7 as follows: 74-99b04. (a) There is hereby established a body politic and
8 corporate, with corporate succession, to be known as the Kansas
9 bioscience authority. The authority shall be an independent
10 instrumentality of the state. Its exercise of the rights, powers and
11 privileges conferred by this act shall be deemed and held to be the
12 performance of an essential governmental function.

13 (b) In order to accelerate any and all synergy and opportunities for
14 the growth of the authority, the authority shall be headquartered and
15 establish its principal operation in the county in the state with the highest
16 number of bioscience employees associated with bioscience companies as
17 of the effective date of this act. The exact location of the authority's
18 headquarters and principal operations in such county shall be at the
19 discretion of the authority's board.

20 (c) The authority shall be governed by an ~~eleven-member~~ *fourteen-*
21 *member* board. One member of the board shall be an agricultural expert
22 who is recognized for outstanding knowledge and leadership in the field
23 of bioscience. Eight of the members of the board shall be representatives
24 of the general public who are recognized for outstanding knowledge and
25 leadership in the fields of finance, business, bioscience research, plant
26 biotechnology, basic research, health care, legal affairs, bioscience
27 manufacturing or product commercialization, education or government,
28 *the chancellor of the university of Kansas, the president of Kansas state*
29 *university and the president of Wichita state university or their respective*
30 *designees shall be voting members. Of the ~~nine~~ 12 voting members,*
31 *five* ~~eight~~ must be residents of the state. The other two members of the
32 board shall be nonvoting members with research expertise representing
33 state universities and shall be appointed by the Kansas board of regents.
34 Nonvoting members shall serve at the pleasure of the board of regents.

35 (d) Of the nine voting members who will be appointed to the
36 authority's first board, two shall be appointed by the governor for a term

1 of 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
3 authorized in subsection (c), for a term of office of three years, two shall
4 be 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
6 representatives for a term of office of two years, one shall be appointed
7 by 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
15 legislature shall be deemed terminated when the senate rejects the
16 nomination. No such termination shall affect the validity of any action
17 taken 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
23 appointed as described in subsections (c) and (d), except that such
24 members shall be appointed for terms of four years each. In the event of a
25 vacancy the appointment shall be for the remainder of the unexpired
26 portion of the term. Each member of the board shall hold office for the
27 term of appointment and until a successor has been confirmed. Any
28 member of the board is eligible for reappointment, but members of the
29 board shall not be eligible to serve more than three consecutive four-year
30 terms.

31 (g) Except for appointments of nonvoting members, each
32 appointment shall be forwarded to the senate for confirmation as
33 provided in K.S.A. 75-4315b, and amendments thereto. Except as
34 provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no
35 person appointed to the board shall exercise any power, duty or function
36 as a member of the board until confirmed by the senate. In case of a
37 vacancy when the senate is not in session, the appointing entity may
38 make a temporary appointment to the board until the next meeting of the
39 senate. Any person who is temporarily appointed by the appointing entity
40 to the board shall have all of the powers, duties and functions as a
41 member of the board during such temporary appointment.

42 (h) The board annually shall elect a voting member as chairperson
43 and at least one other as vice-chairperson. The board also shall elect a

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

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

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

21 (k) Any member of the board other than a nonvoting member may
22 be removed by an affirmative vote by six members of the board for
23 malfeasance or misfeasance in office, regularly failing to attend meetings,
24 or for any cause which renders the member incapable of or unfit to
25 discharge the duties of director.

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

40 (m) The board shall appoint a president who shall serve at the
41 pleasure of the board. The president shall serve as the chief executive
42 officer of the authority. The president's salary shall be set by the board.
43 The board may negotiate and enter into an employment agreement with

1 the individual selected as president of the authority, which may provide
2 for compensation allowances, benefits and expenses as may be included
3 in such agreement. The president shall direct and supervise administrative
4 affairs and the general management of the authority.

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

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

17 Sec. 2. K.S.A. 2010 Supp. 74-99b04 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.
20