

SENATE BILL No. 78

By Committee on Commerce

1-31

1 AN ACT concerning certain appointments made by KTEC; transferring
2 such authority to the governor; amending K.S.A. 2010 Supp. 74-520a
3 and 74-99b04 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2010 Supp. 74-520a is hereby amended to read as
7 follows: 74-520a. (a) On and after March 15, 1995, the Kansas state fair
8 board is hereby established. The Kansas state fair board shall consist of
9 the following members:

10 (1) The secretary of agriculture or the successor of the secretary of
11 agriculture, or the secretary's designee;

12 (2) the secretary of commerce, or the secretary's designee;

13 (3) the director of extension of Kansas state university of agriculture
14 and applied science, or the director's designee;

15 (4) one person appointed by the governor from three persons
16 nominated by the Kansas chamber of commerce and industry;

17 (5) one person appointed by the governor from three persons
18 nominated by the travel industry association of Kansas;

19 (6) one person appointed by the governor from three persons
20 nominated by the Kansas fairs association; *and*

21 ~~(7) one person appointed by the Kansas technology enterprise~~
22 ~~corporation from among the board of directors of the Kansas technology~~
23 ~~enterprise corporation; and~~

24 ~~(8) six~~ *seven* people from the general public appointed by the
25 governor. Of such people appointed, one shall be from each of the five
26 extension areas, as established in subsection (e), and ~~one~~ *two* shall
27 represent the state at large. Directors of each extension area shall submit
28 three nominations to the governor. Such persons nominated shall be
29 actively involved in agriculture production or agribusiness.

30 (b) Of the persons initially appointed by the governor under
31 subsection (a), three shall have a term of one year, three shall have a term
32 of two years and three shall have a term of three years and until a
33 successor is appointed and qualified. Thereafter, all members shall have
34 terms of three years and until a successor is appointed and qualified.

35 (c) Any vacancy occurring on the Kansas state fair board shall be
36 filled as the original appointment was made.

1 (d) If any of the members able to appoint a designee does so, the
2 designee shall be appointed for a term of not less than one year.

3 (e) For the purpose of this section the state shall be divided into five
4 extension areas. The northwest extension area shall include the following
5 counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne,
6 Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove,
7 Trego, Ellis, Russell, Barton, Rush and Ness. The southwest extension
8 area shall include the following counties: Greeley, Wichita, Scott, Lane,
9 Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray,
10 Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark,
11 Comanche and Kiowa. The south central extension area shall include the
12 following counties: Lincoln, Ottawa, Dickinson, Ellsworth, Saline, Rice,
13 McPherson, Marion, Reno, Harvey, Butler, Kingman, Sedgwick, Cowley,
14 Sumner, Harper, Barber, Pratt and Stafford. The southeast extension area
15 shall include the following counties: Morris, Chase, Lyon, Osage,
16 Franklin, Miami, Coffey, Anderson, Linn, Bourbon, Allen, Woodson,
17 Greenwood, Elk, Wilson, Neosho, Crawford, Chautauqua, Montgomery,
18 Labette and Cherokee. The northeast extension area shall include the
19 following counties: Jewell, Republic, Washington, Marshall, Nemaha,
20 Brown, Doniphan, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson,
21 Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas,
22 Shawnee, Wabaunsee and Geary.

23 Sec. 2. K.S.A. 2010 Supp. 74-99b04 is hereby amended to read as
24 follows: 74-99b04. (a) There is hereby established a body politic and
25 corporate, with corporate succession, to be known as the Kansas
26 bioscience authority. The authority shall be an independent
27 instrumentality of the state. Its exercise of the rights, powers and
28 privileges conferred by this act shall be deemed and held to be the
29 performance of an essential governmental function.

30 (b) In order to accelerate any and all synergy and opportunities for
31 the growth of the authority, the authority shall be headquartered and
32 establish its principal operation in the county in the state with the highest
33 number of bioscience employees associated with bioscience companies as
34 of the effective date of this act. The exact location of the authority's
35 headquarters and principal operations in such county shall be at the
36 discretion of the authority's board.

37 (c) The authority shall be governed by an ~~eleven~~—11 member board.
38 One member of the board shall be an agricultural expert who is
39 recognized for outstanding knowledge and leadership in the field of
40 bioscience. Eight of the members of the board shall be representatives of
41 the general public who are recognized for outstanding knowledge and
42 leadership in the fields of finance, business, bioscience research, plant
43 biotechnology, basic research, health care, legal affairs, bioscience

1 manufacturing or product commercialization, education or government.
2 Of the nine voting members, five must be residents of the state. The other
3 two members of the board shall be nonvoting members with research
4 expertise representing state universities and shall be appointed by the
5 Kansas board of regents. Nonvoting members shall serve at the pleasure
6 of the board of regents.

7 (d) Of the nine voting members who will be appointed to the
8 authority's first board, two shall be appointed by the governor for a term
9 of office of four years, two shall be appointed by the speaker of the house
10 of representatives, one of which shall be the agricultural expert as
11 authorized in subsection (c), for a term of office of three years, two shall
12 be appointed by the president of the senate for a term of office of three
13 years, one shall be appointed by the minority leader of the house of
14 representatives for a term of office of two years, one shall be appointed
15 by the minority leader of the senate for a term of office of two years, and
16 one shall be appointed by the ~~Kansas technology enterprise corporation~~
17 *governor* for a term of office of one year. Members of the first board shall
18 be appointed by August 1, 2004. No more than three voting members
19 shall be appointed from any one congressional district. All voting
20 members of the board shall be subject to senate confirmation as provided
21 in K.S.A. 75-4315b, and amendments thereto. Any member of the board
22 whose nomination is subject to confirmation during a regular session of
23 the legislature shall be deemed terminated when the senate rejects the
24 nomination. No such termination shall affect the validity of any action
25 taken by such member of the board before such termination.

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

28 (f) After the expiration of the terms of the authority's first board, or
29 whenever a vacancy occurs or is announced regarding a voting member
30 or members of the board, such voting member or members shall be
31 appointed as described in subsections (c) and (d), except that such
32 members shall be appointed for terms of four years each. In the event of a
33 vacancy the appointment shall be for the remainder of the unexpired
34 portion of the term. Each member of the board shall hold office for the
35 term of appointment and until a successor has been confirmed. Any
36 member of the board is eligible for reappointment, but members of the
37 board shall not be eligible to serve more than three consecutive four-year
38 terms.

39 (g) Except for appointments of nonvoting members, each
40 appointment shall be forwarded to the senate for confirmation as
41 provided in K.S.A. 75-4315b, and amendments thereto. Except as
42 provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no
43 person appointed to the board shall exercise any power, duty or function

1 as a member of the board until confirmed by the senate. In case of a
2 vacancy when the senate is not in session, the appointing entity may
3 make a temporary appointment to the board until the next meeting of the
4 senate. Any person who is temporarily appointed by the appointing entity
5 to the board shall have all of the powers, duties and functions as a
6 member of the board during such temporary appointment.

7 (h) The board annually shall elect a voting member as chairperson
8 and at least one other as vice-chairperson. The board also shall elect a
9 secretary and treasurer for terms to be determined by the board. The
10 board may elect the same person to serve as both secretary and treasurer.
11 The board shall establish an executive committee, nominating committee
12 and other standing or special committees, and prescribe their duties and
13 powers. Any executive committee of the board may exercise all such
14 powers and duties of the board as the board may delegate.

15 (i) Members of the board are entitled to compensation and expenses
16 as provided in K.S.A. 75-3223, and amendments thereto. Members of the
17 board attending board meetings or subcommittee meetings authorized by
18 the board, shall be paid mileage and all other applicable expenses,
19 provided such expenses are consistent with policies established from
20 time-to-time by the board and as required by subsection (k) [(j)].

21 (j) No part of the funds of the authority shall inure to the benefit of,
22 or be distributed to, its employees, officers or members of the board,
23 except that the authority may make reasonable payments for expenses
24 incurred on its behalf relating to any of its lawful purposes and the
25 authority shall be authorized and empowered to pay reasonable
26 compensation for services rendered to or for its benefit relating to any of
27 its lawful purposes, including to pay its employees reasonable
28 compensation.

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

34 (l) The board shall meet at least four times per year and at such other
35 times as it deems appropriate, or upon call by the president or the
36 chairperson, or upon written request of a majority of the directors of the
37 board. The board may adopt, repeal and amend such rules, procedures
38 and bylaws, not contrary to law or inconsistent with this act, as it deems
39 expedient for its own governance and for the governance and
40 management of the authority. A majority of the total voting membership
41 of the board shall constitute a quorum for meetings. The board may act by
42 a majority of those at any meeting where a quorum is present, except
43 upon such issues as the board may determine shall require a vote of six

1 members of the board for approval. The board shall meet for the initial
2 meeting upon call by the member of the board appointed by the Kansas
3 technology enterprise corporation, who shall act as temporary chairperson
4 until officers of the board are elected pursuant to subsection ~~(i)-(h)~~ (h).

5 (m) The board shall appoint a president who shall serve at the
6 pleasure of the board. The president shall serve as the chief executive
7 officer of the authority. The president's salary shall be set by the board.
8 The board may negotiate and enter into an employment agreement with
9 the individual selected as president of the authority, which may provide
10 for compensation allowances, benefits and expenses as may be included
11 in such agreement. The president shall direct and supervise administrative
12 affairs and the general management of the authority.

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

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

25 Sec. 3. K.S.A. 2010 Supp. 74-520a and 74-99b04 are hereby
26 repealed.

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

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