

SENATE SUBSTITUTE FOR HOUSE BILL No. 2357

By Committee on Ways and Means

5-4

1 AN ACT concerning to Kansas bioscience authority; relating to
2 membership thereof; amending K.S.A. 2010 Supp. 74-99b04 and
3 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 as
7 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 instrumentality
10 of the state. Its exercise of the rights, powers and privileges conferred by
11 this act shall be deemed and held to be the performance of an essential
12 governmental function.

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

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

32 (d) Of the nine voting members ~~who will be~~ appointed to the
33 authority's ~~first~~ board, two shall be appointed by the governor for a term of
34 office of four years, two shall be appointed by the speaker of the house of
35 representatives, one of which shall be the agricultural expert as authorized
36 in subsection (c), for a term of office of three years, two shall be appointed

1 by the president of the senate for a term of office of three years, one shall
2 be appointed by the minority leader of the house of representatives for a
3 term of office of two years, one shall be appointed by the minority leader
4 of the senate for a term of office of two years, and one shall be appointed
5 by the Kansas technology enterprise corporation for a term of office of one
6 year. ~~Members of the first board shall be appointed by August 1, 2004~~ *the*
7 *secretary of commerce*. No more than three voting members shall be
8 appointed from any one congressional district. All voting members of the
9 board shall be subject to senate confirmation as provided in K.S.A. 75-
10 4315b and amendments thereto. Any member of the board whose
11 nomination is subject to confirmation during a regular session of the
12 legislature shall be deemed terminated when the senate rejects the
13 nomination. No such termination shall affect the validity of any action
14 taken by such member of the board before such termination.

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

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

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

38 (h) The board annually shall elect a voting member as chairperson
39 and at least one other as vice-chairperson. The board also shall elect a
40 secretary and treasurer for terms to be determined by the board. The board
41 may elect the same person to serve as both secretary and treasurer. The
42 board shall establish an executive committee, nominating committee and
43 other standing or special committees, and prescribe their duties and

1 powers. Any executive committee of the board may exercise all such
2 powers and duties of the board as the board may delegate.

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

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

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

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

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

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

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

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

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.