

As Amended by Senate Committee

Session of 2011

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-
3 520a 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
7 as follows: 74-520a. (a) On and after March 15, 1995, the Kansas state
8 fair board is hereby established. The Kansas state fair board shall
9 consist of 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
14 agriculture 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-~~
23 ~~technology 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
28 submit three nominations to the governor. Such persons nominated
29 shall be 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
32 term 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

1 terms of three years and until a successor is appointed and qualified.
2 (c) Any vacancy occurring on the Kansas state fair board shall be
3 filled as the original appointment was made.
4 (d) If any of the members able to appoint a designee does so, the
5 designee shall be appointed for a term of not less than one year.
6 (e) For the purpose of this section the state shall be divided into
7 five extension areas. The northwest extension area shall include the
8 following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips,
9 Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace,
10 Logan, Gove, Trego, Ellis, Russell, Barton, Rush and Ness. The
11 southwest extension area shall include the following counties: Greeley,
12 Wichita, Scott, Lane, Pawnee, Hodgeman, Finney, Kearny, Hamilton,
13 Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens,
14 Seward, Meade, Clark, Comanche and Kiowa. The south central
15 extension area shall include the following counties: Lincoln, Ottawa,
16 Dickinson, Ellsworth, Saline, Rice, McPherson, Marion, Reno, Harvey,
17 Butler, Kingman, Sedgwick, Cowley, Sumner, Harper, Barber, Pratt and
18 Stafford. The southeast extension area shall include the following
19 counties: Morris, Chase, Lyon, Osage, Franklin, Miami, Coffey,
20 Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Elk, Wilson,
21 Neosho, Crawford, Chautauqua, Montgomery, Labette and Cherokee.
22 The northeast extension area shall include the following counties:
23 Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan,
24 Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison,
25 Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee,
26 Wabaunsee and Geary.
27 Sec. 2. K.S.A. 2010 Supp. 74-99b04 is hereby amended to read as
28 follows: 74-99b04. (a) There is hereby established a body politic and
29 corporate, with corporate succession, to be known as the Kansas
30 bioscience authority. The authority shall be an independent
31 instrumentality of the state. Its exercise of the rights, powers and
32 privileges conferred by this act shall be deemed and held to be the
33 performance of an essential governmental function.
34 (b) In order to accelerate any and all synergy and opportunities for
35 the growth of the authority, the authority shall be headquartered and
36 establish its principal operation in the county in the state with the
37 highest number of bioscience employees associated with bioscience
38 companies as of the effective date of this act. The exact location of the
39 authority's headquarters and principal operations in such county shall

1 be at the discretion of the authority's board.

2 (c) The authority shall be governed by an ~~eleven~~¹¹ ~~12~~ member
3 board. One member of the board shall be an agricultural expert who is
4 recognized for outstanding knowledge and leadership in the field of
5 bioscience. Eight of the members of the board shall be representatives
6 of the general public who are recognized for outstanding knowledge
7 and leadership in the fields of finance, business, bioscience research,
8 plant biotechnology, basic research, health care, legal affairs,
9 bioscience manufacturing or product commercialization, education or
10 government. Of the ~~nine~~¹⁰ voting members, ~~five~~^{six} must be residents
11 of the state. The other two members of the board shall be nonvoting
12 members with research expertise representing state universities and
13 shall be appointed by the Kansas board of regents. Nonvoting members
14 shall serve at the pleasure of the board of regents.

15 (d) Of the ~~nine~~¹⁰ voting members who will be appointed to the
16 authority's first board, ~~two~~^{one} shall be appointed by the governor for a
17 term of office of four years, two shall be appointed by the speaker of
18 the house of representatives, one of which shall be the agricultural
19 expert as authorized in subsection (c), for a term of office of three
20 years, two shall be appointed by the president of the senate for a term
21 of office of three years, one shall be appointed by the minority leader of
22 the house of representatives for a term of office of two years, one shall
23 be appointed by the minority leader of the senate for a term of office of
24 two years, ~~and one shall be appointed by the Kansas technology-~~
25 ~~enterprise corporation governor for a term of office of one year~~^{**one**}
26 **member shall be the secretary of commerce and one member shall be**
27 **the secretary of revenue.** Members of the first board shall be appointed
28 by August 1, 2004. No more than three voting members shall be
29 appointed from any one congressional district. All voting members of
30 the board shall be subject to senate confirmation as provided in K.S.A.
31 75-4315b, and amendments thereto. Any member of the board whose
32 nomination is subject to confirmation during a regular session of the
33 legislature shall be deemed terminated when the senate rejects the
34 nomination. No such termination shall affect the validity of any action
35 taken by such member of the board before such termination.

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

38 (f) After the expiration of the terms of the authority's first board,
39 or whenever a vacancy occurs or is announced regarding a voting

1 member or members of the board, such voting member or members
2 shall be appointed as described in subsections (c) and (d), except that
3 such members shall be appointed for terms of four years each. In the
4 event of a vacancy the appointment shall be for the remainder of the
5 unexpired portion of the term. Each member of the board shall hold
6 office for the term of appointment and until a successor has been
7 confirmed. Any member of the board is eligible for reappointment, but
8 members of the board shall not be eligible to serve more than three
9 consecutive four-year terms.

10 (g) Except for appointments of nonvoting members, each
11 appointment shall be forwarded to the senate for confirmation as
12 provided in K.S.A. 75-4315b, and amendments thereto. Except as
13 provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no
14 person appointed to the board shall exercise any power, duty or
15 function as a member of the board until confirmed by the senate. In
16 case of a vacancy when the senate is not in session, the appointing
17 entity may make a temporary appointment to the board until the next
18 meeting of the senate. Any person who is temporarily appointed by the
19 appointing entity to the board shall have all of the powers, duties and
20 functions as a member of the board during such temporary
21 appointment.

22 (h) ***The secretary of commerce shall serve as chairperson of the***
23 ***board. The secretary of revenue shall serve as treasurer.*** The board
24 annually shall elect a ~~voting member as chairperson~~ and at least one
25 other ***voting member*** as vice-chairperson. The board also shall elect a
26 secretary ~~and treasurer for terms~~ ***for a term*** to be determined by the
27 board. The board may elect the same person to serve as both secretary
28 and treasurer. The board shall establish an executive committee,
29 nominating committee and other standing or special committees, and
30 prescribe their duties and powers. Any executive committee of the
31 board may exercise all such powers and duties of the board as the board
32 may delegate.

33 (i) Members of the board are entitled to compensation and
34 expenses as provided in K.S.A. 75-3223, and amendments thereto.
35 Members of the board attending board meetings or subcommittee
36 meetings authorized by the board, shall be paid mileage and all other
37 applicable expenses, provided such expenses are consistent with
38 policies established from time-to-time by the board and as required by
39 subsection ~~(k)~~ ***(j)***.

1 (j) No part of the funds of the authority shall inure to the benefit
2 of, or be distributed to, its employees, officers or members of the board,
3 except that the authority may make reasonable payments for expenses
4 incurred on its behalf relating to any of its lawful purposes and the
5 authority shall be authorized and empowered to pay reasonable
6 compensation for services rendered to or for its benefit relating to any
7 of its lawful purposes, including to pay its employees reasonable
8 compensation.

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

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

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

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

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

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

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

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