

74-8104. Powers; exemption from state purchasing laws; certain records secure. (a) The secretary shall have all the powers necessary to achieve the purposes, specified in K.S.A. 74-8102, and amendments thereto, including the power to:

- (1) Adopt rules and regulations as deemed necessary for the implementation of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;
 - (2) make contracts and execute all instruments necessary or convenient for carrying out the powers and duties under K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;
 - (3) acquire, own, hold, dispose of and encumber real or personal property of any nature, both tangible and intangible, or any interest therein;
 - (4) enter into agreements or other transactions with any federal, state, county or municipal agency and with any individual, corporation, enterprise, association or any other entity involving applied research and technology;
 - (5) acquire real property or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the department has an interest;
 - (6) sell, transfer and convey any such property to a buyer, and in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant;
 - (7) invest any funds appropriated by the state and held in reserve in funds not required for immediate disbursement, in such investments that may be lawful for fiduciaries in this state, and invest funds received from gifts, grants, donations and other operations of the department in such investments as would be lawful for a private corporation having purposes similar to the department;
 - (8) borrow money and give guarantees, provided that the indebtedness and other obligations of the department shall be payable solely out of its own funds, and shall not constitute a pledge of the full faith and credit of the state or any of its revenues;
 - (9) appoint officers, consultants, agents and advisors, and prescribe their duties and compensation;
 - (10) appear in its own behalf before boards, commissions, departments or other agencies of municipal, county or state government or federal government;
 - (11) procure insurance against any losses in connection with its properties in such amounts from such insurers as may be necessary or desirable;
 - (12) consent, subject to the provisions of any contract with note-holders, whenever it considers it necessary or desirable in the fulfillment of the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, to the modifications, with respect to the rate of interest, time payment or of any installment, of principal and interest or any terms of any contract or agreement of any kind to which the corporation is a party;
 - (13) accept any and all donations, grants, bequests and devises, conditional and otherwise, of money, property, services or other things of value which may be received from the United States or any agency thereof, any governmental agency, or any institution, person, firm or corporation, public or private, to be held, used or applied for any or all of the purposes specified in K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto, in accordance with the terms and conditions of any such grant;
 - (14) trade, buy or sell qualified securities, including without limitation, the powers to guarantee, purchase, take, receive, subscribe for or otherwise acquire, to own, hold, use or otherwise employ; to sell, lease, exchange, transfer or otherwise dispose of; to mortgage, lend, pledge or otherwise deal in and with, qualified securities issued by any other domestic or foreign corporation, partnership, association, limited liability company, or business trust, whether or not such issuer was organized or caused to be organized by the secretary. The secretary, while owner of any such qualified securities, may exercise all of the rights, powers and privileges of ownership, including without limitation the right to vote;
 - (15) finance, conduct or cooperate in the financing or conducting of scientific, technological, business, financial or other investigations which are related to or likely to lead to business and economic development, involving natural resources, innovation, applied research and new technology, by making and entering into contracts or other appropriate arrangements, including the provisions of grants, loans and other forms of assistance;
 - (16) solicit, study and assist in the preparation of business plans and proposals of new or established resource and technologically oriented enterprises of special importance to the Kansas economy;
 - (17) prepare, publish and distribute such technological studies, reports, bulletins and other materials as it considers appropriate, subject only to the maintenance and responsibility for confidentiality of the client proprietary information, and encourage educational institutions to develop and disseminate similar materials;
 - (18) organize, conduct, sponsor or cooperate with, and assist both the private sector and educational institutions in the conduct of, special institutes, conferences, demonstrations and studies relating to the stimulation and formulation of innovation, applied science and technologically oriented enterprises and studies relating to the formulation of resource and technologically oriented enterprises and industry endeavors;
 - (19) provide and pay for such advisory services and technical assistance that may be necessary or desirable to carry out the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;
 - (20) own, possess and take license in, patents, copyrights and proprietary processes and negotiate and enter into contracts and establish charges for the use of such patents, copyrights and proprietary processes when such patents and licenses for innovation or inventions result from research sponsored by the department in a private enterprise or when the department finances a product developed by a private enterprise;
 - (21) negotiate royalty payments to the department on patents and licenses for innovations or inventions arising in the course of research sponsored by the department at educational institutions under the jurisdiction of the Kansas board of regents; such negotiated royalty arrangements should reflect an appropriate sharing of legal risk as well as financial return between the department and educational institution; such patents and licenses shall be in keeping with the patent policies of the Kansas board of regents;
 - (22) exercise any other powers necessary for the operation and functioning of the department within the purposes of K.S.A. 74-8102 through 74-8104 and 74-8107 through 74-8111, and amendments thereto;
 - (23) participate with any state agency or educational institution in developing specific programs and goals to assist in the development of industrial innovation, applied research and new technology of special importance to the Kansas economy, and monitor performance;
 - (24) provide resource-based, scientific and technological data and information required by the governor, the legislature, or its committees, and to state agencies, educational institutions and cities, counties and school districts and to private citizens and groups, within the limitations of the resources available to the department. This service shall be in addition to any services currently provided by any educational institution, committee or other organization in the state; and
 - (25) dispose of any direct or indirect stock or other equity or investment asset transferred to the department pursuant to this act except that such disposition shall be made in the best interests of the state of Kansas and solely at the discretion of the secretary and shall not be required otherwise.
- (b) Documents and other materials submitted to the department by Kansas businesses shall not be public records if such records are trade secrets under the uniform trade secrets act (K.S.A. 60-3320 et seq., and amendments thereto) or are determined by the department to be business secrets, and shall be maintained in a secured environment by the secretary.

History: L. 1986, ch. 284, § 3; L. 1992, ch. 221, § 4; L. 2005, ch. 67, § 11; L. 2011, ch. 104, § 18; July 1.