

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2216

5 By: Representative Saunders
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF ARKANSAS LAW
10 PERTAINING TO THE SCIENCE AND TECHNOLOGY
11 AUTHORITY; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND PROVISIONS OF ARKANSAS
14 LAW PERTAINING TO THE SCIENCE AND
15 TECHNOLOGY AUTHORITY.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 15-3-108 is amended to read as follows:
22 15-3-108. Nature, powers, and duties generally.

23 (a) The Arkansas Science and Technology Authority shall be a body
24 corporate and politic, having the powers and jurisdiction hereinafter
25 enumerated and additional powers as conferred upon it by the General Assembly
26 or by the people of this state.

27 (b) The authority is authorized and designated to engage in
28 undertakings, programs, enterprises, and activities involving agriculture,
29 manufacturing, medical and health care, transportation, public utility
30 services, research and development, and other programs involving the
31 establishment and encouragement of science and technological research.

32 (c) The authority and its board, employees, and agents shall be immune
33 from civil liability for performing the duties of the authority under this
34 chapter.

35 ~~(e)~~(d) In the furtherance of its purposes, the authority shall have
36 all the powers necessary to carry out its purposes, which shall include, but



1 not be limited to:

2 (1) Make, amend, and repeal bylaws, rules, and regulations for
3 the management of its affairs;

4 (2) Adopt an official seal;

5 (3) Sue and be sued in its own name;

6 (4) Make contracts and execute all instruments necessary or
7 convenient for carrying out its business;

8 (5) Acquire, own, hold, dispose of, and encumber real or
9 personal property of any nature, both tangible and intangible, or any
10 interest therein;

11 (6) Enter into agreements or other transactions with any
12 federal, state, county, or municipal agency and with any individual,
13 corporation, firm, association, or any other entity involving science and
14 technology;

15 (7) Acquire real property or an interest in real property by
16 purchase or foreclosure when such an acquisition is necessary or appropriate
17 to protect or secure any investment or loan in which the authority has an
18 interest;

19 (8) Sell, transfer, and convey any such property to a buyer, and
20 in the event the sale, transfer, or conveyance cannot be effected with
21 reasonable promptness or at a reasonable price, lease the property to a
22 tenant;

23 (9) Invest any funds appropriated by the state and held in
24 reserve in funds not required for immediate disbursement, in investments that
25 may be lawful for fiduciaries in the State of Arkansas, and invest funds
26 received from gifts, grants, donations, and other operations of the authority
27 in investments that would be lawful for a private corporation having purposes
28 similar to the authority;

29 (10) Borrow money and give guaranties, provided that the
30 indebtedness and other obligations of the authority shall be payable solely
31 out of its own resources and shall not constitute a pledge of the full faith
32 and credit of the State of Arkansas or any of its revenues;

33 (11) Appoint officers, employees, consultants, agents, and
34 advisors and prescribe their duties;

35 (12) Appear in its own behalf before boards, commissions,
36 departments, or other agencies of municipal, county, state, or federal

1 government;

2 (13) Procure insurance against any losses in connection with its
 3 properties in amounts from insurers that may be necessary or desirable;

4 (14) Consent, subject to the provisions of any contract with
 5 noteholders, whenever it deems it necessary or desirable in the fulfillment
 6 of the purposes of this chapter, to the modifications with respect to the
 7 rate of interest, time payment, or of any installment, of principal and
 8 interest, or any terms of any contract or agreement of any kind to which the
 9 authority is a party;

10 (15)(A) Accept any and all donations, grants, bequests, and
 11 devises, conditional or otherwise, of money, property, services, or other
 12 things of value which may be received from the federal government or any
 13 agency thereof, any governmental agency, or any institution, person, firm, or
 14 corporation, public or private, to be held, used, or applied for any or all
 15 of the purposes specified in this chapter in accordance with the terms and
 16 conditions of any such grant.

17 (B) Receipt of each such donation or grant shall be
 18 detailed in the annual report of the authority.

19 (C) This report shall include the identity of the donor or
 20 lender, the nature of the transaction, and any conditions attaching thereto;

21 (16) Trade, buy, or sell qualified securities;

22 (17) Finance, conduct, or cooperate in the financing or
 23 conducting of scientific, technological, business, financial, or other
 24 investigations which are related or likely to lead to business and economic
 25 development involving science and technology by making and entering into
 26 contracts or other appropriate arrangements, including the provision of
 27 grants, loans, and other forms of assistance;

28 (18) Solicit, study, and assist in the preparation of business
 29 plans and proposals of new or established science and technologically
 30 oriented businesses and advance the state of science in Arkansas for those
 31 purposes;

32 (19) Prepare, publish, and distribute, with or without charge as
 33 the authority may determine, such technological studies, reports, bulletins,
 34 and other materials as it deems appropriate, subject only to the maintenance
 35 and responsibility for confidentiality of the client's proprietary
 36 information;

1 (20) Organize, conduct, sponsor, or cooperate in and assist the
 2 conduct of special institutes, conferences, demonstrations, and studies
 3 relating to the stimulation and formulation of basic science, applied
 4 science, and technologically oriented businesses and studies relating to the
 5 formulation of scientific or technologically oriented business and industry
 6 endeavors;

7 (21) Own and possess patents, copyrights, and proprietary
 8 processes and enter into contracts and establish charges for the use of such
 9 patents, copyrights, and proprietary processes involving science or
 10 technology;

11 (22) Provide and pay for advisory services and technical
 12 assistance that may be necessary or desirable to carry out the purposes of
 13 this chapter;

14 (23) Exercise any other powers necessary for the operation and
 15 functioning of the authority within the purposes authorized in this chapter;

16 (24)(A) Provide scientific and technological data and
 17 information required by the Governor, the General Assembly, or its
 18 committees, and to state agencies and cities, counties, and school districts,
 19 and to private citizens and groups, within the limitations of the resources
 20 available to the authority.

21 (B) This service shall be in addition to any services
 22 currently being provided to the General Assembly by any higher education
 23 institution, committee, or any other organization; and

24 (25) Prepare, publish, amend, and distribute a research and
 25 development plan to guide investments in research and commercialization,
 26 strategic research, and technology-based enterprises.

27
 28 SECTION 2. Arkansas Code § 15-3-112 is amended to read as follows:
 29 15-3-112. Prohibition on personal interest in contracts.

30 (a) No director, officer, or employee of the Arkansas Science and
 31 Technology Authority, for purpose of personal gain, shall have or attempt to
 32 have, directly or indirectly, any interest in any contract or agreement of
 33 the authority in connection with the qualified investments or other programs
 34 of the authority.

35 (b) The authority shall not invest, pursuant to § 15-3-122, in any
 36 qualified security of:

1 (1) Any enterprise that is owned, wholly or partially, directly
2 or indirectly, by any director or officer; or

3 (2) Any enterprise that employs a director.

4 (c) It shall not be a violation of this section for the authority to
5 permit any college, university, or other nonprofit institution with which a
6 director is affiliated to participate in any program of the authority,
7 provided that the director shall promptly disclose the nature of the
8 affiliation to the Board of Directors of the Arkansas Science and Technology
9 Authority.

10 (d)(1) It shall not be a violation of this section for the authority
11 to permit a manufacturer or other for-profit entity with which a director is
12 affiliated to enter into a contract or an agreement with the authority for
13 services so long as the manufacturer or other for-profit entity with which
14 the director is affiliated contracts for or agrees to receive services:

15 (A) That are generally available to all manufacturers or
16 other for-profit entities;

17 (B) Are not available to the manufacturer or other for-
18 profit entity solely due to its affiliation with a director.

19 (2)(A) A director affiliated with a manufacturer or other for-
20 profit entity that enters into a contract or an agreement pursuant to
21 subdivision (d)(1) of this section shall disclose the contract or agreement
22 in writing to the president of the authority.

23 (B) The president of the authority shall inform the board
24 of the contract or agreement at its next regularly scheduled meeting and
25 attach a copy of the written disclosure to the minutes of that meeting.

26
27
28
29
30
31
32
33
34
35
36