

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1544

"TO ENACT THE UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT (2007)."

Amendment No. 1 to House Bill No. 1544.

Amend House Bill No. 1544 as originally introduced:

Page 12, delete line 36 and substitute the following:

"(2) an agent for service of process.

(b) The Model Registered Agents Act, § 4-20-101 et seq.:

(1) Governs the appointment, authority, powers, duties, termination of appointment, and all other provisions concerning an agent for service of process of a limited cooperative association or a foreign cooperative; and

(2) May be used to obtain service of process upon a limited cooperative association or a foreign cooperative."

AND

Page 13, delete lines 1 through 3

AND

Page 13, delete line 5 and substitute the following:

"4-36-118. Change of designated office."

AND

Page 13, delete line 7 and substitute the following:

"designated office or the street address"

AND

Page 13, line 13, delete "office;" and substitute "office; and"

AND

Page 13, line 15, delete "office;" and substitute "office."

AND



Page 13, delete lines 16 through 20 and substitute the following:

"(4) [Reserved.]

(5) [Reserved.]

(b) Except as otherwise provided in § 4-36-207(e), to change the address of its designated office or the street"

AND

Page 13, delete line 27 and substitute the following:

"(3) if the address of"

AND

Page 14, delete lines 1 through 16 and substitute the following:

"4-36-119. [Reserved.]"

AND

Page 14, delete lines 18 through 36 and substitute the following:

"4-36-120. [Reserved.]"

AND

Page 15, delete lines 1 through 12

AND

Page 18, delete lines 28 and 29 and substitute the following:

"association's or foreign cooperative's designated office and the information concerning its agent for service of process required by § 4-20-105(a);"

AND

Page 19, line 2, delete "April" and substitute "May"

AND

Page 19, line 6, delete "April" and substitute "May"

AND

Page 21, delete lines 35 and 36 and substitute the following:

"association's initial designated office and the information concerning the association's initial agent for service of process required by § 4-20-105(a);"

AND

Page 63, delete line 30 and substitute the following:

"(a) Before transacting business in this state, a foreign cooperative shall apply for a certificate of authority by"

AND

Page 64, delete lines 8 and 9 and substitute the following:

“foreign cooperative’s designated office and the information concerning its agent for service of process required by § 4-20-105(a);”

AND

Page 67, delete lines 13 through 15 and substitute the following:

“a certificate of authority or cancels its certificate, for an action arising out of the transaction of business in this state the foreign cooperative may be served with process under § 4-20-113 if the foreign cooperative:

(1) fails to appoint an agent for service of process under § 4-20-112;

(2) no longer has an agent for service of process; or

(3) has an agent for service of process that can not with reasonable diligence be served.”

AND

Page 72, delete lines 29 through 32 and substitute the following:

“(F) a statement confirming that the converted entity has filed a statement appointing an agent for service of process under § 4-20-112 if the converted entity is a foreign organization not authorized to transact business in this state; and”

AND

Page 74, delete lines 6 through 9 and substitute the following:

“this state may be served with process under § 4-20-113 if the converted entity:

(1) fails to appoint an agent for service of process under § 4-20-112;

(2) no longer has an agent for service of process; or

(3) has an agent for service of process that can not with reasonable diligence be served.”

AND

Page 77, delete lines 9 through 12 and substitute the following:

“(7) a statement confirming that the surviving entity has filed a statement appointing an agent for service of process under § 4-20-112 if the surviving entity is a foreign organization not authorized to transact business in this state; and”

AND

Page 78, delete lines 26 through 30 and substitute the following:

“business in this state may be served with process under § 4-20-113 if the surviving entity:

(1) fails to appoint an agent for service of process under § 4-

20-112;

(2) no longer has an agent for service of process; or
(3) has an agent for service of process that can not with
reasonable diligence be served."

AND

Page 79, delete lines 30 and 31 and substitute the following:

"This chapter shall be known and may be cited as the "Arkansas Business Corporation Act (1987)."

SECTION 3. Arkansas Code § 4-20-113(b), concerning service upon an entity rather than the registered agent for the entity, is amended to read as follows:

(b) If an entity fails to appoint an agent under this subchapter or if an entity that previously filed a registered agent filing with the Secretary of State no longer has a registered agent, or if its registered agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, addressed to one or more of the governors of the entity by name at its principal office in accordance with any applicable judicial rules and procedures. The names of the governors and the address of the principal office shall be as shown in the most recent annual report filed with the Secretary of State. If the entity is not required to file an annual report with the Secretary of State, the names of the governors and the address of the principal office shall be as shown in the entity's public organic document. Service is perfected under this subsection at the earliest of:

- (1) the date the entity receives the mail;
- (2) the date shown on the return receipt, if signed on behalf of the entity; or
- (3) five days after its deposit with the United States Postal Service, if correctly addressed and with sufficient postage."

The Amendment was read _____

By: Representative Harrelson
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Chief Clerk