

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.

Act 761 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S3/23/09

A Bill

SENATE BILL 809

5 By: Senator Horn  
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND AND MAKE TECHNICAL CHANGES TO THE  
10 RURAL TELECOMMUNICATIONS COOPERATIVE ACT, § 23-  
11 17-201 ET SEQ.; AND FOR OTHER PURPOSES.  
12

13 **Subtitle**

14 TO AMEND AND MAKE TECHNICAL CHANGES TO  
15 THE RURAL TELECOMMUNICATIONS COOPERATIVE  
16 ACT, § 23-17-201 ET SEQ.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 23-17-214 is amended to read as follows:  
22 23-17-214. Bylaws.

23 (a)(1) The power to make, alter, amend, or repeal the bylaws of the  
24 cooperative shall be vested in the board of directors, subject to amendment  
25 by the members at ~~any~~ an annual meeting.

26 (2)(A) *The board shall not change, alter, ~~or~~ amend, or repeal*  
27 *~~any~~ a provision of the bylaws adopted by the members except upon a unanimous*  
28 *vote of the directors in favor of ~~such a~~ the change, alteration, ~~or~~*  
29 *amendment, or repeal.*

30 (B) *~~In the event~~ If the directors shall change, alter, ~~or~~*  
31 *amend, or repeal a bylaw provision ~~pursuant to~~ under this section, the bylaw*  
32 *~~provision shall be submitted to the members of the cooperative at their next~~*  
33 *annual or special meeting remain effective unless the change, alteration,*  
34 *amendment, or repeal of the bylaw provision is presented by the members at*  
35 *the next annual or special meeting of the board.*



1                    (C) If the members at the next annual or special meeting  
 2 of the board do not vote to ratify the directors' action in changing,  
 3 altering, ~~or~~ amending, or repealing the bylaw provision in question, the  
 4 bylaw provision in question ~~will~~ shall be deleted from the bylaws, and the  
 5 bylaw provision in question shall revert, effective the day after the  
 6 members' meeting, to the wording ~~which~~ that was in place immediately before  
 7 the directors changed, altered, ~~or~~ amended, or repealed the bylaw provision.

8                    (b) The bylaws may contain any provisions for the regulation and  
 9 management of the affairs of the cooperative not inconsistent with law or the  
 10 articles of incorporation.

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 12                    SECTION 2. Arkansas Code § 23-17-240 is amended to read as follows:  
 13                    23-17-240. Unclaimed capital credits and stock.

14                    (a) When ~~any~~ a cooperative formed under this subchapter declares  
 15 capital credits and any capital credit which remains unclaimed one (1) year  
 16 after notice ~~thereof~~ of the capital credit was transmitted to the last known  
 17 address of the beneficiary of the credit~~;~~:

18                    (1) ~~the~~ The cooperative shall not be liable for the credit~~;~~ and

19                    (2) ~~it~~ The credit shall not be deemed unclaimed or abandoned  
 20 property under ~~the Uniform Disposition of Unclaimed Property Act,~~ § 18-28-201  
 21 et seq.

22                    (b)(1) When a cooperative formed under this subchapter has issued  
 23 shares of stock and subsequent to that time has declared by providing notice  
 24 to all shareholders of record that the cooperative is redeeming the stock by  
 25 repurchase, then one (1) year after the notice has been sent to the last  
 26 known address of all shareholders of record:

27                    (A) The cooperative shall not be liable for the redemption  
 28 or repurchase value of the stock; and

29                    (B) The stock not redeemed and repurchased shall have no  
 30 value or rights in the cooperative.

31                    (2) The stock shall not be deemed unclaimed or abandoned  
 32 property under § 18-28-201 et seq.

33                    ~~(b)(c)~~ Any references References in §§ 23-17-201 — ~~23-17-242~~ et seq.  
 34 to “this subchapter” and ~~any~~ references in § 23-17-101 et seq. to “this  
 35 chapter” shall be deemed to also reference this section.

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*/s/ Ho*

**APPROVED: 4/1/2009n**