

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 763

5 By: Senator J. Hutchinson  
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## For An Act To Be Entitled

8 AN ACT TO RESTORE CERTAIN RIGHTS TO A NONPROFIT  
9 ORGANIZATION; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO RESTORE CERTAIN RIGHTS TO A NONPROFIT  
12 ORGANIZATION.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 4, Chapter 28, Subchapter 1, is amended  
20 to add an additional section to read as follows:

21 4-28-105. Capacity to assert and defend – Standing.

22 (a) A nonprofit organization may, in its own name, institute, defend,  
23 intervene, or participate in a judicial, administrative, or other  
24 governmental proceeding or in an arbitration, mediation, or any other form of  
25 alternative dispute resolution.

26 (b) A nonprofit organization may, in its own name, assert a claim on  
27 behalf of its members if:

28 (1) One (1) or more members of the nonprofit organization have  
29 standing to assert a claim in their own right;

30 (2) The interests the nonprofit organization seeks to protect  
31 are germane to its purpose; and

32 (3) Neither the claim asserted nor the relief requested requires  
33 the participation of a member.  
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35 APPROVED: 04/03/2017  
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