Stricken language would be deleted from and underlined language would be added to present law. Act 108 of the Regular Session

1	State of Arkansas	A Bill	
2	94th General Assembly	A DIII	
3	Regular Session, 2023		HOUSE BILL 1278
4			
5	By: Representatives Gazaway, N	*	
6	By: Senators C. Tucker, J. Bryan	nt	
7		For Ar A of To Do Friddad	
8	For An Act To Be Entitled		
9	AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 4 OF		
10	THE ARKANSAS CODE CONCERNING BUSINESS AND COMMERCIAL		
11	LAW; AND FOR	COTHER PURPOSES.	
12			
13		S14:41	
14		Subtitle	,
15		E TECHNICAL CORRECTIONS TO TIT	
16	OF THE ARKANSAS CODE CONCERNING BUSINESS		
17	AND CO	MMERCIAL LAW.	
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19			
20	BE IT ENACTED BY THE GEN	NERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
21			
22		sas Code § 4-26-1001(9)(C), cor	-
23	of "organizational documents" because a different term is now used in the		
24		ty Company Act, Acts 2021, No.	1041, codified at § 4-
25	38-101 et seq., is amend		
26		For a domestic or foreign limit	
27	-	tion <u>certificate of organization</u>	
28	agreement or the compara	able records provided for in it	is governing statute;
29			
30		sas Code § 4-27-1101(9)(C), cor	-
31	of "organizational documents" because a different term is now used in the		
32	Uniform Limited Liability Company Act, Acts 2021, No. 1041, codified at § 4-		
33	38-101 et seq., is amend		
34		For a domestic or foreign limit	
35	-	ition <u>certificate of organizati</u>	
36	agreement, or the compar	cable records provided for in i	its governing statute;



2 SECTION 3. Arkansas Code § 4-37-102(13), concerning the definition of 3 "manager" or "managers" because a different term is now used in the Uniform 4 Limited Liability Company Act, Acts 2021, No. 1041, codified at § 4-38-101 et 5 seq., is amended to read as follows:

6 (13) "Manager" or "managers" means, with respect to a limited 7 liability company that has set forth in its articles of organization 8 <u>operating agreement</u> that it is to be managed by managers, the person or 9 persons designated in accordance with § 4-38-407.

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11 SECTION 4. Arkansas Code § 4-46-901(9)(C), concerning the definition 12 of "organizational documents" because a different term is now used in the 13 Uniform Limited Liability Company Act, Acts 2021, No. 1041, codified at § 4-14 38-101 et seq., is amended to read as follows:

15 (C) For a domestic or foreign limited liability company, 16 its articles of organization certificate of organization and operating 17 agreement, or the comparable records as provided in its governing statute; 18

19 SECTION 5. Arkansas Code § 4-47-1101(9)(C), concerning the definition 20 of "organizational documents" because a different term is now used in the 21 Uniform Limited Liability Company Act, Acts 2021, No. 1041, codified at § 4-22 38-101 et seq., is amended to read as follows:

(C) for a domestic or foreign limited liability company,
 its articles of organization certificate of organization and operating
 agreement, or comparable records as provided in its governing statute;

27 SECTION 6. Arkansas Code § 4-70-201(c), concerning the applicability 28 of the subchapter of business under assumed names because a different term is 29 now used in the Uniform Limited Liability Company Act, Acts 2021, No. 1041, 30 codified at § 4-38-101 et seq., is amended to read as follows:

31 (c) This subchapter shall not apply to any limited liability company 32 which has filed its articles of organization certificate of organization with 33 the Secretary of State pursuant to § 4-38-201. 34

35 SECTION 7. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.
36 It is the intent of the General Assembly that:

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1	(1) The enactment and adoption of this act shall not expressly		
2	or impliedly repeal an act passed during the regular session of the Ninety-		
3	Fourth General Assembly;		
4	(2) To the extent that a conflict exists between an act of the		
5	regular session of the Ninety-Fourth General Assembly and this act:		
6	(A) The act of the regular session of the Ninety-Fourth		
7	General Assembly shall be treated as a subsequent act passed by the General		
8	Assembly for the purposes of:		
9	(i) Giving the act of the regular session of the		
10	Ninety-Fourth General Assembly its full force and effect; and		
11	(ii) Amending or repealing the appropriate parts of		
12	the Arkansas Code of 1987; and		
13	(B) Section 1-2-107 shall not apply; and		
14	(3) This act shall make only technical, not substantive, changes		
15	to the Arkansas Code of 1987.		
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18	APPROVED: 2/21/23		
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