

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

Subtitle of House Bill No. 1462

"TO ALLOW THE MERGER OR CONVERSION OF ANY FORM OF A BUSINESS ENTITY
INTO ANY OTHER BUSINESS ENTITY."

Amendment No. 1 to House Bill No. 1462.

Amend House Bill No. 1462 as originally introduced:

Page 14, delete lines 31 and 32 and substitute the following:

"(F) A statement confirming that the converted organization has filed a statement appointing an agent for service of process under § 4-20-112 if the converted organization"

AND

Page 16, delete lines 11 and 12 and substitute the following:

"under § 4-20-113 if the converted organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 20, delete line 1 and substitute the following:

"(6) A statement confirming that the surviving organization has filed a statement appointing an agent"

AND

Page 21, delete line 17 and substitute the following:

"under § 4-20-113 if the surviving organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND



Page 32, delete lines 15 and 16 and substitute the following:

"(F) A statement confirming that the converted organization has filed a statement appointing an agent for service of process under § 4-20-112 if the converted organization"

AND

Page 33, delete lines 31 and 32 and substitute the following:

"under § 4-20-113 if the converted organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 37, delete line 19 and substitute the following:

"(6) A statement confirming that the surviving organization has filed a statement appointing an agent"

AND

Page 38, delete line 35 and substitute the following:

"under § 4-20-113 if the surviving organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 49, delete lines 26 and 27 and substitute the following:

"(F) A statement confirming that the converted organization has filed a statement appointing an agent for service of process under § 4-20-112 if the converted organization"

AND

Page 51, delete lines 7 and 8 and substitute the following:

"under § 4-20-113 if the converted organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 52, delete line 21 and substitute the following:

"(6) A statement confirming that the surviving organization has filed a statement appointing an agent"

AND

Page 53, delete line 35 and substitute the following:

"under § 4-20-113 if the surviving organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 62, delete lines 16 and 17 and substitute the following:

"(F) A statement confirming that the converted organization has filed a statement appointing an agent for service of process under § 4-20-112 if the converted organization"

AND

Page 63, delete lines 32 and 33 and substitute the following:

"under § 4-20-113 if the converted organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 65, delete line 10 and substitute the following:

"(6) A statement confirming that the surviving organization has filed a statement appointing an agent"

AND

Page 66, delete line 24 and substitute the following:

"under § 4-20-113 if the surviving organization:

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

(B) No longer has an agent for service of process; or

(C) Has an agent for service of process that cannot with reasonable diligence be served."

AND

Page 69, delete line 36 and substitute the following:

"other law."

SECTION 7. 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."

AND

Appropriately renumber the remaining sections of the bill

The Amendment was read _____
By: Representative J. Edwards
DLP/LHA - 02-26-2009 17:45
DLP251 _____ Chief Clerk