

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Willems

HOUSE BILL 1181

"AN ACT TO PROVIDE FOR THE IMMUNITY FROM CERTAIN TYPES OF LIABILITY OF DIRECTORS OF NONPROFIT ARKANSAS CORPORATIONS PROVIDING MENTAL RETARDATION SERVICES PURSUANT TO ACT 265 OF 1969, AS AMENDED, THE SAME BEING ARKANSAS STATUTES ANNOTATED SECTIONS 59-1001 THROUGH 59-1012; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) No member of the board of directors of a nonprofit Arkansas corporation which provides mental retardation services pursuant to Act 265 of 1969, as amended, the same being Arkansas Statutes 59-1001 through 59-1012, shall be held liable for damages resulting from:

(1) any negligent act or omission of an employee of the nonprofit corporation; or

(2) any negligent act or omission of another director.

(b) The immunity provided by subsection (a) above shall not extend to acts or omissions of directors which constitute ordinary or gross negligence personal to a director or to intentional torts committed by a director.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that the laws of this State concerning the matters covered in the subject of this Act are inadequate for the protection of the public and the immediate passage of this Act is necessary in order to provide for the adequate protection of the public. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its

passage and approval.