

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1116

4
5 By: Representative Lynn
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 4-33-1701 TO ALLOW NON-
10 PROFIT CORPORATIONS FORMED PRIOR TO JANUARY 1, 1994 TO
11 CHOOSE, BY MAJORITY VOTE INSTEAD OF TWO-THIRDS VOTE,
12 TO BE SUBJECT TO THE ARKANSAS NON-PROFIT CORPORATION
13 ACT OF 1993; AND FOR OTHER PURPOSES."

Subtitle

14
15 "TO AUTHORIZE PRE-1994 NON-PROFIT
16 CORPORATIONS TO CHOOSE BY A SIMPLE
17 MAJORITY VOTE TO BE COVERED BY THE
18 ARKANSAS NON-PROFIT CORPORATION ACT OF
19 1993."
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code 4-33-1701 is amended to read as follows:

24 "4-33-1701. Application to existing domestic corporations.

25 All provisions of this chapter shall apply to all domestic corporations
26 incorporated on or after January 1, 1994, as specified in § 4-33-1706. A
27 corporation incorporated prior to January 1, 1994, under any general statute
28 of this state providing for incorporation of nonprofit corporations may elect
29 to be governed by the provisions of this chapter by amending its articles of
30 incorporation to provide that it shall be so governed. Such election may be
31 made at any time on or after midnight, December 31, 1993, but once made shall
32 be irrevocable. The amendment to the articles of incorporation effecting such
33 election must be approved by the affirmative vote of at least ~~two-thirds (2/3)~~
34 a majority of the members of the corporation or if such corporation has no
35 members, by the affirmative vote of at least ~~two-thirds (2/3)~~ a majority of
36 the directors of the corporation. Domestic corporations existing prior to

1 midnight, December 31, 1993, which do not elect to be governed by its
2 provisions shall continue to be governed by preexisting law. Except for any
3 applicable corporate franchise tax laws or any applicable income tax exemption
4 laws referenced herein, nothing in this chapter shall be deemed to apply to
5 domestic corporations or associations regulated by the Insurance Commissioner
6 under title 23 of the Arkansas Code or related laws as nonprofit corporations
7 including but not limited to hospital or medical service corporations, health
8 maintenance organizations, and fraternal benefit societies.”

9
10 SECTION 2. All provisions of this Act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

13
14 SECTION 3. If any provision of this Act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the Act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 Act are declared to be severable.

19
20 SECTION 4. All laws and parts of laws in conflict with this Act are
21 hereby repealed.