

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

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

As Engrossed: S3/9/99

A Bill

SENATE BILL 777

4
5 By: Senator Hopkins
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For An Act To Be Entitled

8
9 "AN ACT TO PROVIDE FOR CERTAIN CORPORATIONS WHICH
10 SHALL BE PUBLIC BODIES AND BODIES CORPORATE AND
11 POLITIC; AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO PROVIDE FOR CERTAIN
15 CORPORATIONS WHICH SHALL BE PUBLIC
16 BODIES AND BODIES CORPORATE AND POLITIC."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. There is authorized the creation of rehabilitative services
22 corporations. A rehabilitative services corporation shall be a public body
23 and body corporate and politic. A rehabilitative services corporation shall
24 be organized to assist the state in carrying out specialized and regular
25 rehabilitative services for Arkansans in need of rehabilitative services.
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27 SECTION 2. There is authorized the creation of "habilitative services
28 corporations." A habilitative services corporation shall be a public body and
29 body corporate and politic. A habilitative services corporation shall be
30 organized to provide habilitative services and other services for individuals
31 with special educational/training needs.
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33 SECTION 3. There is authorized the creation of "rural fire protection
34 corporations." A rural fire protection corporation shall be a public body and
35 body corporate and politic. A rural fire protection corporation shall be
36 organized to provide fire protection to rural areas of the state.

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2 SECTION 4. One (1) or more persons may act as the incorporator or
3 incorporators of a corporation authorized by this act by filing for
4 incorporation in the same manner as for nonprofit corporations under the
5 Arkansas Nonprofit Corporation Act of 1993.

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7 SECTION 5. (a) A corporation organized under the Arkansas Nonprofit
8 Corporation Act of 1993 or the Arkansas Nonprofit Corporation Act may convert
9 to a corporation authorized by this act by filing, with the circuit court of
10 the county in which the main office or principal place of business of the
11 corporation is located, signed and verified articles of incorporation, and a
12 statement that the nonprofit corporation desires to convert to a corporation
13 authorized by this act.

14 (b) If the circuit court finds that the articles of incorporation
15 conform to law and that the incorporation is for a lawful purpose and is in
16 the best interests of the public, the court may issue an order approving
17 conversion to a corporation authorized by this act.

18 (c) If the court approves the conversion, the articles of incorporation
19 in duplicate, signed and verified, and a copy of the order of the court
20 approving the conversion shall be transmitted to the Secretary of State, who
21 shall, when a fee of one hundred dollars (\$100) has been paid:

22 (1) File the original of the articles in his office; and

23 (2) Issue a certificate of incorporation to which he shall affix
24 the other copy of the articles endorsed with the word "Filed" and the month,
25 day, and year of the filing and return the certificate of incorporation to the
26 incorporators or their representative.

27 (d) The new corporation shall obtain all the assets, liabilities and
28 obligations of the nonprofit corporation and the obligations of the nonprofit
29 corporation shall cease to exist on the date that the Secretary of State
30 issues the certificate of incorporation.

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32 SECTION 6. (a) A corporation authorized by this act shall be subject
33 to the provisions of the Arkansas Nonprofit Corporation Act of 1993 except to
34 the extent that the provisions of the act are in conflict with this act.

35 (b) A corporation authorized by this act shall have the right to
36 perpetual succession as a body politic and corporate.

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SECTION 7. Nothing in this act shall be construed to affect the corporation's obligation to pay property taxes.

SECTION 8. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 10. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Hopkins