

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: S3/10/99

A Bill

SENATE BILL 878

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

8
9 "AN ACT TO PROVIDE FOR WATER PROVIDER CORPORATIONS
10 WHICH SHALL BE A PUBLIC BODY AND BODY CORPORATE AND
11 POLITICAL; AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO PROVIDE FOR WATER PROVIDER
15 CORPORATIONS WHICH SHALL BE A PUBLIC
16 BODY AND BODY CORPORATE AND POLITICAL."
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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 water provider
22 corporations. A water provider corporation shall be a public body and body
23 corporate and politic. A water provider corporation shall be organized to
24 provide potable water and other associated service to Arkansas residents.
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26 SECTION 2. One (1) or more persons may act as the incorporator or
27 incorporators of a corporation authorized by this act by filing for
28 incorporation in the same manner as for nonprofit corporations under the
29 Arkansas Nonprofit Corporation Act of 1993.
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31 SECTION 3. (a) A corporation organized under the Arkansas Nonprofit
32 Corporation Act of 1993 or the Arkansas Nonprofit Corporation Act may convert
33 to a corporation authorized by this act by filing, with the circuit court of
34 the county in which the main office or principal place of business of the
35 corporation is located, signed and verified articles of incorporation, and a
36 statement that the nonprofit corporation desires to convert to a corporation

1 authorized by this act.

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

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

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

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

15 (d) The new corporation shall obtain all the assets, liabilities and
16 obligations of the nonprofit corporation and the obligations of the nonprofit
17 corporation shall cease to exist on the date that the Secretary of State
18 issues the certificate of incorporation.

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20 SECTION 4. (a) A corporation authorized by this act shall be subject
21 to the provisions of the Arkansas Nonprofit Corporation Act of 1993 except to
22 the extent that the provisions of the act are in conflict with this act.

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

25 (c) In addition to other powers, the corporation may own and operate
26 facilities necessary to provide potable water and associated services to
27 Arkansas residents.

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29 SECTION 5. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 6. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without
36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 7. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/ Hopkins

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