

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1881

5 By: Representative Reep
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For An Act To Be Entitled

9 AN ACT TO GIVE PLANNING AND DEVELOPMENT DISTRICTS
10 THE ABILITY TO INCORPORATE AS A PUBLIC
11 CORPORATION; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO GIVE PLANNING AND DEVELOPMENT
15 DISTRICTS THE ABILITY TO INCORPORATE AS
16 A PUBLIC CORPORATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-138-105 is amended to read as follows:
23 14-138-105. Authority and procedure to incorporate.

24 (a)(1) Whenever any number of natural persons, ~~not less~~ no fewer than
25 three (3), shall file with the governing body an application in writing for
26 authority to incorporate a public corporation under the provisions of this
27 chapter, if it shall be made to appear to the governing body that each of the
28 persons is a duly qualified elector of the municipality and if the governing
29 body shall duly adopt a resolution wherein it shall be declared that it will
30 be wise, expedient, and necessary that such a corporation be formed and that
31 the persons filing the application shall be authorized to proceed to form
32 such a corporation, then the persons shall become the incorporators of and
33 shall proceed to incorporate the corporation in the manner provided in this
34 chapter.

35 (2)(A) If approved by ordinance of the governing body of the
36 municipality, the board of directors of a planning and development district



1 created under § 14-166-201 et seq. may file with the governing body an
2 application in writing for authority to incorporate as a public corporation
3 under this chapter.

4 (B) §§ 14-38-105 - 14-38-109, and 14-138-123 shall not
5 apply to a district incorporated as a public corporation under subdivision
6 (a)(2)(A) of this section.

7 (C) A district incorporated as a public corporation under
8 subdivision (a)(2)(A) of this section shall maintain detailed records of its
9 activities, including, without limitation, financial records.

10 (D) If a district is incorporated as a public corporation
11 under subdivision (a)(2)(A) of this section, the district may be designated
12 as a public corporation by more than one (1) municipality for separate
13 projects or a joint project if approved by ordinance of the governing body of
14 each municipality.

15 (b) No corporation shall be formed under this chapter unless the
16 application provided for in this section shall be made and unless the
17 resolution provided for in this section shall be adopted.

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