

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

*As Engrossed: H3/2/07*  
**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.  
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13

**Subtitle**

15 TO GIVE PLANNING AND DEVELOPMENT  
16 DISTRICTS THE ABILITY TO INCORPORATE AS  
17 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 act as a public corporation under  
3 this chapter.

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

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

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

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

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20 /s/ Reep  
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