

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/23/09

A Bill

SENATE BILL 809

5 By: Senator Horn
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND AND MAKE TECHNICAL CHANGES TO THE
10 RURAL TELECOMMUNICATIONS COOPERATIVE ACT, § 23-
11 17-201 ET SEQ.; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO AMEND AND MAKE TECHNICAL CHANGES TO
15 THE RURAL TELECOMMUNICATIONS COOPERATIVE
16 ACT, § 23-17-201 ET SEQ.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 23-17-214 is amended to read as follows:
22 23-17-214. Bylaws.

23 (a)(1) The power to make, alter, amend, or repeal the bylaws of the
24 cooperative shall be vested in the board of directors, subject to amendment
25 by the members at ~~any~~ an annual meeting.

26 ~~(2)(A)~~ The board shall not change, alter, ~~or~~ amend, or repeal
27 ~~any a~~ provision of the bylaws adopted by the members except upon a unanimous
28 vote of the directors in favor of ~~such a~~ the change, alteration, ~~or~~
29 amendment, or repeal.

30 ~~(B)~~ In the event ~~if~~ the directors ~~shall~~ change, alter, ~~or~~
31 amend, or repeal a bylaw provision ~~pursuant to~~ under this section, the bylaw
32 provision shall ~~be submitted to the members of the cooperative at their next~~
33 annual or special meeting ~~remain effective unless the change, alteration,~~
34 amendment, or repeal of the bylaw provision is presented by the members at
35 the next annual or special meeting of the board.

36 ~~(C)~~ If the members at the next annual or special meeting



1 of the board do not vote to ratify the directors' action in changing,
 2 altering, ~~or amending,~~ or repealing the bylaw provision in question, the
 3 bylaw provision in question ~~will~~ shall be deleted from the bylaws, and the
 4 bylaw provision in question shall revert, effective the day after the
 5 members' meeting, to the wording ~~which~~ that was in place immediately before
 6 the directors changed, altered, ~~or amended,~~ or repealed the bylaw provision.

7 (b) The bylaws may contain any provisions for the regulation and
 8 management of the affairs of the cooperative not inconsistent with law or the
 9 articles of incorporation.

10
 11 *SECTION 2.* Arkansas Code § 23-17-240 is amended to read as follows:
 12 23-17-240. Unclaimed capital credits and stock.

13 (a) When ~~any~~ a cooperative formed under this subchapter declares
 14 capital credits and any capital credit which remains unclaimed one (1) year
 15 after notice ~~thereof~~ of the capital credit was transmitted to the last known
 16 address of the beneficiary of the credit~~;~~:

17 (1) the The cooperative shall not be liable for the credit~~;~~ and

18 (2) it The credit shall not be deemed unclaimed or abandoned
 19 property under ~~the Uniform Disposition of Unclaimed Property Act,~~ § 18-28-201
 20 et seq.

21 (b)(1) When a cooperative formed under this subchapter has issued
 22 shares of stock and subsequent to that time has declared by providing notice
 23 to all shareholders of record that the cooperative is redeeming the stock by
 24 repurchase, then one (1) year after the notice has been sent to the last
 25 known address of all shareholders of record:

26 (A) The cooperative shall not be liable for the redemption
 27 or repurchase value of the stock; and

28 (B) The stock not redeemed and repurchased shall have no
 29 value or rights in the cooperative.

30 (2) The stock shall not be deemed unclaimed or abandoned
 31 property under § 18-28-201 et seq.

32 ~~(b)(c)~~ Any references References in §§ 23-17-201 — ~~23-17-242~~ et seq.
 33 to "this subchapter" and ~~any~~ references in § 23-17-101 et seq. to "this
 34 chapter" shall be deemed to also reference this section.

35
 36 /s/ Horn