

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 1616

1 AN ACT TO AMEND SECTION 79-17-13, MISSISSIPPI CODE OF 1972,
2 TO REDUCE FROM TEN TO THREE THE NUMBER OF AGRICULTURAL PRODUCERS
3 REQUIRED TO FORM AN AGRICULTURAL ASSOCIATION; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 79-17-13, Mississippi Code of 1972, is
7 amended as follows:

8 79-17-13. Three (3) or more producers of agricultural
9 products in the State of Mississippi who may desire that they,
10 their associates, and successors shall come under this chapter and
11 enjoy its benefits may enter into articles of association and
12 incorporation, which shall set forth the name of the organization,
13 the period of its existence (which shall be for not more than
14 ninety-nine (99) years), its domicile, and that it is to be
15 organized and operated under this chapter. Such articles shall be
16 in duplicate and signed and acknowledged by all those named
17 therein and filed with the Secretary of State of Mississippi.
18 Upon the receipt of Twenty-five Dollars (\$25.00) as a recording
19 fee, the Secretary of State shall file both of said copies,
20 endorsing thereon over his official signature the filing and the
21 date thereof. Thereupon and by such filing and indorsement, said
22 association described in the said articles shall be and become a
23 complete and valid corporation without capital stock and without
24 individual liability on the part of the organizers, their
25 associates and successors, who may become members of such
26 incorporated association, or on the part of the directors and
27 officers of such organization, notwithstanding indebtedness be
28 incurred by said corporation and it be without capital stock.

29 Such articles when so filed shall be the charter of such
30 corporation. Upon the filing and endorsement of the articles as
31 aforesaid, the Secretary of State shall return one (1) of said
32 copies of said articles to said corporation, which shall have the
33 same recorded in the record of charters in the office of the clerk
34 of the chancery court of the county in which the principal office
35 or place of business of such corporation is located, and the
36 Secretary of State shall retain the other copy of said articles
37 for his files and record it and said endorsements thereon in the
38 records of charters in his office. Such articles may be amended
39 by the same procedure except that the proposed amendment shall be
40 signed by two (2) executive officers, only after authority given
41 by the vote of a majority of the members present at any membership
42 meeting duly called and held; provided, however, that notice of
43 such meeting and a statement of the substance of the proposed
44 amendment to the articles of association and incorporation shall
45 be mailed or delivered by hand to all members of the incorporated
46 association at least fifteen (15) days prior to the date of such
47 meeting. The recording fee for an amendment to such articles
48 shall be Twenty Dollars (\$20.00).

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2004.