

By: Representative Simpson

To: Judiciary A

HOUSE BILL NO. 914

1 AN ACT TO AMEND SECTION 79-13-105, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DESCRIPTION OF CERTAIN FEES IN THE UNIFORM
3 PARTNERSHIP ACT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 79-13-105, Mississippi Code of 1972, is
6 amended as follows:

7 79-13-105. (a) A statement may be filed in the Office of
8 the Secretary of State. A certified copy of a statement that is
9 filed in an office in another state may be filed in the Office of
10 the Secretary of State. Either filing has the effect provided in
11 this chapter with respect to partnership property located in or
12 transactions that occur in this state.

13 (b) A certified copy of a statement that has been filed in
14 the Office of the Secretary of State and recorded in the office
15 for recording transfers of real property has the effect provided
16 for recorded statements in this chapter. A recorded statement
17 that is not a certified copy of a statement filed in the Office of
18 the Secretary of State does not have the effect provided for
19 recorded statements in this chapter.

20 (c) A statement filed by a partnership must be executed by
21 at least two (2) partners. Other statements must be executed by a
22 partner or other person authorized by this chapter. An individual
23 who executes a statement as, or on behalf of, a partner or other
24 person named as a partner in a statement shall personally declare
25 under penalty of perjury that the contents of the statement are
26 accurate.

27 (d) A person authorized by this chapter to file a statement
28 may amend or cancel the statement by filing an amendment or
29 cancellation that names the partnership, identifies the statement,
30 and states the substance of the amendment or cancellation.

31 (e) A person who files a statement pursuant to this section
32 shall promptly send a copy of the statement to every nonfiling
33 partner and to any other person named as a partner in the
34 statement. Failure to send a copy of a statement to a partner or
35 other person does not limit the effectiveness of the statement as
36 to a person not a partner.

37 (f) The Secretary of State shall charge and collect fees in
38 the amounts specified for the following purposes:

39 (i) Filing of Statement of Qualification or Statement
40 of Foreign Qualification - Two Hundred Fifty Dollars (\$250.00).

41 (ii) Filing of Certificate Correcting or Amending a
42 Statement of Qualification or Statement of Foreign Qualification -
43 Fifty Dollars (\$50.00).

44 (iii) Filing of Certificate of Cancellation of
45 Statement of Qualification or Statement of Foreign Qualification -
46 Twenty-five Dollars (\$25.00).

47 (iv) Any other statement required or permitted to be
48 filed by this chapter - Twenty-five Dollars (\$25.00).

49 (g) The Secretary of State shall have the powers reasonably
50 necessary to perform the duties required of him under the
51 provisions of this chapter.

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2007.