

### **499.5 Permissible organizers.**

1. Five or more individuals, or two or more associations, may organize an association.
2. All individual incorporators of agricultural associations must be engaged in producing agricultural products, which phrase includes landlords and tenants as specified in section 499.13.
3. A nonprofit water utility organized under chapter 357A, 504, or 504A may elect to become an association under this chapter upon majority vote of its members by filing with the secretary of state a statement confirming the election and appropriate articles of incorporation. However, the association is subject to the service limitation provisions contained in sections 357.1A and 357A.2.
4. A telephone company organized as a corporation under chapter 491 and qualifying pursuant to an internal revenue service letter ruling under Internal Revenue Code § 501(c)(12) as a nonprofit corporation entitled to distribute profits in a manner similar to an association under this chapter may reorganize as an association under this chapter upon the affirmative vote of two-thirds of the votes cast by the shares entitled to vote in an election at a meeting at which a majority of all shares entitled to vote cast a vote.

[C35, § 8512-g5; C39, § **8512.05**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 499.5]

88 Acts, ch 1172, § 3; 90 Acts, ch 1164, §1; 96 Acts, ch 1044, § 1; 2004 Acts, ch 1175, §393

Reference to chapter 504A in subsection 3 to be deleted editorially upon repeal of that chapter; 2004 Acts, ch 1049, §191