

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
amendment of ARM 44.5.114)	PROPOSED AMENDMENT
Corporations - Profit and)	
Nonprofit Fees, 44.5.116)	
Limited Liability Partnership)	
Fees, 44.5.119 Assumed)	
Business Name Fees, and)	
44.5.121 Miscellaneous Fees)	
regarding the Reduction or)	
Elimination of Business)	
Document Filing Fees)	

TO: All Concerned Persons

1. On July 2, 2003, a public hearing will be held at 10:00 a.m. in the Secretary of State's Office Conference Room of the State Capitol, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m. on June 24, 2003, to advise us of the nature of the accommodation that you need. Please contact Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-5375; FAX (406) 444-4196; or e-mail jdoggett@state.mt.us.

3. The following rules are proposed to be amended:

44.5.114 CORPORATIONS - PROFIT AND NONPROFIT FEES

(1) Domestic filings:	
(a) <u>for</u> articles of incorporation:	\$ 20.00
(i) <u>profit</u>	\$ 70.00
(ii) <u>nonprofit</u>	20.00
(b) license fee based on authorized shares	
for profit corporations only, \$20.00 plus:	
(i) 1 to 50,000 shares	50.00
(ii) 50,001 to 100,000 shares	100.00
(iii) 100,001 to 250,000 shares	250.00
(iv) 250,001 to 500,000 shares	400.00
(v) 500,001 to 1,000,000 shares	600.00
(vi) 1,000,001 shares and over	1000.00
(c)(b) reinstatement:	
(i) for profit corporations, the fee is one half	
of the original per share filing fee as listed in	
(1)(b)(i) through (vi), plus the \$20.00 \$30.00 filing fee,	
plus an additional fee of \$30.00 per year for each	
year of delinquent annual reports	

(ii) for nonprofit corporations	10.00
(d) (c) articles of correction	15.00
(e) (d) articles of amendment	15.00
(f) (e) restated articles	15.00
(g) (f) articles of merger	20.00
(h) (g) articles of dissolution	15.00
(i) (h) domestic business trust	70.00
(j) (i) articles of revocation of voluntary dissolution	15.00
(2) Foreign filings:	
(a) certificate of authority:	
(for profit corporations, add \$100 license fee)	\$ 20.00
(i) profit	\$ 70.00
(ii) non-profit	20.00
(b) amended certificate of authority	15.00
(c) withdrawal	15.00
(d) registration of name (per year)	10.00
(e) renewal of name registration (per year)	10.00
(f) foreign business trust	70.00 120.00
(3) Both domestic and foreign filings:	
(a) name reservation	10.00
(b) transfer/cancellation of reserved name	no charge
(c) cancellation of foreign name registration	15.00
(d) statement of change of:	
(i) registered office	no charge
(ii) registered agent	no charge
(e) annual report filed prior to April 15th	15.00
(f) annual report filed after April 15th	30.00
(g) certificate of existence (domestic)	5.00
(h) certificate of authorization (foreign)	5.00
(i) certificate of fact	15.00
(j) any other statement or report	15.00

AUTH: 35-1-1206, 35-1-1207, 35-1-1307, 35-6-201, MCA
IMP: 35-1-1206, 35-1-1207, 35-1-1307, 35-6-201, MCA

REASON: The Secretary of State proposes the changes in fee listings in order to simplify the registration and reinstatement process, and to reduce the average business registration fee to reflect the cost of resources necessary to process business registration documents. Approximately 1,600 foreign and domestic corporations will be affected by this change and revenue collection will be reduced by approximately \$82,000.

44.5.116 LIMITED LIABILITY PARTNERSHIP FEES

(1) Registration of limited liability partnership	\$ 20.00 \$ 70.00
<u>(2) Partnership agreement or statement of partnership authority</u>	20.00
(2) (3) Renewal of registration	20.00 70.00
(3) (4) Amendment to registration	20.00
(4) (5) Reservation of name	10.00
(5) (6) Cancellation of registration	<u>no charge</u> 5.00

~~(6)~~(7) Filing of any other statement 15.00

AUTH: 30-13-217, MCA
IMP: 30-13-217, MCA

REASON: The Secretary of State proposes changes in the fee listings in order to reflect the cost of resources necessary to process limited liability partnership document filing, and to simplify the filing process. Approximately 1,175 limited liability partnerships will be affected by this change and the revenue collected will be reduced by approximately \$36,500.

44.5.119 ASSUMED BUSINESS NAME FEES

(1) Registration of assumed business name	\$ 20.00
(2) Partnership agreement or statement of partnership authority	20.00
(3) Renewal of registration	20.00
(4) Amendment to registration	20.00
(5) Reservation of name	10.00
(6) Cancellation of registration	no charge 5.00
(7) Filing of any other statement	<u>15.00</u> 20.00

AUTH: 30-13-217, MCA
IMP: 30-13-217, MCA

REASON: The Secretary of State proposes a change in the fee listings in order to simplify the filing process and to reflect the cost of resources necessary to process the documents. Approximately 500 business entities using assumed business names will be affected and the revenue collected will be reduced by \$2,500.

44.5.121 MISCELLANEOUS FEES

(1) Certificate of fact	\$ 15.00
(2) Copy of any document	10.00
(3) Documents or copies returned by fax up to 10 pages	3.00
(a) each additional page over 10	.50
(b) priority handling for all other documents/requests	20.00
(c) furnishing any certificate not otherwise provided for	15.00
(d) <u>resignation of registered agent</u>	<u>no charge</u>

AUTH: 2-15-405, MCA
IMP: 2-15-405, MCA

REASON: The Secretary of State proposes to reduce the identified fee in order to reflect the cost for notification of registered agent resignations. Approximately 20 registered agents will be affected by this change and revenue collected will be reduced by approximately \$300.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Janice Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801, or by e-mailing jdoggett@state.mt.us, and must be received no later than July 14, 2003.

5. Janice Doggett, at the address above, has been designated to preside over and conduct the hearing.

6. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices, and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, Uniform Commercial Code or a combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Bureau, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-5833, e-mailed to klubke@state.mt.us, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Bob Brown
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 29th day of May 2003.