

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of)	NOTICE OF ADOPTION OF
Temporary Emergency Rule I)	TEMPORARY EMERGENCY RULE
pertaining to extending the deadline)	
to submit annual reports to the)	
Secretary of State's Office for)	
corporations and limited liability)	
companies doing business in the)	
State of Montana)	

TO: All Concerned Persons

1. The Secretary of State is adopting Temporary Emergency Rule I for the following reasons:

A. On March 12, 2020, Governor Steve Bullock declared an emergency in the State of Montana regarding the COVID-19 pandemic in Executive Order 2-2020.

B. On March 13, 2020, President Donald J. Trump declared a national emergency due to the COVID-19 pandemic.

C. On March 14, 2020, Governor Steve Bullock extended the emergency in the State of Montana regarding the COVID-19 pandemic in Executive Order 3-2020.

D. On March 21, 2020, the U.S. Treasury Department and the Internal Revenue Service announced that the federal income tax filing due date is automatically extended from April 15, 2020, to July 15, 2020.

E. The Secretary of State finds that under the emergency circumstances of the COVID-19 pandemic, there is an immediate peril to the public health, safety, and welfare requiring adoption of a rule upon fewer than 30 days' notice. As all Americans are being advised to practice social distancing, the circumstances of the COVID-19 pandemic may prevent Montana entities from attending annual meetings or conducting the business necessary to submit their annual reports by the 15th of April.

F. There is a reasonable necessity to immediately adopt a temporary emergency rule pursuant to 2-4-303, MCA, for Montana entities and businesses applicants to protect the public health, safety, and welfare because of the emergency conditions of the COVID-19 pandemic to avoid contributing to a shortage of available personnel, customers' COVID-19 concerns, and to ensure the public has sufficient access to financial and business services.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you

require an accommodation, contact the Secretary of State to advise us of the nature of the accommodation that you need. Please contact Sue Ames, Office Manager, Secretary of State's Office, 1301 E. 6th Avenue, Helena, Montana, 59601; telephone (406) 444-2807; fax (406) 444-3976; TDD/Montana Relay Service/etc. (406) 444-9068; or e-mail sames@mt.gov.

3. The temporary emergency rule is effective April 16, 2020.

4. The text of the temporary emergency rule provides as follows:

NEW RULE I EXTENSION OF THE FILING DEADLINE OF ANNUAL REPORTS DUE TO THE DECLARED EMERGENCY DERIVED FROM THE COVID-19 PANDEMIC

(1) The terms of this temporary emergency rule will expire on July 15, 2020, unless additional rulemaking is required to continue the response to the COVID-19 pandemic.

(2) The time period provided in ARM 44.5.114(3)(e) within which the fee for corporations to submit their annual reports is \$20.00 if submitted by the 15th of April is temporarily extended to the 15th of July.

(3) The time period provided in ARM 44.5.114(3)(f) within which the fee for corporations to submit their annual reports is \$20.00 if submitted by the 15th of April is temporarily extended to the 15th of July.

(4) The time period provided in ARM 44.5.115(3)(d) within which the fee for limited liability businesses to submit their annual reports is \$20.00 if submitted by the 15th of April is temporarily extended to the 15th of July.

(5) The time period provided in ARM 44.5.115(3)(e) within which the fee for limited liability businesses to submit their annual reports is \$20.00 if submitted by the 15th of April is temporarily extended to the 15th of July.

AUTH: 35-1-1104, 35-2-904, 35-3-209, 35-8-208, MCA

IMP: 2-4-303, 2-15-405, 35-1-217, 35-1-1206, 35-1-1307, 35-2-119, 35-2-1003, 35-6-201, 35-8-208, 35-8-211, 35-8-212, MCA

REASON: In addition to the rationale stated in paragraph 1, and the information provided by federal and state directives and executive orders, the Secretary of State's Office wants to afford the entities that conduct business in the state of Montana sufficient opportunity to take the steps necessary to submit their annual reports without the risk of incurring an additional \$15.00 to their annual reports filing fee or the need to disregard the directives issued by medical professionals and public health authorities concerning social distancing and quarantine. The additional \$15.00 fee will be required by all business entities that submit their reports after the 15th of July extension, unless additional rules are adopted, as a result of a continued state of emergency at the state or national level.

5. 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 that includes the name, e-mail, and mailing address of the person to receive notices and specifies for

which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 2 above or may be made by completing a request form at any rules hearing held by the department.

6. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Austin James
Austin James
Rule Reviewer
Chief Legal Counsel

/s/ Dana Corson
Dana Corson
Director, Elections and
Voter Services
Office of Secretary of State

Dated April 14th, 2020.