

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.5.114 and 44.5.115) PROPOSED AMENDMENT
pertaining to clarification of Business)
Services Division filings and fees)

TO: All Concerned Persons

1. On June 4, 2021, at 10:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, 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 May 28, 2021, to advise us of the nature of the accommodation that you need. Please contact Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-2087; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail angela.nunn@mt.gov.

3. The rules proposed to be amended are as follows, new matter underlined, deleted matter interlined:

44.5.114 CORPORATIONS – PROFIT AND NONPROFIT FEES

(1) Domestic filings:

(a) remains the same.

(b) reinstatement:

(i) for profit corporations, the \$30.00 filing fee, plus an additional fee of ~~\$30.00~~ 35.00 per year for each year of delinquent annual reports

(ii) through (6) remain the same.

AUTH: 2-15-405, 35-1-1307, 35-2-1107, 35-7-103, MCA

IMP: 2-15-405, 35-1-217, 35-1-1206, 35-1-1307, 35-2-119, 35-2-1003, 35-6-201, MCA

44.5.115 LIMITED LIABILITY COMPANY FEES (1) Domestic filings:

(a) through (g) remain the same.

(h) reinstatement of involuntarily dissolved limited liability company 35.00
plus an additional fee of ~~\$30.00~~ 35.00 per year for each year of delinquent annual reports

(2) through (6) remain the same.

AUTH: 2-15-405, MCA

IMP: 2-15-405, 35-8-208, 35-8-211, 35-8-212, MCA

REASON: Currently under ARM 44.5.114(3)(f) and 44.5.115(3)(e), domestic and foreign annual reports filed after the April 15th deadline are charged a \$35.00 fee. These proposed changes simply correct the internal inconsistencies within the rules of fees associated with delinquent annual report filings.

4. Given annual reports filed after April 15th are currently charged a \$35 fee, these proposed changes will not have a fiscal impact.

5. 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 Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing angela.nunn@mt.gov, and must be received no later than 5:00 p.m., June 11, 2021.

6. Austin Markus James, Chief Legal Counsel, Secretary of State's Office, has been designated to preside over and conduct the hearing.

7. 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 combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, P.O. Box 202801, Helena, MT 59620-2801, emailed to sosarm@mt.gov, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

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

9. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Austin Markus James
Austin Markus James
Rule Reviewer

/s/ Christi Jacobsen
Christi Jacobsen
Secretary of State

Dated this 4th day of May, 2021.