

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
amendment of ARM 44.5.114)	ON PROPOSED AMENDMENT
Corporations - Profit and)	
Nonprofit Fees, and 44.5.115)	
Limited Liability Company)	
Fees)	

TO: All Concerned Persons

1. On December 5, 2005, a public hearing will be held at 1:00 p.m. in the Secretary of State's Office Conference Room, Room 260, 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 November 25, 2005, to advise us of the nature of the accommodation that you need. Please contact H. Elwood English, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-5375; FAX (406) 444-4196; or e-mail eenglish@mt.gov.

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

44.5.114 CORPORATIONS - PROFIT AND NONPROFIT FEES
 (1) through (3)(e) remain the same.
~~(f) annual report filed on line prior to~~
~~April 15th~~ ~~10.00~~
 (g) remains the same but is renumbered (f).
~~(h) annual report filed on line after April 15th~~ ~~25.00~~
 (i) through (l) remain the same but are renumbered (g) through (j).

AUTH: 2-15-405, 35-1-1307, 35-2-1107, MCA
IMP: 35-1-216, 35-1-217, 35-2-119, MCA

REASON: The Secretary of State proposes this amendment in order to clarify the fees for filing annual report via electronic filing. The cumulative amount of fees collected at the increased amount will be approximately \$71,000, affecting approximately 14,200 customers next year. The Secretary of State proposes the amendments to clarify the articles of incorporation certificate services available online. The fee change reflects the actual cost of processing annual reports including printing, filing, compliance checking, and data entering.

44.5.115 LIMITED LIABILITY COMPANY FEES (1) through (3) (d) remain the same.
~~(c) annual report filed on line before April 15th 10.00~~
(f) remains the same but is renumbered (e).
~~(g) annual report filed on line after April 15th 25.00~~
(h) through (j) remain the same but are renumbered (f) through (h).

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

REASON: The Secretary of State proposes this amendment in order to clarify the fees for filing annual report via electronic filing. The cumulative amount of fees collected at the increased amount will be approximately \$39,000, affecting approximately 7,800 customers next year. The Secretary of State proposes the amendments to clarify the articles of organization certificate services available online. The fee change reflects the actual cost of processing annual reports including printing, filing, compliance checking, and data entering.

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 H. Elwood English, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801, or by e-mailing eenglish@mt.gov, and must be received no later than December 8, 2005.

5. H. Elwood English, 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) 444-3976, e-mailed to jabranscum@mt.gov, 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/ Brad Johnson
Brad Johnson
Secretary of State

/s/ H. Elwood English
H. Elwood English
Rule Reviewer
Secretary of State

Dated this 31st day of October 2005.