

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rules I and II pertaining to Business) PROPOSED ADOPTION
Services Division requirements)

TO: All Concerned Persons

1. On January 12, 2012, at 9:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Conference Room, Room 206 of the State Capitol Building, at Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process 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 January 5, 2012, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana, 59620-2801; telephone (406) 461-5173; fax (406) 444-4240; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I FORM OF ANNUAL REPORT (1) An annual report filed pursuant to 35-1-1104, 35-2-904, and 35-8-208, MCA, must be on a form prescribed and furnished by the secretary of state if it is not filed on-line.

AUTH: 35-1-1307, 35-1-1308, MCA
IMP: 35-1-217, 35-8-208, MCA

REASON: The adoption of this rule is reasonably necessary to reduce the processing time for annual reports not filed on-line and to decrease the number of rejections. Over 15,000 paper annual reports are filed with the Secretary of State each year with the amount received increasing each year. Due to the availability of on-line filing of annual reports, the Secretary of State was able to reduce staff for the annual report unit from 15 to 20 employees to only two full-time employees. Requiring customers to utilize the Secretary of State's form will reduce the potential for filing errors as well as the potential for missed crucial deadlines thereby reducing the possibility that an entity will be dissolved or revoked unnecessarily. Requiring the use of the Secretary of State's form will also help streamline the workflow resulting in the necessity for less staff and allowing a faster turnaround of documents.

NEW RULE II CERTIFICATE OF EXISTENCE FOR FOREIGN ENTITIES
(1) A certificate of existence for foreign entities must be dated within six

months of the receipt of the application by the secretary of state for authority to transact business in this state.

AUTH: 35-1-1307, MCA

IMP: 35-1-1028, 35-2-822, 35-8-1003, MCA

REASON: The adoption of this rule is reasonably necessary to confirm that the foreign entity is in existence, is authorized to transact business in their state of jurisdiction, and has complied with that state's required formalities prior to qualifying to transact business in Montana.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801; telephone (406) 461-5173; fax (406) 444-4240; or e-mail jquintana@mt.gov, and must be received no later than 5:00 p.m., January 19, 2012.

5. Jorge Quintana, Secretary of State's Office, has been designated to preside over and conduct this 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 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 4 above or may be made by completing a request form at any rules hearing held by the Secretary of State.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 12th day of December, 2011.