

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 44.5.115 pertaining to filing fees ) PROPOSED AMENDMENT  
for Limited Liability Companies )

TO: All Concerned Persons

1. On July 10, 2013, at 10 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 June 28, 2013, 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, MT 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail [jquintana@mt.gov](mailto:jquintana@mt.gov).

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

44.5.115 LIMITED LIABILITY COMPANY FEES

(1) Domestic filings:	
(a) articles of organization	\$ 70.00
<u>plus \$50.00 for each series member named in the series LLC</u>	
(b) articles of correction	15.00
(c) articles of amendment	15.00
<u>plus \$50.00 for each series member named in the series LLC</u>	
(d) restated articles	15.00
(e) articles of merger	20.00
(f) application for reviver	15.00
(g) articles of termination	15.00
(h) reinstatement of involuntarily dissolved limited liability company	35.00
plus an additional fee of \$30.00 per year for each year of delinquent annual reports	
(2) Foreign filings:	
(a) certificate of authority	70.00
<u>plus \$50.00 for each series member named in the series LLC</u>	
(b) amended certificate of authority	15.00
<u>plus \$50.00 for each series member named in the series LLC</u>	
(c) withdrawal	15.00
(d) registration of name (per year)	10.00

(e) renewal of name registration (per year)	10.00
(3) Both domestic and foreign filings:	
(a) name reservation	10.00
(b) transfer/cancellation of name reservation	no charge
(c) statement of change of:	
(i) registered office, no charge	
(ii) registered agent, no charge	
(d) annual report filed prior to April 15th	15.00
(e) annual report filed after April 15th	30.00
(f) any other statement or report	15.00
(g) certificate of existence (domestic)	5.00
(h) certificate of authority (foreign)	5.00

AUTH: 2-15-405, 35-1-1307, 35-8-211, MCA  
IMP: ~~35-8-207~~, 35-8-208, 35-8-211, 35-8-212, MCA

REASON: The amendments establishing a fee for the filing of documents relating to a Series Limited Liability Company are reasonably necessary due to the passage of House Bill 362 by the 2013 Legislature which authorized the creation of a series of members within a Limited Liability Company. Per 2-15-405, MCA, the fees are commensurate with the overall costs of the office of the Secretary of State and reasonably reflect the prevailing rates charged in the public and private sectors for similar services. The authority and implementation statutes were reviewed and updated.

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) 444-4249; or e-mail [jquintana@mt.gov](mailto:jquintana@mt.gov), and must be received no later than 5:00 p.m., July 18, 2013.

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 department.

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 10th day of June, 2013.