HOUSE BILL NO. 629

INTRODUCED BY MCCULLOCH, ELLIS, JERGESON, BLAYLOCK, WALLIN, PHILLIPS, R. DEBRUYCKER, BENEDICT, KEATING, THOMAS, DRISCOLL, DOWELL, SCOTT, GILBERT, CROMLEY BY REQUEST OF THE SECRETARY OF STATE

IN THE HOUSE

FEBRUARY 6, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 8, 1991 PRINTING REPORT.

MARCH 9, 1991 SECOND READING, DO PASS.

MARCH 11, 1991 ENGROSSING REPORT.

MARCH 12, 1991 THIRD READING, PASSED. AYES, 95; NOES, 2.

TRANSMITTED TO SENATE.

ON BUSINESS & INDUSTRY.

IN THE SENATE

MARCH 13, 1991

FIRST READING.

MARCH 19, 1991

MARCH 21, 1991

MARCH 22, 1991

MARCII 22, 1991

COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 43; NOES, 5.

RETURNED TO HOUSE WITH AMENDMENTS.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE HOUSE

APRIL 9, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0768/01

LC 0768/01

Hause BILL NO. 629 1 INTRODUÇED BY Melital En. 2 BY REQUEST OF THE SECRETARY OF STATE 3 inter Lullon Tirmes 4 r.) angly sunt A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERIODIC 5 RENEWALS OF A CERTIFICATE OF LIMITED PARTNERSHIP." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 NEW SECTION. Section 1. Term and renewal of 10 certification. (1) Certification of a limited partnership is 11 effective for a term of 5 years from the date of filing or 12 renewal of certification. Upon application for renewal of 13 certification on forms furnished by the secretary of state, 14 the certification may be renewed for another 5-year term. 15 (2) Not less than 90 days before the expiration date of 16 certification of a limited partnership, the secretary of 17 state shall notify the listed general partner or partners of 18 the pending expiration by addressing a notice to the 19 last-known address of the general partner or partners. 20 (3) If the general partner or partners fail to file an 21 application for renewal with the secretary of state within a 22 90-day period prior to the expiration date of the 23 certification, the secretary of state shall cancel the 24 certification.

25 (4) A registration in force on July 1, 1991, expires 5



years from the date of the filing of certification or on July 1, 1992, whichever is later, if renewal of the certification is not effected in the manner provided for in [sections 1 through 4].

5 <u>NEW SECTION.</u> Section 2. Application for renewal of 6 certification. (1) One original and one copy of an 7 application for renewal of certification of a limited 8 partnership must be executed and delivered to the secretary 9 of state. The application must include but is not limited to 10 the following information:

11 (a) the complete name of the limited partnership;

12 (b) the name and address, including street name and13 number, if any, of each general partner;

14 (c) the address of the principal office of the limited15 partnership, including the street name and number;

16 (d) a description of the business; and

17 (e) the name of the county or counties in which 18 business is being transacted.

(2) In addition to the information required under
subsection (1), if application for renewal is for a foreign
limited partnership, the applicant must include the name and
address of the registered agent for service of process in
the state.

<u>NEW SECTION.</u> Section 3. Filing of application for
 renewal of certification -- issuance of certificate. (1) If

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1 the secretary of state finds that the application for 2 renewal of certification of a limited partnership complies 3 with the provisions of this part, he shall, when all fees 4 have been paid as provided by rule:

5 (a) endorse on the original and on the copy the word6 "filed" and the month, day, and year of filing;

(b) file the original in his office; and

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8 (c) issue a certificate of renewal, to which he shall9 affix the copy.

10 (2) The secretary of state shall return to the general 11 partner or partners submitting the application the 12 certificate of renewal, together with an attached copy of 13 the application for renewal of certification of a limited 14 partnership.

15 <u>NEW SECTION.</u> Section 4. Involuntary cancellation of 16 certificate. For a certificate filed prior to July 1, 1991, 17 the secretary of state shall cancel the certificate of 18 limited partnership after July 1, 1992, if the certification 19 is more than 5 years old and not renewed in accordance with 20 this part.

<u>NEW SECTION.</u> Section 5. Codification instruction.
(Sections 1 through 4) are intended to be codified as an
integral part of Title 35, chapter 12, part 6, and the
provisions of Title 35, chapter 12, part 6, apply to
(sections 1 through 4).

-End--352nd Legislature

HB 0629/02

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 629 1 INTRODUCED BY MCCULLOCH, ELLIS, JERGESON, BLAYLOCK, WALLIN, 2 PHILLIPS, R. DEBRUYCKER, BENEDICT, KEATING, THOMAS, DRISCOLL, 3 DOWELL, SCOTT, GILBERT, CROMLEY 4 BY REQUEST OF THE SECRETARY OF STATE 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERIODIC 7 RENEWALS OF A CERTIFICATE OF LIMITED PARTNERSHIP." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 NEW SECTION. Section 1. Term and renewal o£ 11 certification. (1) Certification of a limited partnership is 12 effective for a term of 5 years from the date of filing or 13 renewal of certification. Upon application for renewal of 14 certification on forms furnished by the secretary of state, 15 the certification may be renewed for another 5-year term. 16 (2) Not less than 90 days before the expiration date of 17 certification of a limited partnership, the secretary of 18 state shall notify the listed general partner or partners OR 19 SPECIFIED AGENT of the pending expiration by addressing a 20 notice to the last-known address of the general partner or 21 partners OR SPECIFIED AGENT. 22 (3) If the general partner or partners OR SPECIFIED 23

AGENT fail to file an application for renewal with the secretary of state within a 90-day period prior to the



expiration date of the certification, the secretary of state
 shall cancel the certification.

3 (4) A registration in force on July 1, 1991, expires 5 4 years from the date of the filing of certification or on 5 July 1, 1992, whichever is later, if renewal of the 6 certification is not effected in the manner provided for in 7 [sections 1 through 4].

8 <u>NEW SECTION.</u> Section 2. Application for renewal of 9 certification. (+) One original and one copy of an 10 application for renewal of certification of a limited 11 partnership must be executed and delivered to the secretary 12 of state. The application must include but is not limited to 13 the following information:

14 (a)(1) the complete name of the limited partnership;

15 (b)(2) the name and address, including street name and

16 number, if any, of each general partner;

17 (c)(3) the address of the principal office of the 18 limited partnership, including the street name and number;

19 (d)(4) a description of the business; and

20 $(e_{1}(5))$ the name of the county or counties in which 21 business is being transacted; AND

22 (2)(6) In-addition-to-the--information--required--under

23 subsection---{1}7-if-application-for-renewal-is-for-a-foreign

24 limited-partnershipy-the-applicant-must-include the name and

25 address of the registered agent for service of process in

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SECOND READING

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2 <u>NEW SECTION.</u> Section 3. Filing of application for 3 renewal of certification -- issuance of certificate. (1) If 4 the secretary of state finds that the application for 5 renewal of certification of a limited partnership complies 6 with the provisions of this part, he shall, when all fees 7 have been paid as provided by rule:

8 (a) endorse on the original and on the copy the word
9 "filed" and the month, day, and year of filing;

10 (b) file the original in his office; and

11 (c) issue a certificate of renewal, to which he shall 12 affix the copy.

(2) The secretary of state shall return to the general
partner or partners submitting the application the
certificate of renewal, together with an attached copy of
the application for renewal of certification of a limited
partnership.

18 <u>NEW SECTION.</u> Section 4. Involuntary cancellation of 19 certificate. For a certificate filed prior to July 1, 1991, 20 the secretary of state shall cancel the certificate of 21 limited partnership after July 1, 1992, if the certification 22 is more than 5 years old and not renewed in accordance with 23 this part.

24 <u>NEW SECTION.</u> Section 5. Codification instruction.
25 [Sections 1 through 4] are intended to be codified as an

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1 integral part of Title 35, chapter 12, part 6, and the

2 provisions of Title 35, chapter 12, part 6, apply to

[sections 1 through 4].

-End-

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21 notice to the last-known address of the general partner or
22 partners <u>OR SPECIFIED AGENT</u>.
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THIRD READING

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10 (b) file the original in his office; and

(c) issue a certificate of renewal, to which he shall
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14 partner or partners submitting the application the
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 3 [sections 1 through 4].

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 19, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 629 (third reading copy -- blue), respectfully report that House Bill No. 629 be amended and as so amended be concurred in:

1. Page 2, line 25.
Strike: "registered"
Insert: "specified"

Signed: hvnofn, Chairman

<u>Ind. 3-19-91</u> And. coord. <u>5B3-19</u> 2:20 <u>5B 3-19</u>

52nd Legislature

HB 0629/03

1	HOUSE BILL NO. 629	1	expiration date of the certification, the secretary of state
2	INTRODUCED BY MCCULLOCH, ELLIS, JERGESON, BLAYLOCK, WALLIN,	2	shall cancel the certification.
3	PHILLIPS, R. DEBRUYCKER, BENEDICT, KEATING, THOMAS, DRISCOLL,	3	(4) A registration in force on July 1, 1991, expires 5
4	DOWELL, SCOTT, GILBERT, CROMLEY	4	years from the date of the filing of certification or on
5	BY REQUEST OF THE SECRETARY OF STATE	5	July 1, 1992, whichever is later, if renewal of the
6		б	certification is not effected in the manner provided for in
7	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERIODIC	7	[sections 1 through 4].
8	RENEWALS OF A CERTIFICATE OF LIMITED PARTNERSHIP."	8	NEW SECTION. Section 2. Application for renewal of
9		9	certification. +1+ One original and one copy of an
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	application for renewal of certification of a limited
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12	certification. (1) Certification of a limited partnership is	12	of state. The application must include but is not limited to
13	effective for a term of 5 years from the date of filing or	13	the following information:
14	renewal of certification. Upon application for renewal of	14	$fa_{j}(1)$ the complete name of the limited partnership;
15	certification on forms furnished by the secretary of state,	15	<pre>tb;(2) the name and address, including street name and</pre>
16	the certification may be renewed for another 5-year term.	16	number, if any, of each general partner;
17	(2) Not less than 90 days before the expiration date of	17	(c)(3) the address of the principal office of the
18	certification of a limited partnership, the secretary of	18	limited partnership, including the street name and number;
19	state shall notify the listed general partner or partners $\frac{\mathrm{OR}}{\mathrm{OR}}$	19	<pre>(d)(4) a description of the business; and</pre>
20	SPECIFIED AGENT of the pending expiration by addressing a	20	$fe_{1}(5)$ the name of the county or counties in which
21	notice to the last-known address of the general partner or	21	business is being transacted : <u>; AND</u>
22	partners OR SPECIFIED AGENT.	22	(2)(6) In-addition-to-theinformationrequiredunder
23	(3) If the general partner or partners <u>OR SPECIFIED</u>	23	subsection{1};-if-application-for-renewal-is-for-a-foreign
24	AGENT fail to file an application for renewal with the	24	ifmited-partnershipy-the-applicant-must-include the name and
25	secretary of state within a 90-day period prior to the	25	address of the registered <u>SPECIFIED</u> agent for service of
	Chioncana Legislative Council		-2- HB 629 REFERENCE BILL

AS AMENDED

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