

APRIL 10, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 629
 2 INTRODUCED BY McLittel, E.H. Jergeson
 3 BY REQUEST OF THE SECRETARY OF STATE Paulson
 4 Conrad Ward Billiet Tronnes
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERIODIC
 6 RENEWALS OF A CERTIFICATE OF LIMITED PARTNERSHIP."
 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

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

5 NEW SECTION. 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 and
 13 number, if any, of each general partner;
- 14 (c) the address of the principal office of the limited
 15 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.

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

24 NEW SECTION. Section 3. Filing of application for
 25 renewal of certification -- issuance of certificate. (1) If



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 word
6 "filed" and the month, day, and year of filing;

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

8 (c) issue a certificate of renewal, to which he shall
9 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 NEW SECTION. 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.

21 NEW SECTION. Section 5. Codification instruction.
22 {Sections 1 through 4} are intended to be codified as an
23 integral part of Title 35, chapter 12, part 6, and the
24 provisions of Title 35, chapter 12, part 6, apply to
25 [sections 1 through 4].

-End-

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PERIODIC RENEWALS OF A CERTIFICATE OF LIMITED PARTNERSHIP."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Term and renewal of certification. (1) Certification of a limited partnership is effective for a term of 5 years from the date of filing or renewal of certification. Upon application for renewal of certification on forms furnished by the secretary of state, the certification may be renewed for another 5-year term.

(2) Not less than 90 days before the expiration date of certification of a limited partnership, the secretary of state shall notify the listed general partner or partners OR SPECIFIED AGENT of the pending expiration by addressing a notice to the last-known address of the general partner or partners OR SPECIFIED AGENT.

(3) If the general partner or partners OR SPECIFIED 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.

(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].

NEW SECTION. Section 2. Application for renewal of certification. (1) One original and one copy of an application for renewal of certification of a limited partnership must be executed and delivered to the secretary of state. The application must include but is not limited to the following information:

- (a)(1) the complete name of the limited partnership; (b)(2) the name and address, including street name and number, if any, of each general partner; (c)(3) the address of the principal office of the limited partnership, including the street name and number; (d)(4) a description of the business; and (e)(5) the name of the county or counties in which business is being transacted; AND

(2)(6) 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



1 the state.

2 NEW SECTION. 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.

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

18 NEW SECTION. 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 NEW SECTION. Section 5. Codification instruction.
25 [Sections 1 through 4] are intended to be codified as an

1 integral part of Title 35, chapter 12, part 6, and the
2 provisions of Title 35, chapter 12, part 6, apply to
3 [sections 1 through 4].

-End-

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 certification of a limited partnership, the secretary of
 state shall notify the listed general partner or partners OR
SPECIFIED AGENT of the pending expiration by addressing a
 notice to the last-known address of the general partner or
 partners OR SPECIFIED AGENT.

(3) If the general partner or partners OR SPECIFIED
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.

(4) A registration in force on July 1, 1991, expires 5
 years from the date of the filing of certification or on
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 limited partnership, including the street name and number;

~~{d}~~(4) a description of the business; and

~~{e}~~(5) the name of the county or counties in which
 business is being transacted; AND

~~{f}~~(6) ~~In-addition-to-the--information--required--under~~
~~subsection--{t}--if-application-for-renewal-is-for-a-foreign~~
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2 provisions of Title 35, chapter 12, part 6, apply to
3 [sections 1 through 4].

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SENATE STANDING COMMITTEE REPORT

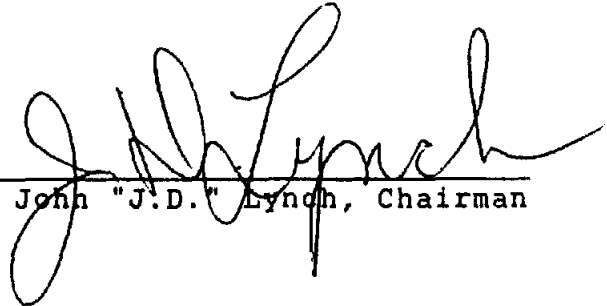
Page 1 of 1
March 19, 1991

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:



John "J.D." Lynch, Chairman

MA 3-19-91
Amd. Coord.

SB 3-19 2:20
Sec. of Senate

SENATE
HB 629

HOUSE BILL NO. 629

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- ~~(d)~~(4) a description of the business; and
- ~~(e)~~(5) the name of the county or counties in which business is being transacted; AND

~~(2)(5) 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 SPECIFIED agent for service of~~



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