

HOUSE BILL 700

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 17, 1979	Committee recommend bill, do not pass.
February 19, 1979	Report adopted. Objection.
February 23, 1979	Second reading, as amended, do not pass.

1 ~~HOUSE~~ BILL NO. 700  
 2 INTRODUCED BY Johnson Manahan Davinger Manuel  
 3 Benjamin Ethel Jensen Dog

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 35-1-1101, MCA, TO REQUIRE CORPORATIONS ENGAGED IN  
 6 AGRICULTURAL PRODUCTION IN MONTANA TO DISCLOSE IN THEIR  
 7 ANNUAL REPORTS THE EXTENT OF SUCH PRODUCTION; AND PROVIDING  
 8 FOR COMPILATION OF THE INFORMATION."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 35-1-1101, MCA, is amended to read:

12 "35-1-1101. Annual report of domestic and foreign  
 13 corporations. (1) Each domestic corporation and each foreign  
 14 corporation authorized to transact business in this state  
 15 shall file, within the time prescribed by this chapter, an  
 16 annual report setting forth:

17 (a) the name of the corporation and the state or  
 18 country under the laws of which it is incorporated;

19 (b) the address of the registered office of the  
 20 corporation in this state and the name of its registered  
 21 agent in this state at such address, including street and  
 22 number, if any, and, in the case of a foreign corporation,  
 23 the address, including street and number, if any, of its  
 24 principal office in the state or country under the laws of  
 25 which it is incorporated;

1 (c) a brief statement of the character of the business  
 2 in which the corporation is actually engaged in this state;

3 (d) the names and respective addresses, including  
 4 street and number, if any, of the directors and officers of  
 5 the corporation;

6 (e) a statement of the aggregate number of shares  
 7 which the corporation has authority to issue, itemized by  
 8 classes, par value of shares, shares without par value, and  
 9 series, if any, within a class;

10 (f) a statement of the aggregate number of issued  
 11 shares, itemized by classes, par value of shares, shares  
 12 without par value, and series, if any, within a class;

13 (g) a statement, expressed in dollars, of the amount  
 14 of stated capital of the corporation as defined in this  
 15 chapter.

16 (2) In addition thereto, every foreign corporation  
 17 shall include a statement, expressed in dollars, of the  
 18 value of all the property owned by the corporation, wherever  
 19 located, and the value of the property of the corporation  
 20 located within this state and a statement, expressed in  
 21 dollars, of the gross amount of business transacted by the  
 22 corporation for the 12 months ended on December 31 preceding  
 23 the date herein provided for the filing of such report and  
 24 the gross amount thereof transacted by the corporation at or  
 25 from places of business in this state. If on December 31

1 preceding the time herein provided for the filing of such  
 2 report, the corporation had not been in existence for a  
 3 period of 12 months or, in the case of a foreign  
 4 corporation, had not been authorized to transact business in  
 5 this state for a period of 12 months, the statement with  
 6 respect to business transacted shall be furnished for the  
 7 period between the date of incorporation or the date of its  
 8 authorization to transact business in this state, as the  
 9 case may be, and such December 31. If all the property of  
 10 the corporation is located in this state and all of its  
 11 business is transacted at or from places of business in this  
 12 state, then the information required by this subsection need  
 13 not be set forth in such report.

14 (3) A corporation engaged in agricultural production  
 15 in this state shall, in addition, report:

16 (a) that it is engaged in agricultural production;

17 (b) the total amount of acreage used in the growing of  
 18 crops or the keeping or feeding of poultry or livestock;

19 (c) the acreage of such land in each county in which  
 20 land is located; and

21 (d) the names of shareholders owning 10% or more of  
 22 the stock in the corporation.

23 ~~(3)(4)~~ Such annual report shall be in a form  
 24 prescribed by the secretary of state. The information  
 25 therein contained shall be given as of the date of the

1 execution of the report, except as to the information  
 2 required by subsection (1)(g) which shall be given as of the  
 3 close of business on December 31 next preceding the date  
 4 herein provided for the filing of such report. It shall be  
 5 executed by the corporation by its president, a  
 6 vice-president, secretary, an assistant secretary, or  
 7 treasurer and verified by the officer executing the report,  
 8 or if the corporation is in the hands of a receiver or  
 9 trustee, it shall be executed on behalf of the corporation  
 10 and verified by such receiver or trustee."

11 NEW SECTION. Section 2. Secretary of state to compile  
 12 information on agricultural production. The secretary of  
 13 state shall, upon request of any legislator or state agency,  
 14 retrieve and compile the information obtained under  
 15 35-1-1101(3) relating to agricultural production in this  
 16 state by corporations.

17 Section 3. Codification. Section 2 is intended to be  
 18 codified as an integral part of Title 35, chapter 1, part  
 19 13, and the provisions contained in Title 35, chapter 1,  
 20 part 13, apply to section 2.

-End-

## STATE OF MONTANA

REQUEST NO. 361-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for House Bill 700 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 700 is an act to generally revise the information required on Annual Reports for corporations involved in agricultural production.

## ASSUMPTION:

There will be 5,000 corporations affected.

## FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Revenue - None		
Expenditures		
Personal Services	\$ 700.00	\$ 100.00
Operating Expenses	<u>6,550.00</u>	<u>4,500.00</u>
	<u>\$7,250.00</u>	<u>\$4,600.00</u>
Expenditures under current law	-0-	-0-
Increased expenditures under proposed law	<u><u>\$7,250.00</u></u>	<u><u>\$4,600.00</u></u>

## LOCAL IMPACT:

None

## LONG RANGE IMPACT:

None

## FUNDING INFORMATION:

The additional cost must be funded from the State General Fund.

*Richard L. Fray*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4/16/79