

SENATE BILL 138

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on State Administration.
January 18, 1979	Fiscal note requested.
January 25, 1979	Fiscal note returned.
February 10, 1979	Committee recommend bill, as amended.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	On motion, taken from second reading and rereferred to Committee on State Administration.
April 20, 1979	Died in Committee.

1 *Senete* BILL NO. *138*
 2 INTRODUCED BY *Alb...*

3 BY REQUEST OF THE SECRETARY OF STATE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXISTING
 6 FILING FEES CHARGED BY THE SECRETARY OF STATE; PROVIDING FOR
 7 FILING FEES FOR AGRICULTURAL ASSOCIATIONS, CREDIT UNIONS,
 8 AND LIMITED PARTNERSHIPS; AMENDING SECTIONS 2-2-131,
 9 2-6-103, 30-9-403 THROUGH 30-9-407, 35-1-1201 THROUGH
 10 35-1-1205, 35-2-1001, AND 35-2-1002, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 2-2-131, MCA, is amended to read:

14 "2-2-131. Voluntary disclosure. ~~(1)~~ A public officer
 15 or employee may, prior to acting in a manner which may
 16 impinge on his fiduciary duty, disclose the nature of his
 17 private interest which creates the conflict. He shall make
 18 the disclosure in writing to the secretary of state, listing
 19 the amount of his financial interest, if any, the purpose
 20 and duration of his services rendered, if any, and the
 21 compensation received for the services or such other
 22 information as is necessary to describe his interest. If he
 23 then performs the official act involved, he shall state for
 24 the record the fact and summary nature of the interest
 25 disclosed at the time of performing the act.

1 ~~(2) The secretary of state may not collect a fee for~~
 2 ~~any filing under this section."~~

3 Section 2. Section 2-6-103, MCA, is amended to read:

4 "2-6-103. Filing and copying fees. (1) The secretary
 5 of state, for services performed in his office, must charge
 6 and collect the following fees:

7 (a) for each copy of any law ~~or resolution, record,~~
 8 ~~or other document or paper on file in his office, except~~
 9 ~~corporate papers, 40 cents per folio or, if the copy is~~
 10 ~~enacted by the legislature and reproduced in quantity, a fee~~
 11 ~~equal to the unit cost of reproduction; for a copy of any~~
 12 ~~law or resolution, record, or other document or paper on~~
 13 ~~file in his office made by any process of reproduction by~~
 14 ~~photographic, photostatic, or similar process, the fee shall~~
 15 ~~be 50 cents per page or fraction thereof;~~

16 (b) for affixing certificate and seal, \$2 ~~55;~~

17 (c) for receiving and recording each official bond,
 18 \$10; ~~for receiving and recording each rider or attachment to~~
 19 ~~an official bond, \$5;~~

20 ~~(d) for filing of a school text book bond or~~
 21 ~~geophysical bond, \$10; for filing each rider, attachment, or~~
 22 ~~statement of continuing effectiveness of such a bond, \$5;~~

23 ~~(d)(e)~~ for each commission or other document signed by
 24 the governor and attested by the secretary of state (pardon,
 25 military commissions, and extraditions excepted), \$5;

1 ~~(e)(f)~~ for filing each trademark and issuing a
2 certificate thereon, \$5 ~~120~~;

3 ~~(f)(g)~~ for filing and recording each assignment of a
4 trademark and issuing a certificate thereon, \$5 ~~120~~;

5 ~~(g)(h)~~ for issuing each certificate of record, \$5;

6 ~~(h)(i)~~ for filing and recording miscellaneous papers,
7 records, or other documents, \$5;

8 ~~(i)(j)~~ for filing and recording any other document or
9 paper not for which no fee is otherwise herein provided for,
10 \$5;

11 ~~(j)(k)~~ for filing and recording any paper, record, or
12 other document or other than a standard form when
13 recommended by the secretary of state, \$5 ~~110~~;

14 ~~(k)(l)~~ when a copy of any law, resolution, record, or
15 other document or paper on file in the office of the
16 secretary of state is presented for comparison and
17 certification, ~~to 25~~ cents per folio ~~must--be--charged--and~~
18 ~~collected~~ for proofreading the same.

19 (2) No member of the legislature or state or county
20 officer can be charged for any search relative to matters
21 appertaining to the duties of his office or be charged any
22 fee for a certified copy of any law or resolution passed by
23 the legislature relative to his official duties.

24 (3) Fees must be collected in advance and when
25 collected by the secretary of state must be paid to the

1 state treasurer ~~at the end of each quarter as provided in~~
2 ~~the constitution."~~

3 Section 3. Section 30-9-403, MCA, is amended to read:

4 "30-9-403. What constitutes filing -- duration of
5 filing -- effect of lapsed filing -- duties of filing
6 officer. (1) Presentation for filing of a financing
7 statement and tender of the filing fee or acceptance of the
8 statement by the filing officer constitutes filing under
9 this chapter.

10 (2) A filed financing statement which states a
11 maturity date of the obligation secured of 5 years or less
12 is effective until such maturity date and thereafter for a
13 period of 60 days. Any other filed financing statement is
14 effective for a period of 5 years from the date of filing.
15 The effectiveness of a filed financing statement lapses on
16 the expiration of such 60-day period after a stated maturity
17 date or on the expiration of such 5-year period, as the case
18 may be, unless a continuation statement is filed prior to
19 the lapse. Upon such lapse the security interest becomes
20 unperfected. A filed financing statement which states that
21 the obligation secured is payable on demand is effective for
22 5 years from the date of filing.

23 (3) A continuation statement may be filed by the
24 secured party (i) within 6 months before and 60 days after a
25 stated maturity date of 5 years or less, and (ii) otherwise

1 within 6 months prior to the expiration of the 5-year period
 2 specified in subsection (2). Any such continuation statement
 3 must be signed by the secured party, identify the original
 4 statement by file number and state that the original
 5 statement is still effective. Upon timely filing of the
 6 continuation statement, the effectiveness of the original
 7 statement is continued for 5 years after the last date to
 8 which the filing was effective whereupon it lapses in the
 9 same manner as provided in subsection (2) unless another
 10 continuation statement is filed prior to such lapse.
 11 Succeeding continuation statements may be filed in the same
 12 manner to continue the effectiveness of the original
 13 statement. Unless a statute on disposition of public records
 14 provides otherwise, the filing officer may remove a lapsed
 15 statement from the files and destroy it.

16 (4) A filing officer shall mark each statement with a
 17 consecutive file number and with the date and hour of filing
 18 and shall hold the statement for public inspection. In
 19 addition the filing officer shall index the statements
 20 according to the name of the debtor and shall note in the
 21 index the file number and the address of the debtor given in
 22 the statement.

23 (5) Except financing statements filed pursuant to
 24 30-9-409, if the instrument covers crops growing or to be
 25 grown or goods which are, or are to become fixtures, or

1 timber, said instrument shall be indexed in accordance with
 2 the requirements applicable to the recording of mortgages of
 3 real estate under the laws of this state. For the purpose of
 4 such indexing, each of the debtor (or assignor) and the
 5 record owner or record lessee of any real estate described
 6 in the financing statement shall be considered a mortgagor
 7 with respect to the financing statement and the secured
 8 party (or assignee) shall be considered a mortgagee with
 9 respect to the financing statement.

10 (6) If the collateral is equipment or rolling stock of
 11 railroads or street railways, the fee for filing, indexing,
 12 and furnishing filing data for an original or a continuation
 13 statement shall be \$15. In all other cases the uniform fee
 14 for filing, indexing, and furnishing filing data for an
 15 original or a continuation statement on the uniform 5 x 8
 16 inch size form shall be ~~\$2 \$5~~, except that if the statement
 17 is not on the uniform 5 x 8 inch size form but otherwise
 18 conforms to the requirements of this part, the uniform fee
 19 shall be \$10."

20 Section 4. Section 30-9-404, MCA, is amended to read:
 21 "30-9-404. Termination statement. (1) Whenever there
 22 is no outstanding secured obligation and no commitment to
 23 make advances, incur obligations or otherwise give value,
 24 the secured party must on written demand by the debtor send
 25 the debtor a statement that he no longer claims a security

1 interest under the financing statement, which shall be
 2 identified by file number, and by document number, as the
 3 case may be. A termination statement signed by a person
 4 other than the secured party of record must include or be
 5 accompanied by the assignment or a statement by the secured
 6 party of record that he has assigned the security interest
 7 to the signer of the termination statement. The uniform fee
 8 for filing and indexing such an assignment or statement
 9 thereof shall be \$2. If the affected secured party fails to
 10 send such a termination statement within 10 days after
 11 proper demand therefor he shall be liable to the debtor for
 12 \$100, and in addition for any loss caused to the debtor by
 13 such failure.

14 (2) On presentation to the filing officer of such a
 15 termination statement he must note it in the index. The
 16 filing officer shall remove from the files, mark
 17 "terminated" and send or deliver to the secured party the
 18 financing statement and any continuation statement,
 19 statement of assignment or statement of release pertaining
 20 thereto. If the original financing statement or any
 21 continuation statement has been indexed in the records
 22 relating to real estate mortgages, the termination statement
 23 must be indexed in accordance with the requirements
 24 applicable to releases of real estate mortgages.

25 (3) If the collateral is equipment or rolling stock of

1 railroads or street railways, the fee for filing and
 2 indexing a termination statement including sending or
 3 delivering the financing statement shall be \$15. In all
 4 other cases the uniform fee for filing and indexing a
 5 termination statement including sending or delivering the
 6 financing statement on the uniform 5 x 8 inch size form
 7 shall be \$2 \$5, except that if the statement is not on the
 8 uniform 9 x 8 inch size form but otherwise conforms to the
 9 requirements of this part, the uniform fee shall be \$10."

10 Section 5. Section 30-9-405, MCA, is amended to read:
 11 "30-9-405. Assignment of security interest — duties
 12 of filing officer — fees. (1) A financing statement may
 13 disclose an assignment of a security interest in the
 14 collateral described in the statement by indication in the
 15 statement of the name and address of the assignee or by an
 16 assignment itself or a copy thereof on the face or back of
 17 the statement. Either the original secured party or the
 18 assignee may sign this statement as the secured party. On
 19 presentation to the filing officer of such a financing
 20 statement the filing officer shall mark the same as provided
 21 in 30-9-403(4). If the collateral is equipment or rolling
 22 stock of railroads or street railways, the fee for filing,
 23 indexing, and furnishing filing data for a financing
 24 statement so indicating an assignment shall be \$15. In all
 25 other cases the uniform fee for filing, indexing, and

1 furnishing filing data for a financing statement so
 2 indicating an assignment on the uniform 5 by 8 inch size
 3 form shall be \$2 \$5, except that if the statement is not on
 4 the uniform 5 x 8 inch size form but otherwise conforms to
 5 the requirements of this part, the uniform fee shall be \$10.

6 (2) A secured party may assign of record all or a part
 7 of his rights under a financing statement by the filing of a
 8 separate written statement of assignment signed by the
 9 secured party of record and setting forth the name of the
 10 secured party of record and the debtor, the file number and
 11 the date of filing of the financing statement, the name and
 12 address of the assignee, and except as provided in
 13 30-9-409(2), a description of the collateral assigned. A
 14 copy of the assignment is sufficient as a separate statement
 15 if it complies with the preceding sentence. On presentation
 16 to the filing officer of such a separate statement, the
 17 filing officer shall mark such separate statement with the
 18 date and hour of the filing. He shall note the assignment on
 19 the index of the financing statement. If the original
 20 financing statement or any continuation statement has been
 21 indexed in the records relating to real estate mortgages,
 22 the statement of assignment must contain a reference to the
 23 document number of such original or continuation statement
 24 and must be indexed in accordance with the requirements
 25 applicable to assignments of mortgages. If the collateral is

1 equipment or rolling stock of railroads or street railways,
 2 the fee for filing, indexing, and furnishing filing data
 3 about such a separate statement of assignment shall be \$15.
 4 In all other cases the uniform fee for filing, indexing, and
 5 furnishing filing data about such a separate statement of
 6 assignment on the uniform 5 x 8 inch size form shall be \$2
 7 \$5, except that if the statement is not on the uniform 5 x 8
 8 inch size form but otherwise conforms to the requirements of
 9 this part, the uniform fee shall be \$10.

10 (3) After the disclosure or filing of an assignment
 11 under this section, the assignee is the secured party of
 12 record.*

13 Section 6. Section 30-9-406, MCA, is amended to read:
 14 "30-9-406. Release of collateral -- duties of filing
 15 officer -- fees. A secured party of record may by his signed
 16 statement release all or a part of any collateral described
 17 in a filed financing statement. The statement of release is
 18 sufficient if it contains a description of the collateral
 19 being released (except as provided in 30-9-409(2)), the name
 20 and address of the debtor, the name and address of the
 21 secured party, and the file number of the financing
 22 statement. Upon presentation of such a statement to the
 23 filing officer he shall mark the statement with the hour and
 24 date of filing and shall note the same upon the margin of
 25 the index of the filing of the financing statement. If the

1 original financing statement or any continuation statement
 2 has been indexed in the records relating to real estate
 3 mortgages, the statement of release must contain a reference
 4 to the document number of such original or continuation
 5 statement, and must be indexed in accordance with the
 6 requirement applicable to release of mortgages. If the
 7 collateral is equipment or rolling stock of railroads or
 8 street railways, the fee for filing and noting such a
 9 statement of release shall be \$15. In all other cases the
 10 uniform fee for filing and noting such a statement of
 11 release on the uniform 5 x 8 inch size form shall be \$2 ~~\$5,~~
 12 except that if the statement is not on the uniform 5 x 8
 13 inch size form but otherwise conforms to the requirements of
 14 this part, the uniform fee shall be \$10."

15 Section 7. Section 30-9-407, MCA, is amended to read:

16 "30-9-407. Information from filing officer. (1) If the
 17 person filing any financing statement, termination
 18 statement, statement of assignment, or statement of release,
 19 furnishes the filing officer a copy thereof, the filing
 20 officer shall upon request note upon the copy the file
 21 number and date and hour of the filing of the original and
 22 deliver or send the copy to such person.

23 (2) Upon request of any person, the filing officer
 24 shall issue his certificate showing whether there is on file
 25 on the date and hour stated therein, any presently effective

1 financing statement naming a particular debtor and any
 2 statement of assignment thereof and if there is, giving the
 3 date and hour of filing of each such statement and the name
 4 and addresses of each secured party therein. The uniform fee
 5 for such a certificate shall be \$3 plus 50 cents for each
 6 financing statement or for each statement of assignment
 7 reported therein. Upon request the filing officer shall
 8 furnish a copy of any filed financing statement or statement
 9 of assignment for a uniform fee of 50 cents per page."

10 NEW SECTION. Section 8. Fees of secretary of state.
 11 The secretary of state shall collect for:

12 (1) filing articles of incorporation and issuing a
 13 certificate of incorporation, \$40;

14 (2) filing articles of amendment and issuing a
 15 certificate of amendment, \$20;

16 (3) filing articles of merger and issuing a
 17 certificate of merger, \$20;

18 (4) filing of any other instrument not otherwise
 19 provided for in this section, \$10.

20 Section 9. Section 35-1-1201, MCA, is amended to read:

21 "35-1-1201. Fees and--charges to be collected by
 22 secretary of state. The secretary of state shall ~~charge--and~~
 23 collect in accordance with the provisions of this chapter:

24 (1) fees for filing documents and issuing
 25 certificates;

1 (2) miscellaneous charges;
 2 (3) license fees.*
 3 Section 10. Section 35-1-1202, MCA, is amended to
 4 read:
 5 "35-1-1202. Fees for filing documents and issuing
 6 certificates. The secretary of state shall ~~charge~~ and
 7 collect for:
 8 (1) filing articles of incorporation and issuing a
 9 certificate of incorporation, ~~\$20~~ \$30;
 10 (2) filing articles of amendment and issuing a
 11 certificate of amendment, ~~\$20~~ \$30;
 12 (3) filing restated articles of incorporation and
 13 issuing a restated certificate of incorporation, ~~\$20~~ \$30;
 14 (4) filing articles of merger or consolidation and
 15 issuing a certificate of merger or consolidation, \$20, plus
 16 for each corporation that is a party to the merger or
 17 consolidation, \$5;
 18 (5) filing an application to reserve a corporate name,
 19 ~~\$2~~ \$5;
 20 (6) filing a notice of transfer of a reserved
 21 corporate name, ~~\$2~~ \$5;
 22 (7) filing a statement of change of address of
 23 registered office or change of registered agent, or both, ~~\$2~~
 24 \$5;
 25 (8) filing a statement of the establishment of a

1 series of shares, \$5;
 2 (9) filing a statement of cancellation of shares, \$5;
 3 (10) filing a statement of reduction of stated capital,
 4 \$5;
 5 (11) filing a statement of intent to dissolve, \$2;
 6 (12) filing a statement of revocation of voluntary
 7 dissolution proceedings, \$2;
 8 (13) filing articles of dissolution and issuing a
 9 certificate of dissolution, \$5;
 10 (14) filing an application of a foreign corporation for
 11 a certificate of authority to transact business in this
 12 state and issuing a certificate of authority, ~~\$20~~ \$30;
 13 (15) filing an application of a foreign corporation for
 14 an amended certificate of authority to transact business in
 15 this state and issuing an amended certificate of authority,
 16 ~~\$20~~ \$30;
 17 (16) filing a copy of an amendment to the articles of
 18 incorporation of a foreign corporation holding a certificate
 19 of authority to transact business in this state, ~~\$10~~ \$15;
 20 (17) filing a copy of articles of merger of a foreign
 21 corporation holding a certificate of authority to transact
 22 business in this state, \$20, plus for each corporation that
 23 is a party to the merger or consolidation, \$5;
 24 (18) filing an application for withdrawal of a foreign
 25 corporation and issuing a certificate of withdrawal, \$5;

1 (19) filing an annual report, \$5 ~~10~~;
 2 (20) filing any other statement or report ~~except on~~
 3 ~~annual report~~ of a domestic or foreign corporation, \$~~2~~ 15."
 4 Section 11. Section 35-1-1203, MCA, is amended to
 5 read:
 6 "35-1-1203. Miscellaneous charges. The secretary of
 7 state shall ~~charge and~~ collect:
 8 (1) for furnishing a certified copy of any document,
 9 instrument, or paper relating to a corporation, 50 cents per
 10 page and \$~~2~~ 15 for the certificate and affixing the seal
 11 thereto;
 12 (2) for furnishing any certificate not mentioned in
 13 this or the preceding section, \$5."
 14 Section 12. Section 35-1-1204, MCA, is amended to
 15 read:
 16 "35-1-1204. License fees payable by domestic
 17 corporation. (1) The secretary of state shall ~~charge and~~
 18 collect from each domestic corporation license fees, based
 19 upon the number of shares which it will have authority to
 20 issue or the increase in the number of shares which it will
 21 have authority to issue, at the time of:
 22 (a) filing articles of incorporation;
 23 (b) filing articles of amendment increasing the number
 24 of authorized shares; and
 25 (c) filing articles of merger or consolidation

1 Increasing the number of authorized shares which the
 2 surviving or new corporation, if a domestic corporation,
 3 will have authority to issue above the aggregate number of
 4 shares which the constituent domestic corporations and
 5 constituent foreign corporations authorized to transact
 6 business in this state had authority to issue.
 7 (2) The license fees shall be at the rate of 10 cents
 8 per share up to and including the first ~~1,000~~ ~~authorized~~
 9 2,500 taxable shares, 8 cents per share for each ~~authorized~~
 10 taxable share in excess of ~~1,000~~ 2,500 shares up to and
 11 including ~~2,500~~ 5,000 shares, 6 cents per share for each
 12 ~~authorized taxable~~ taxable share in excess of ~~2,500~~ 5,000 shares up
 13 to and including ~~5,000~~ 7,500 shares, 4 cents per share for
 14 each ~~authorized taxable~~ taxable share in excess of ~~5,000~~ 7,500
 15 shares up to and including 10,000 shares, and 2 cents per
 16 share for each ~~authorized taxable~~ taxable share in excess of 10,000
 17 shares.
 18 (3) ~~For the sole purpose of computing the license fee~~
 19 ~~purposes of this section only, the number of taxable shares~~
 20 ~~shall be computed as follows:~~
 21 (a) ~~with respect to shares having a par value, each~~
 22 ~~\$100 unit of the authorized shares shall be counted as one~~
 23 ~~taxable share. The product of the par value per share and~~
 24 ~~the number of authorized shares divided by \$100 equals the~~
 25 ~~number of taxable shares.~~

1 (b) ~~with~~ With respect to shares without nominal or par
 2 value, ~~such shares shall be deemed equivalent to shares~~
 3 ~~having a par value of \$1 each~~ each authorized share equals
 4 one taxable share.

5 (4) However, such license fee shall in no event be
 6 less than \$50 ~~\$100~~.

7 (5) The license fees payable on an increase in the
 8 number of authorized shares shall be imposed only on the
 9 increased number of shares, and the number of previously
 10 authorized shares shall be taken into account in determining
 11 the rate applicable to the increased number of authorized
 12 shares."

13 Section 13. Section 35-1-1205, MCA, is amended to
 14 read:

15 "35-1-1205. License fees payable by foreign
 16 corporation. (1) The secretary of state shall charge and
 17 collect from each foreign corporation at the time of filing
 18 an application for a certificate of authority to transact
 19 business in this state the sum of \$50 ~~\$100~~ as an initial
 20 license fee.

21 (2) Thereafter the secretary of state shall fix the
 22 license fee for each foreign corporation as follows:

23 (a) ~~He shall first ascertain the license fee which a~~
 24 ~~newly organized domestic corporation would be required to~~
 25 ~~pay under the preceding section if it had authorized shares~~

1 ~~having a par value of \$100 per share, in an amount equal to~~
 2 ~~the stated capital of the reporting foreign corporation~~
 3 ~~shown by its filed annual report. The amount of stated~~
 4 ~~capital as shown on the filed annual report of the foreign~~
 5 ~~corporation shall be multiplied by a fraction, the numerator~~
 6 ~~of which shall be the sum of the value of the property of~~
 7 ~~the corporation located in this state and the gross receipts~~
 8 ~~of the corporation derived from its business transacted~~
 9 ~~within this state, and the denominator of which shall be the~~
 10 ~~sum of the value of all of its property wherever located and~~
 11 ~~the gross receipts of the corporation derived from its~~
 12 ~~business wherever transacted. The amounts used in~~
 13 ~~determining the numerator and denominator shall be obtained~~
 14 ~~from the corporation's filed annual report.~~

15 (b) ~~Said amount shall be multiplied by a fraction, the~~
 16 ~~numerator of which shall be the sum of the value of the~~
 17 ~~property of the corporation located in this state and the~~
 18 ~~gross receipts of the corporation derived from its business~~
 19 ~~transacted within this state, and the denominator of which~~
 20 ~~shall be the sum of the value of all of its property~~
 21 ~~wherever located and the gross receipts of the corporation~~
 22 ~~derived from its business wherever transacted. The amounts~~
 23 ~~used in determining the numerator and denominator shall be~~
 24 ~~determined from the corporation's filed annual report. The~~
 25 ~~secretary of state shall then ascertain the license fee~~

1 ~~which a newly organized domestic corporation would be~~
 2 ~~required to pay under 35-1-1204 if it had authorized shares~~
 3 ~~having a par value of \$100 per share equal to the amount~~
 4 ~~determined in (2)(a) of this section.~~

5 ~~(c) From the product of such multiplication, from the~~
 6 ~~license fee determined in (2)(b) of this section, there~~
 7 shall be deducted the aggregate amount of license fee
 8 theretofore ~~previously~~ paid by the corporation and the
 9 remainder, if any, shall be the amount of additional fee to
 10 be paid by the corporation.

11 (3) The secretary of state shall enter the amount of
 12 any additional license fee in the records of the corporation
 13 in his office and shall mail a notice of the amount of such
 14 additional license fee to the corporation at its registered
 15 office in this state. The additional license fee shall be
 16 paid by the corporation to the secretary of state within 30
 17 days after the mailing of the notice. Failure to pay such
 18 additional license fee within said 30-day period shall
 19 render such ~~the~~ corporation liable to the secretary of state
 20 for a penalty equal to 10% of the amount of the additional
 21 license fee, together with interest at the rate of 1/2 of 1%
 22 per month on the fee plus penalty until paid.

23 (4) Foreign corporations which entered Montana for the
 24 transaction of business prior to ~~December 31, 1968~~ July 1,
 25 1979, shall be entitled to employ within this state an

1 amount of stated capital equal to the greatest amount
 2 employed in the state during the period of their
 3 qualification prior to ~~December 31, 1968~~ July 1, 1979,
 4 without the payment of additional fees."

5 Section 14. Section 35-2-1001, MCA, is amended to
 6 read:

7 "35-2-1001. Fees for filing documents and issuing
 8 certificates. The secretary of state shall charge--and
 9 collect for:

10 (1) filing articles of incorporation and issuing a
 11 certificate of incorporation, \$20 ~~10~~;

12 (2) filing articles of amendment and issuing a
 13 certificate of amendment, \$20 ~~10~~;

14 (3) filing restated articles of incorporation and
 15 issuing restated certificate of incorporation, \$20 ~~10~~;

16 (4) filing articles of merger or consolidation and
 17 issuing a certificate of merger or consolidation, \$20, plus
 18 for each corporation that is a party to the merger or
 19 consolidation, \$5;

20 (5) filing an application to reserve a corporate name,
 21 \$2 ~~15~~;

22 (6) filing a notice of transfer of a reserved
 23 corporate name, \$2 ~~15~~;

24 (7) filing a statement of change of address of
 25 registered office or change of registered agent, or both, \$2

1 ~~\$5~~;

2 (8) filing articles of dissolution and issuing a
3 certificate of dissolution, \$5;

4 (9) filing an application of a foreign corporation for
5 a certificate of authority to conduct affairs in this state
6 and issuing a certificate of authority, ~~\$20~~ \$30;

7 (10) filing an application of a foreign corporation for
8 an amended certificate of authority to conduct affairs in
9 this state and issuing an amended certificate of authority,
10 ~~\$20~~ \$30;

11 (11) filing a copy of an amendment to the articles of
12 incorporation of a foreign corporation holding a certificate
13 of authority to conduct affairs in this state, ~~\$10~~ \$15;

14 (12) filing a copy of articles of merger of a foreign
15 corporation holding a certificate of authority to conduct
16 affairs in this state, \$20, plus for each corporation that
17 is a party to the merger or consolidation, \$5;

18 (13) filing an application for withdrawal of a foreign
19 corporation and issuing a certificate of withdrawal, \$5;

20 (14) filing an annual report, ~~\$5~~ \$10;

21 (15) filing any other statement or report—except an
22 annual report of a domestic or foreign corporation, ~~\$2~~ \$5;

23 (16) filing an application to reserve a corporate name,
24 \$5;

25 (17) filing a notice of transfer of a reserved

1 corporate name, \$5."

2 Section 15. Section 35-2-1002, MCA, is amended to
3 read:

4 "35-2-1002. Miscellaneous charges. The secretary of
5 state shall charge and collect:

6 (1) for furnishing a certified copy of any document,
7 instrument, or paper relating to a corporation, 50 cents per
8 page and ~~\$2~~ \$1 for the certificate and affixing the seal
9 thereto;

10 (2) for furnishing any certificate not mentioned in
11 this or the preceding section, \$5."

12 NEW SECTION. Section 16. Fees of secretary of state.
13 The secretary of state shall collect for:

14 (1) filing a certificate of limited partnership, \$25;

15 (2) filing an amendment to a certificate of limited
16 partnership, \$15;

17 (3) filing any other instrument not otherwise provided
18 for in this section, \$10.

19 NEW SECTION. Section 17. Fees of secretary of state.
20 The secretary of state shall collect for:

21 (1) filing a certified copy of a petition for
22 incorporation and issuing a certificate of incorporation,
23 \$40;

24 (2) filing any other instrument not otherwise provided
25 for in this section, \$10.

1 Section 18. Codification. (1) The code commissioner
2 shall codify section 8 in Title 32, chapter 3. The
3 provisions of Title 32, chapter 3, apply to section 8 and
4 vice versa. All references in the MCA to Title 32, chapter
5 3, include section 8.

6 (2) The code commissioner shall codify section 16 in
7 Title 35, chapter 12. The provisions of Title 35, chapter
8 12, apply to section 16 and vice versa. All references in
9 the MCA to Title 35, chapter 12, include section 16.

10 (3) The code commissioner shall codify section 17 in
11 Title 35, chapter 16. The provisions of Title 35, chapter
12 16, apply to section 17 and vice versa. All references in
13 the MCA to Title 35, chapter 16, include section 17.

-End-

STATE OF MONTANA

REQUEST NO. 29-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 18, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 138 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:

An act revising existing filing fees charged by the Secretary of State; providing for filing fees for agricultural associations, credit unions, and limited partnerships.

ASSUMPTIONS:

1. Increased volume will offset decrease in fees for copies of Legislative Act in Section 2-6-103 (a), MCA.
2. Changes in filing and certificate fees (excepting trademarks) in Section 2-2-131 and 2-6-103, MCA, will have no substantial affect on revenue due to limited application to services performed by offices which are subject to fees.

FISCAL IMPACT:

See attached.

LOCAL IMPACT:

County revenues will increase due to an increase in the Uniform Commercial Code filing fee.

Richard L. Dray
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/27/79

Revenue impact due to proposed legislation:

	FISCAL YEAR 1980			FISCAL YEAR 1981		
	<u>Estimated Amount Under Current Law</u>	<u>Estimated Amount Under Proposed Law</u>	<u>Estimated Increase</u>	<u>Estimated Amount Under Current Law</u>	<u>Estimated Amount Under Proposed Law</u>	<u>Estimated Increase</u>
Trademarks	5,220	10,440	5,220	5,870	11,740	5,870
Domestic Corporations	267,112	431,939	164,827	282,596	455,701	173,105
Foreign Corporations	71,250	113,085	41,835	74,042	117,110	43,068
Uniform Commercial Code	<u>45,559</u>	<u>97,591</u>	<u>52,032</u>	<u>49,484</u>	<u>106,837</u>	<u>57,353</u>
TOTAL REVENUE	<u>389,141</u>	<u>653,055</u>	<u>263,914</u>	<u>411,992</u>	<u>691,388</u>	<u>279,396</u>

The additional revenue will be deposited into the State General Fund.

Approved by Committee
on State Administration

1 SENATE BILL NO. 138
2 INTRODUCED BY PETERSON
3 BY REQUEST OF THE SECRETARY OF STATE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXISTING
6 FILING FEES CHARGED BY THE SECRETARY OF STATE; PROVIDING FOR
7 FILING FEES FOR AGRICULTURAL ASSOCIATIONS, CREDIT UNIONS,
8 AND LIMITED PARTNERSHIPS; AMENDING SECTIONS 2-2-131,
9 2-6-103, 30-9-403 THROUGH 30-9-407, 35-1-1201 THROUGH
10 35-1-1205, 35-2-1001, AND 35-2-1002, MCA."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 2-2-131, MCA, is amended to read:
14 "2-2-131. Voluntary disclosure. ~~(1)~~ A public officer
15 or employee may, prior to acting in a manner which may
16 impinge on his fiduciary duty, disclose the nature of his
17 private interest which creates the conflict. He shall make
18 the disclosure in writing to the secretary of state, listing
19 the amount of his financial interest, if any, the purpose
20 and duration of his services rendered, if any, and the
21 compensation received for the services or such other
22 information as is necessary to describe his interest. If he
23 then performs the official act involved, he shall state for
24 the record the fact and summary nature of the interest
25 disclosed at the time of performing the act.

1 ~~(2) The secretary of state may not collect a fee for~~
2 ~~any filing under this section."~~
3 Section 2. Section 2-6-103, MCA, is amended to read:
4 "2-6-103. Filing and copying fees. (1) The secretary
5 of state, for services performed in his office, must charge
6 and collect the following fees:
7 (a) for each copy of any law or resolution, record,
8 or other document or paper on file in his office, except
9 corporate papers, ~~40 cents per folio or, if the copy is~~
10 ~~enacted by the legislature and reproduced in quantity, a fee~~
11 ~~equal to the unit cost of reproduction; for a copy of any~~
12 ~~law or resolution, record, or other document or paper on~~
13 ~~file in his office made by any process of reproduction by~~
14 ~~photographic, photostatic, or similar process, the fee shall~~
15 ~~be 50 cents per page or fraction thereof;~~
16 (b) for affixing certificate and seal, ~~\$2~~ ~~\$5~~ ~~\$2.25~~;
17 (c) for receiving and recording each official bond,
18 ~~\$10; for receiving and recording each rider or attachment to~~
19 ~~an official bond, \$5;~~
20 ~~(d) for filing of a school text book bond or~~
21 ~~geophysical bond, \$10; for filing each rider, attachment, or~~
22 ~~statement of continuing effectiveness of such a bond, \$5;~~
23 ~~(e)~~ (1) for each commission or other document signed by
24 the governor and attested by the secretary of state (pardon,
25 military commissions, and extraditions excepted), \$5;

1 ~~(e)~~(f) for filing each trademark and issuing a
2 certificate thereon, \$5 ~~\$20~~ \$5.50;

3 ~~(f)~~(g) for filing and recording each assignment of a
4 trademark and issuing a certificate thereon, \$5 ~~\$20~~ \$5.50;

5 ~~(g)~~(h) for issuing each certificate of record, \$5;

6 ~~(h)~~(i) for filing and recording miscellaneous papers,
7 records, or other documents, \$5;

8 ~~(i)~~(j) for filing and recording any other document or
9 paper not for which no fee is otherwise herein provided for,
10 \$5;

11 ~~(j)~~(k) for filing and recording any paper, records, or
12 other document or other than a standard form when
13 recommended by the secretary of state, \$5 ~~\$10~~ \$5.50;

14 ~~(k)~~(l) when a copy of any law, resolution, record, or
15 other document or paper on file in the office of the
16 secretary of state is presented for comparison and
17 certification, ~~10~~ 25 15 cents per folio ~~must be charged and~~
18 ~~collected~~ for proofreading the same.

19 (2) No member of the legislature or state or county
20 officer can be charged for any search relative to matters
21 appertaining to the duties of his office or be charged any
22 fee for a certified copy of any law or resolution passed by
23 the legislature relative to his official duties.

24 (3) Fees must be collected in advance and when
25 collected by the secretary of state must be paid to the

1 state treasurer ~~at the end of each quarter, as provided in~~
2 ~~the constitution.~~"

3 Section 3. Section 30-9-403, MCA, is amended to read:

4 "30-9-403. What constitutes filing -- duration of
5 filing -- effect of lapsed filing -- duties of filing
6 officer. (1) Presentation for filing of a financing
7 statement and tender of the filing fee or acceptance of the
8 statement by the filing officer constitutes filing under
9 this chapter.

10 (2) A filed financing statement which states a
11 maturity date of the obligation secured of 5 years or less
12 is effective until such maturity date and thereafter for a
13 period of 60 days. Any other filed financing statement is
14 effective for a period of 5 years from the date of filing.
15 The effectiveness of a filed financing statement lapses on
16 the expiration of such 60-day period after a stated maturity
17 date or on the expiration of such 5-year period, as the case
18 may be, unless a continuation statement is filed prior to
19 the lapse. Upon such lapse the security interest becomes
20 unperfected. A filed financing statement which states that
21 the obligation secured is payable on demand is effective for
22 5 years from the date of filing.

23 (3) A continuation statement may be filed by the
24 secured party (i) within 6 months before and 60 days after a
25 stated maturity date of 5 years or less, and (ii) otherwise

1 within 6 months prior to the expiration of the 5-year period
 2 specified in subsection (2). Any such continuation statement
 3 must be signed by the secured party, identify the original
 4 statement by file number and state that the original
 5 statement is still effective. Upon timely filing of the
 6 continuation statement, the effectiveness of the original
 7 statement is continued for 5 years after the last date to
 8 which the filing was effective whereupon it lapses in the
 9 same manner as provided in subsection (2) unless another
 10 continuation statement is filed prior to such lapse.
 11 Succeeding continuation statements may be filed in the same
 12 manner to continue the effectiveness of the original
 13 statement. Unless a statute on disposition of public records
 14 provides otherwise, the filing officer may remove a lapsed
 15 statement from the files and destroy it.

16 (4) A filing officer shall mark each statement with a
 17 consecutive file number and with the date and hour of filing
 18 and shall hold the statement for public inspection. In
 19 addition the filing officer shall index the statements
 20 according to the name of the debtor and shall note in the
 21 index the file number and the address of the debtor given in
 22 the statement.

23 (5) Except financing statements filed pursuant to
 24 30-9-409, if the instrument covers crops growing or to be
 25 grown or goods which are, or are to become fixtures, or

1 timber, said instrument shall be indexed in accordance with
 2 the requirements applicable to the recording of mortgages of
 3 real estate under the laws of this state. For the purpose of
 4 such indexing, each of the debtor (or assignor) and the
 5 record owner or record lessee of any real estate described
 6 in the financing statement shall be considered a mortgagor
 7 with respect to the financing statement and the secured
 8 party (or assignee) shall be considered a mortgagee with
 9 respect to the financing statement.

10 (6) If the collateral is equipment or rolling stock of
 11 railroads or street railways, the fee for filing, indexing,
 12 and furnishing filing data for an original or a continuation
 13 statement shall be \$15. In all other cases the uniform fee
 14 for filing, indexing, and furnishing filing data for an
 15 original or a continuation statement on the uniform 5 x 8
 16 inch size form shall be ~~\$2 \$5 \$2.25~~, except that if the
 17 statement is not on the uniform 5 x 8 inch size form but
 18 otherwise conforms to the requirements of this part, the
 19 uniform fee shall be \$10."

20 Section 4. Section 30-9-404, MCA, is amended to read:
 21 "30-9-404. Termination statement. (1) Whenever there
 22 is no outstanding secured obligation and no commitment to
 23 make advances, incur obligations or otherwise give value,
 24 the secured party must on written demand by the debtor send
 25 the debtor a statement that he no longer claims a security

1 interest under the financing statement, which shall be
 2 identified by file number, and by document number, as the
 3 case may be. A termination statement signed by a person
 4 other than the secured party of record must include or be
 5 accompanied by the assignment or a statement by the secured
 6 party of record that he has assigned the security interest
 7 to the signer of the termination statement. The uniform fee
 8 for filing and indexing such an assignment or statement
 9 thereof shall be \$2. If the affected secured party fails to
 10 send such a termination statement within 10 days after
 11 proper demand therefor he shall be liable to the debtor for
 12 \$100, and in addition for any loss caused to the debtor by
 13 such failure.

14 (2) On presentation to the filing officer of such a
 15 termination statement he must note it in the index. The
 16 filing officer shall remove from the files, mark
 17 "terminated" and send or deliver to the secured party the
 18 financing statement and any continuation statement,
 19 statement of assignment or statement of release pertaining
 20 thereto. If the original financing statement or any
 21 continuation statement has been indexed in the records
 22 relating to real estate mortgages, the termination statement
 23 must be indexed in accordance with the requirements
 24 applicable to releases of real estate mortgages.

25 (3) If the collateral is equipment or rolling stock of

1 railroads or street railways, the fee for filing and
 2 indexing a termination statement including sending or
 3 delivering the financing statement shall be \$15. In all
 4 other cases the uniform fee for filing and indexing a
 5 termination statement including sending or delivering the
 6 financing statement on the uniform 5 x 8 inch size form
 7 shall be \$2 ~~\$5~~ \$2.25, except that if the statement is not on
 8 the uniform 5 x 8 inch size form but otherwise conforms to
 9 the requirements of this part, the uniform fee shall be
 10 \$10."

11 Section 5. Section 30-9-405, MCA, is amended to read:
 12 "30-9-405. Assignment of security interest -- duties
 13 of filing officer -- fees. (1) A financing statement may
 14 disclose an assignment of a security interest in the
 15 collateral described in the statement by indication in the
 16 statement of the name and address of the assignee or by an
 17 assignment itself or a copy thereof on the face or back of
 18 the statement. Either the original secured party or the
 19 assignee may sign this statement as the secured party. On
 20 presentation to the filing officer of such a financing
 21 statement the filing officer shall mark the same as provided
 22 in 30-9-403(4). If the collateral is equipment or rolling
 23 stock of railroads or street railways, the fee for filing,
 24 indexing, and furnishing filing data for a financing
 25 statement so indicating an assignment shall be \$15. In all

1 other cases the uniform fee for filing, indexing, and
 2 furnishing filing data for a financing statement so
 3 indicating an assignment on the uniform 5 by 8 inch size
 4 form shall be \$2 \$5 \$2.25, except that if the statement is
 5 not on the uniform 5 x 8 inch size form but otherwise
 6 conforms to the requirements of this part, the uniform fee
 7 shall be \$10.

8 (2) A secured party may assign of record all or a part
 9 of his rights under a financing statement by the filing of a
 10 separate written statement of assignment signed by the
 11 secured party of record and setting forth the name of the
 12 secured party of record and the debtor, the file number and
 13 the date of filing of the financing statement, the name and
 14 address of the assignee, and except as provided in
 15 30-9-409(2), a description of the collateral assigned. A
 16 copy of the assignment is sufficient as a separate statement
 17 if it complies with the preceding sentence. On presentation
 18 to the filing officer of such a separate statement, the
 19 filing officer shall mark such separate statement with the
 20 date and hour of the filing. He shall note the assignment on
 21 the index of the financing statement. If the original
 22 financing statement or any continuation statement has been
 23 indexed in the records relating to real estate mortgages,
 24 the statement of assignment must contain a reference to the
 25 document number of such original or continuation statement

1 and must be indexed in accordance with the requirements
 2 applicable to assignments of mortgages. If the collateral is
 3 equipment or rolling stock of railroads or street railways,
 4 the fee for filing, indexing, and furnishing filing data
 5 about such a separate statement of assignment shall be \$15.
 6 In all other cases the uniform fee for filing, indexing, and
 7 furnishing filing data about such a separate statement of
 8 assignment on the uniform 5 x 8 inch size form shall be \$2
 9 \$5 \$2.25, except that if the statement is not on the uniform
 10 5 x 8 inch size form but otherwise conforms to the
 11 requirements of this part, the uniform fee shall be \$10.

12 (3) After the disclosure or filing of an assignment
 13 under this section, the assignee is the secured party of
 14 record."

15 Section 6. Section 30-9-406, MCA, is amended to read:
 16 "30-9-406. Release of collateral -- duties of filing
 17 officer -- fees. A secured party of record may by his signed
 18 statement release all or a part of any collateral described
 19 in a filed financing statement. The statement of release is
 20 sufficient if it contains a description of the collateral
 21 being released (except as provided in 30-9-409(2)), the name
 22 and address of the debtor, the name and address of the
 23 secured party, and the file number of the financing
 24 statement. Upon presentation of such a statement to the
 25 filing officer he shall mark the statement with the hour and

1 date of filing and shall note the same upon the margin of
 2 the index of the filing of the financing statement. If the
 3 original financing statement or any continuation statement
 4 has been indexed in the records relating to real estate
 5 mortgages, the statement of release must contain a reference
 6 to the document number of such original or continuation
 7 statement, and must be indexed in accordance with the
 8 requirement applicable to release of mortgages. If the
 9 collateral is equipment or rolling stock of railroads or
 10 street railways, the fee for filing and noting such a
 11 statement of release shall be \$15. In all other cases the
 12 uniform fee for filing and noting such a statement of
 13 release ~~on the uniform 5 x 8 inch size form~~ shall be ~~\$2~~ ~~\$5~~
 14 ~~\$2.25, except that if the statement is not on the uniform 5~~
 15 ~~x 8 inch size form but otherwise conforms to the~~
 16 ~~requirements of this part, the uniform fee shall be \$10."~~

17 Section 7. Section 30-9-407, MCA, is amended to read:

18 "30-9-407. Information from filing officer. (1) If the
 19 person filing any financing statement, termination
 20 statement, statement of assignment, or statement of release,
 21 furnishes the filing officer a copy thereof, the filing
 22 officer shall upon request note upon the copy the file
 23 number and date and hour of the filing of the original and
 24 deliver or send the copy to such person.

25 (2) Upon request of any person, the filing officer

1 shall issue his certificate showing whether there is on file
 2 on the date and hour stated therein, any presently effective
 3 financing statement naming a particular debtor and any
 4 statement of assignment thereof and if there is, giving the
 5 date and hour of filing of each such statement and the name
 6 and addresses of each secured party therein. The uniform fee
 7 for such a certificate shall be ~~\$3 plus 50 cents for each~~
 8 ~~financing statement or for each statement of assignment~~
 9 ~~reported therein.~~ Upon request the filing officer shall
 10 furnish a copy of any filed financing statement or statement
 11 of assignment for a uniform fee of 50 cents per page."

12 NEW SECTION. Section 8. Fees of secretary of state.
 13 The secretary of state shall collect for:

14 (1) filing articles of incorporation and issuing a
 15 certificate of incorporation, \$40;

16 (2) filing articles of amendment and issuing a
 17 certificate of amendment, \$20;

18 (3) filing articles of merger and issuing a
 19 certificate of merger, \$20;

20 (4) filing of any other instrument not otherwise
 21 provided for in this section, \$10.

22 Section 9. Section 35-1-1201, MCA, is amended to read:

23 "35-1-1201. Fees and--charges to be collected by
 24 secretary of state. The secretary of state shall charge--and
 25 collect in accordance with the provisions of this chapter:

1 (1) fees for filing documents and issuing
2 certificates;

3 (2) miscellaneous charges;

4 (3) license fees."

5 Section 10. Section 35-1-1202, MCA, is amended to
6 read:

7 "35-1-1202. Fees for filing documents and issuing
8 certificates. The secretary of state shall charge--and
9 collect for:

10 (1) filing articles of incorporation and issuing a
11 certificate of incorporation, ~~\$20~~ ~~\$30~~ \$22;

12 (2) filing articles of amendment and issuing a
13 certificate of amendment, ~~\$20~~ ~~\$30~~ \$22;

14 (3) filing restated articles of incorporation and
15 issuing a restated certificate of incorporation, ~~\$20~~ ~~\$30~~
16 \$22;

17 (4) filing articles of merger or consolidation and
18 issuing a certificate of merger or consolidation, \$20, plus
19 for each corporation that is a party to the merger or
20 consolidation, ~~\$2~~ \$2.25;

21 (5) filing an application to reserve a corporate name,
22 \$2 ~~\$5~~ \$2.25;

23 (6) filing a notice of transfer of a reserved
24 corporate name, \$2 ~~\$5~~ \$2.25;

25 (7) filing a statement of change of address of

1 registered office or change of registered agent, or both, ~~\$2~~
2 ~~\$5~~ \$2.25;

3 (8) filing a statement of the establishment of a
4 series of shares, \$5;

5 (9) filing a statement of cancellation of shares, \$5;

6 (10) filing a statement of reduction of stated capital,
7 \$5;

8 (11) filing a statement of intent to dissolve, \$2;

9 (12) filing a statement of revocation of voluntary
10 dissolution proceedings, \$2;

11 (13) filing articles of dissolution and issuing a
12 certificate of dissolution, \$5;

13 (14) filing an application of a foreign corporation for
14 a certificate of authority to transact business in this
15 state and issuing a certificate of authority, ~~\$20~~ ~~\$30~~ \$22;

16 (15) filing an application of a foreign corporation for
17 an amended certificate of authority to transact business in
18 this state and issuing an amended certificate of authority,
19 ~~\$20~~ ~~\$30~~ \$22;

20 (16) filing a copy of an amendment to the articles of
21 incorporation of a foreign corporation holding a certificate
22 of authority to transact business in this state, ~~\$10~~ ~~\$15~~
23 \$11;

24 (17) filing a copy of articles of merger of a foreign
25 corporation holding a certificate of authority to transact

1 business in this state, ~~\$20, plus for each corporation that~~
 2 ~~is a party to the merger or consolidation, \$5;~~

3 (18) filing an application for withdrawal of a foreign
 4 corporation and issuing a certificate of withdrawal, \$5;

5 (19) filing an annual report, ~~\$5~~ ~~\$18~~ ~~\$5.50~~;

6 (20) filing any other statement or report--except--an
 7 annual--report of a domestic or foreign corporation, ~~\$2~~ ~~\$5~~
 8 ~~\$2.25."~~

9 Section 11. Section 35-1-1203, MCA, is amended to
 10 read:

11 "35-1-1203. Miscellaneous charges. The secretary of
 12 state shall charge and collect:

13 (1) for furnishing a certified copy of any document,
 14 instrument, or paper relating to a corporation, 50 cents per
 15 page and ~~\$2~~ ~~\$5~~ ~~\$2.25~~ for the certificate and affixing the
 16 seal thereto;

17 (2) for furnishing any certificate not mentioned in
 18 this or the preceding section, \$5."

19 Section 12. Section 35-1-1204, MCA, is amended to
 20 read:

21 "35-1-1204. License fees payable by domestic
 22 corporation. (1) The secretary of state shall charge and
 23 collect from each domestic corporation license fees, based
 24 upon the number of shares which it will have authority to
 25 issue or the increase in the number of shares which it will

1 have authority to issue, at the time of:

2 (a) filing articles of incorporation;

3 (b) filing articles of amendment increasing the number
 4 of authorized shares; and

5 (c) filing articles of merger or consolidation
 6 increasing the number of authorized shares which the
 7 surviving or new corporation, if a domestic corporation,
 8 will have authority to issue above the aggregate number of
 9 shares which the constituent domestic corporations and
 10 constituent foreign corporations authorized to transact
 11 business in this state had authority to issue.

12 (2) The license fees shall be at the rate of 10 cents
 13 per share up to and including the first ~~1,000~~--authorized
 14 ~~2,500~~ taxable shares, 8 cents per share for each authorized
 15 taxable share in excess of ~~1,000~~ 2,500 shares up to and
 16 including ~~2,500~~ 5,000 shares, 6 cents per share for each
 17 authorized taxable share in excess of ~~2,500~~ 5,000 shares up
 18 to and including ~~5,000~~ 7,500 shares, 4 cents per share for
 19 each authorized taxable share in excess of ~~5,000~~ 7,500
 20 shares up to and including 10,000 shares, and 2 cents per
 21 share for each authorized taxable share in excess of 10,000
 22 shares.

23 (3) ~~For the sole purpose of computing the license fee~~
 24 ~~purposes of this section only, the number of taxable shares~~
 25 ~~shall be computed as follows:~~

1 (a) ~~with respect to shares having a par value each~~
 2 ~~\$100 unit of the authorized shares shall be counted as one~~
 3 ~~taxable share. The product of the par value per share and~~
 4 ~~the number of authorized shares divided by \$100 equals the~~
 5 ~~number of taxable shares.~~

6 (b) ~~with~~ With respect to shares without nominal or par
 7 value, such ~~shares shall be deemed equivalent to shares~~
 8 ~~having a par value of \$1 each~~ each authorized share equals
 9 one taxable share.

10 (4) However, such license fee shall in no event be
 11 less than \$50 ~~\$100~~ \$55.

12 (5) The license fees payable on an increase in the
 13 number of authorized shares shall be imposed only on the
 14 increased number of shares, and the number of previously
 15 authorized shares shall be taken into account in determining
 16 the rate applicable to the increased number of authorized
 17 shares."

18 Section 13. Section 35-1-1205, MCA, is amended to
 19 read:

20 "35-1-1205. License fees payable by foreign
 21 corporation. (1) The secretary of state shall charge and
 22 collect from each foreign corporation at the time of filing
 23 an application for a certificate of authority to transact
 24 business in this state the sum of \$50 ~~\$100~~ \$55 as an initial
 25 license fee.

1 (2) Thereafter the secretary of state shall fix the
 2 license fee for each foreign corporation as follows:

3 (a) ~~He shall first ascertain the license fee which a~~
 4 ~~newly organized domestic corporation would be required to~~
 5 ~~pay under the preceding section if it had authorized shares~~
 6 ~~having a par value of \$100 per share in an amount equal to~~
 7 ~~the stated capital of the reporting foreign corporation~~
 8 ~~shown by its filed annual reports. The amount of stated~~
 9 ~~capital as shown on the filed annual report of the foreign~~
 10 ~~corporation shall be multiplied by a fraction, the numerator~~
 11 ~~of which shall be the sum of the value of the property of~~
 12 ~~the corporation located in this state and the gross receipts~~
 13 ~~of the corporation derived from its business transacted~~
 14 ~~within this state and the denominator of which shall be the~~
 15 ~~sum of the value of all of its property wherever located and~~
 16 ~~the gross receipts of the corporation derived from its~~
 17 ~~business wherever transacted. The amounts used in~~
 18 ~~determining the numerator and denominator shall be obtained~~
 19 ~~from the corporation's filed annual reports.~~

20 (b) ~~Said amount shall be multiplied by a fraction, the~~
 21 ~~numerator of which shall be the sum of the value of the~~
 22 ~~property of the corporation located in this state and the~~
 23 ~~gross receipts of the corporation derived from its business~~
 24 ~~transacted within this state and the denominator of which~~
 25 ~~shall be the sum of the value of all of its property~~

1 ~~wherever located and the gross receipts of the corporation~~
 2 ~~derived from its business wherever transacted. The amounts~~
 3 ~~used in determining the numerator and denominator shall be~~
 4 ~~determined from the corporation's filed annual reports. The~~
 5 ~~secretary of state shall then ascertain the license fee~~
 6 ~~which a newly organized domestic corporation would be~~
 7 ~~required to pay under 35-1-1204 if it had authorized shares~~
 8 ~~having a par value of \$100 per share equal to the amount~~
 9 ~~determined in (2)(a) of this section.~~

10 (c) ~~From the product of such multiplication, from the~~
 11 ~~license fee determined in (2)(b) of this section, there~~
 12 shall be deducted the aggregate amount of license fee
 13 theretofore previously paid by the corporation and the
 14 remainder, if any, shall be the amount of additional fee to
 15 be paid by the corporation.

16 (3) The secretary of state shall enter the amount of
 17 any additional license fee in the records of the corporation
 18 in his office and shall mail a notice of the amount of such
 19 additional license fee to the corporation at its registered
 20 office in this state. The additional license fee shall be
 21 paid by the corporation to the secretary of state within 30
 22 days after the mailing of the notice. Failure to pay such
 23 additional license fee within said 30-day period shall
 24 render such ~~the~~ corporation liable to the secretary of state
 25 for a penalty equal to 10% of the amount of the additional

1 license fee, together with interest at the rate of 1/2 of 1%
 2 per month on the fee plus penalty until paid.

3 (4) Foreign corporations which entered Montana for the
 4 transaction of business prior to ~~December 31, 1968~~ July 1,
 5 1979, shall be entitled to employ within this state an
 6 amount of stated capital equal to the greatest amount
 7 employed in the state during the period of their
 8 qualification prior to ~~December 31, 1968~~ July 1, 1979,
 9 without the payment of additional fees."

10 Section 14. Section 35-2-1001, MCA, is amended to
 11 read:

12 "35-2-1001. Fees for filing documents and issuing
 13 certificates. The secretary of state shall charge--and
 14 collect for:

15 (1) filing articles of incorporation and issuing a
 16 certificate of incorporation, ~~\$20~~ \$30 ~~\$22~~;

17 (2) filing articles of amendment and issuing a
 18 certificate of amendment, ~~\$20~~ \$30 ~~\$22~~;

19 (3) filing restated articles of incorporation and
 20 issuing restated certificate of incorporation, ~~\$20~~ \$30 ~~\$22~~;

21 (4) filing articles of merger or consolidation and
 22 issuing a certificate of merger or consolidation, ~~\$20,~~ plus
 23 for each corporation that is a party to the merger or
 24 consolidation, \$5;

25 (5) filing an application to reserve a corporate name,

1 ~~\$2~~ ~~\$5~~ ~~\$2.25~~;
2 (6) filing a notice of transfer of a reserved
3 corporate name, ~~\$2~~ ~~\$5~~ ~~\$2.25~~;
4 (7) filing a statement of change of address of
5 registered office or change of registered agent, or both, ~~\$2~~
6 ~~\$5~~ ~~\$2.25~~;
7 (8) filing articles of dissolution and issuing a
8 certificate of dissolution, \$5;
9 (9) filing an application of a foreign corporation for
10 a certificate of authority to conduct affairs in this state
11 and issuing a certificate of authority, ~~\$20~~ ~~\$30~~ ~~\$22~~;
12 (10) filing an application of a foreign corporation for
13 an amended certificate of authority to conduct affairs in
14 this state and issuing an amended certificate of authority,
15 ~~\$20~~ ~~\$30~~ ~~\$22~~;
16 (11) filing a copy of an amendment to the articles of
17 incorporation of a foreign corporation holding a certificate
18 of authority to conduct affairs in this state, ~~\$10~~ ~~\$15~~ ~~\$11~~;
19 (12) filing a copy of articles of merger of a foreign
20 corporation holding a certificate of authority to conduct
21 affairs in this state, ~~\$20, plus for each corporation that~~
22 ~~is a party to the merger or consolidation, \$5~~;
23 (13) filing an application for withdrawal of a foreign
24 corporation and issuing a certificate of withdrawal, \$5;
25 (14) filing an annual report, ~~\$5~~ ~~\$10~~ ~~\$5.50~~;

1 (15) filing any other statement or report--except--an
2 annual--report of a domestic or foreign corporation, ~~\$2~~ ~~\$5~~
3 ~~\$2.25~~;
4 (16) filing an application to reserve a corporate name,
5 \$5;
6 (17) filing a notice of transfer of a reserved
7 corporate name, \$5."
8 Section 15. Section 35-2-1002, MCA, is amended to
9 read:
10 "35-2-1002. Miscellaneous charges. The secretary of
11 state shall charge and collect:
12 (1) for furnishing a certified copy of any document,
13 instrument, or paper relating to a corporation, 50 cents per
14 page and ~~\$2~~ ~~\$5~~ ~~\$2.25~~ for the certificate and affixing the
15 seal thereto;
16 (2) for furnishing any certificate not mentioned in
17 this or the preceding section, \$5."
18 ~~NEW SECTION.~~ Section 16. Fees of secretary of state.
19 The secretary of state shall collect for:
20 (1) filing a certificate of limited partnership, \$25;
21 (2) filing an amendment to a certificate of limited
22 partnership, \$15;
23 (3) filing any other instrument not otherwise provided
24 for in this section, \$10.
25 ~~NEW SECTION.~~ Section 17. Fees of secretary of state.

1 The secretary of state shall collect for:

2 (1) filing a certified copy of a petition for
3 incorporation and issuing a certificate of incorporation,
4 \$40;

5 (2) filing any other instrument not otherwise provided
6 for in this section, \$10.

7 Section 18. Codification. (1) The code commissioner
8 shall codify section 8 in Title 32, chapter 3. The
9 provisions of Title 32, chapter 3, apply to section 8 and
10 vice versa. All references in the MCA to Title 32, chapter
11 3, include section 8.

12 (2) The code commissioner shall codify section 16 in
13 Title 35, chapter 12. The provisions of Title 35, chapter
14 12, apply to section 16 and vice versa. All references in
15 the MCA to Title 35, chapter 12, include section 16.

16 (3) The code commissioner shall codify section 17 in
17 Title 35, chapter 16. The provisions of Title 35, chapter
18 16, apply to section 17 and vice versa. All references in
19 the MCA to Title 35, chapter 16, include section 17.

-End-