

HOUSE BILL NO. 595

INTRODUCED BY SPAETH

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Business and Industry.
February 11, 1983	Committee recommend bill do pass. Report adopted.
February 12, 1983	Bill printed and placed on members' desks.
February 14, 1983	Second reading, do pass.
February 15, 1983	Considered correctly engrossed.
February 16, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 17, 1983	Introduced and referred to Committee on Business and Industry.
March 24, 1983	Committee recommend bill be concurred in. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983	Returned to House.
March 29, 1983	Sent to enrolling. Reported correctly enrolled.

1 House BILL NO. 595
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE DUTY
 6 TO EXAMINE ARTICLES OF INCORPORATION OF PROPOSED DOMESTIC
 7 INSURERS FROM THE ATTORNEY GENERAL TO THE STATE COMMISSIONER
 8 OF INSURANCE; AMENDING SECTION 33-3-202, MCA; AND PROVIDING
 9 AN IMMEDIATE EFFECTIVE DATE."
 10

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

12 Section 1. Section 33-3-202, MCA, is amended to read:

13 "33-3-202. Articles of incorporation -- filing; and
 14 approval. (1) The incorporators of a proposed domestic
 15 insurer shall deliver the quadruplicate originals of the
 16 articles of incorporation to the commissioner together with
 17 the filing fees therefor specified in 33-2-708. The
 18 commissioner shall ~~submit the quadruplicate originals of~~
 19 ~~examine~~ the proposed articles of incorporation ~~to the~~
 20 ~~attorney general for examination.~~ If the ~~attorney general~~
 21 ~~commissioner~~ finds that the articles comply with this
 22 charter and are not in conflict with the constitution and
 23 laws of the United States or of this state, he shall ~~to~~
 24 ~~certify and return such certificate and all sets of the~~
 25 ~~articles to the commissioner.~~

1 ~~(2) When the articles of incorporation have been~~
 2 ~~approved by the attorney general, the commissioner shall~~
 3 ~~also~~ endorse his approval upon each set of the articles,
 4 except that if the commissioner finds that the proposed
 5 insurer would not be eligible for a certificate of authority
 6 under 33-2-112, he shall refuse to approve the articles of
 7 incorporation and shall return them to the proposed
 8 incorporators together with a written statement of the
 9 reasons for such refusal. If approved by him, the
 10 commissioner shall then forward the articles of
 11 incorporation with his approval endorsed thereon ~~together~~
 12 ~~with the certificate of the attorney general~~ to the
 13 incorporators. The incorporators shall forthwith file one
 14 set of the articles of incorporation with the secretary of
 15 state, one set with the commissioner bearing the
 16 certification of the secretary of state, one set with the
 17 county clerk of the county wherein is to be located the
 18 corporation's principal place of business, and the remaining
 19 set of articles ~~and the certificate of the attorney general~~
 20 shall be made a part of the corporation's record.

21 ~~(3)(2)~~ If the ~~attorney general~~ commissioner finds that
 22 the proposed articles of incorporation do not comply with
 23 law, he shall refuse to approve the same and shall return
 24 ~~the quadruplicate sets thereof to the commissioner together~~
 25 ~~with a written statement of the reasons for his refusal to~~

1 ~~approve. The commissioner shall return~~ all sets of the
2 proposed articles of incorporation to the proposed
3 incorporators together with ~~the a~~ written statement of the
4 ~~attorney-general reasons for his refusal to approve.~~

5 ~~{4}{1}~~ The corporation shall have legal existence as
6 such upon the issuance of the certificate of incorporation
7 by the secretary of state and the completion of the filings
8 referred to in subsection ~~{2}~~ {1} above, but it shall not
9 transact business as an insurer until it has qualified for
10 and received from the commissioner a certificate of
11 authority as provided in this code.

12 ~~{5}{4}~~ A copy of the certificate of incorporation,
13 duly certified by the secretary of state, shall be
14 admissible in all the courts of this state as prima facie
15 evidence of due incorporation."

16 NEW SECTION. Section 2. Effective date. This act is
17 effective on passage and approval.

-End-

Approved by Committee
on Business and Industry

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16 articles of incorporation to the commissioner together with
17 the filing fees therefor specified in 33-2-708. The
18 commissioner shall ~~submit the quadruplicate originals of~~
19 ~~examine~~ the proposed articles of incorporation ~~to the~~
20 ~~attorney general for examination~~. If the ~~attorney general~~
21 ~~commissioner~~ finds that the articles comply with this
22 chapter and are not in conflict with the constitution and
23 laws of the United States or of this state, he shall ~~so~~
24 ~~certify and return such certificate and all sets of the~~
25 ~~articles to the commissioner.~~

1 ~~{2} When the articles of incorporation have been~~
2 ~~approved by the attorney general, the commissioner shall~~
3 ~~also~~ endorse his approval upon each set of the articles,
4 except that if the commissioner finds that the proposed
5 insurer would not be eligible for a certificate of authority
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7 incorporation and shall return them to the proposed
8 incorporators together with a written statement of the
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10 commissioner shall then forward the articles of
11 incorporation with his approval endorsed thereon ~~together~~
12 ~~with the certificate of the attorney general~~ to the
13 incorporators. The incorporators shall forthwith file one
14 set of the articles of incorporation with the secretary of
15 state, one set with the commissioner bearing the
16 certification of the secretary of state, one set with the
17 county clerk of the county wherein is to be located the
18 corporation's principal place of business, and the remaining
19 set of articles ~~and the certificate of the attorney general~~
20 shall be made a part of the corporation's record.
21 ~~{3}(2)~~ If the ~~attorney general~~ commissioner finds that
22 the proposed articles of incorporation do not comply with
23 law, he shall refuse to approve the same and shall return
24 ~~the quadruplicate sets thereof to the commissioner together~~
25 ~~with a written statement of the reasons for his refusal to~~

1 ~~approve. The commissioner shall return~~ all sets of the
2 proposed articles of incorporation to the proposed
3 incorporators together with the a written statement of the
4 ~~attorney-general~~ reasons for his refusal to approve.

5 ~~(4)(3)~~ The corporation shall have legal existence as
6 such upon the issuance of the certificate of incorporation
7 by the secretary of state and the completion of the filings
8 referred to in subsection ~~(2)~~ (1) above, but it shall not
9 transact business as an insurer until it has qualified for
10 and received from the commissioner a certificate of
11 authority as provided in this code.

12 ~~(5)(4)~~ A copy of the certificate of incorporation,
13 duly certified by the secretary of state, shall be
14 admissible in all the courts of this state as prima facie
15 evidence of due incorporation."

16 NEW SECTION. Section 2. Effective date. This act is
17 effective on passage and approval.

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 21 ~~commissioner~~ finds that the articles comply with this
 22 chapter and are not in conflict with the constitution and
 23 laws of the United States or of this state, he shall so
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 22 the proposed articles of incorporation do not comply with
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5 ~~(4)~~(3) The corporation shall have legal existence as
6 such upon the issuance of the certificate of incorporation
7 by the secretary of state and the completion of the filings
8 referred to in subsection ~~(2)~~ (1) above, but it shall not
9 transact business as an insurer until it has qualified for
10 and received from the commissioner a certificate of
11 authority as provided in this code.

12 ~~(5)~~(4) A copy of the certificate of incorporation,
13 duly certified by the secretary of state, shall be
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~~(2) When the articles of incorporation have been approved by the attorney general, the commissioner shall also endorse his approval upon each set of the articles, except that if the commissioner finds that the proposed insurer would not be eligible for a certificate of authority under 33-2-112, he shall refuse to approve the articles of incorporation and shall return them to the proposed incorporators together with a written statement of the reasons for such refusal. If approved by him, the commissioner shall then forward the articles of incorporation with his approval endorsed thereon, together with the certificate of the attorney general, to the incorporators. The incorporators shall forthwith file one set of the articles of incorporation with the secretary of state, one set with the commissioner bearing the certification of the secretary of state, one set with the county clerk of the county wherein is to be located the corporation's principal place of business, and the remaining set of articles and the certificate of the attorney general shall be made a part of the corporation's record.~~

~~(3)(2) If the attorney general commissioner finds that the proposed articles of incorporation do not comply with law, he shall refuse to approve the same and shall return the quadruplicate sets thereof to the commissioner together with a written statement of the reasons for his refusal to~~

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