

House BILL NO. 241

INTRODUCED BY Rep. Kottler W. C. C. C. C. C. C.

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ANNUAL REPORT FOR A NONPROFIT CORPORATION TO CONTAIN A STATEMENT AS TO WHETHER OR NOT IT IS CURRENTLY TAX-EXEMPT UNDER FEDERAL LAW AND A STATEMENT SETTING OUT THE PERCENTAGE OF MONEY OR FUNDS COLLECTED DURING THE PREVIOUS YEAR EXPENDED ON ADMINISTRATIVE COSTS; AND AMENDING SECTION 35-2-904, MCA."

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

Section 1. Section 35-2-904, MCA, is amended to read:

"35-2-904. Annual report for secretary of state. (1) Each domestic corporation and each foreign corporation authorized to transact business in this state under this chapter shall deliver to the secretary of state, for filing, an annual report on a form prescribed and furnished by the secretary of state that sets forth:

- (a) the name of the corporation and the state or country under whose law it is incorporated;
- (b) the address of its registered office and the name of its registered agent at ~~the~~ that office in this state;
- (c) the address of its principal office;
- (d) the names and business or residence addresses of its directors and principal officers;
- (e) a brief description of the nature of its activities; ~~and~~
- (f) whether or not it has members;
- (g) whether or not it is currently a tax-exempt corporation under federal law; and
- (h) what percentage of the money or funds received during the prior year was expended on its administrative costs.

(2) The information in the annual report must be current on the date that the annual report is executed on behalf of the corporation.

(3) The first annual report must be delivered to the secretary of state between January 1 and April 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign

1 corporation was authorized to transact business. Subsequent annual reports must be delivered to the
2 secretary of state between January 1 and April 15.

3 (4) If an annual report does not contain the information required by this section, the secretary of
4 state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to
5 it for correction. If the report is corrected ~~to contain the information required by this section~~ and delivered
6 to the secretary of state within 30 days after the effective date of notice, it is considered to be timely
7 filed."

8 -END-

1 HOUSE BILL NO. 241

2 INTRODUCED BY KOTTEL, ELLINGSON, CHRISTIAENS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ANNUAL REPORT FOR A NONPROFIT
5 CORPORATION TO CONTAIN A STATEMENT AS TO WHETHER OR NOT IT IS CURRENTLY TAX-EXEMPT
6 UNDER FEDERAL LAW AND, IF IT IS SUBJECT TO CERTAIN PROVISIONS OF THE INTERNAL REVENUE
7 CODE, A STATEMENT SETTING OUT THE PERCENTAGE OF MONEY OR FUNDS COLLECTED DURING THE
8 PREVIOUS YEAR EXPENDED ON ADMINISTRATIVE COSTS; AND AMENDING SECTION 35-2-904, MCA."

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

11
12 **Section 1.** Section 35-2-904, MCA, is amended to read:

13 **"35-2-904. Annual report for secretary of state.** (1) Each domestic corporation and each foreign
14 corporation authorized to transact business in this state under this chapter shall deliver to the secretary of
15 state, for filing, an annual report on a form prescribed and furnished by the secretary of state that sets
16 forth:

17 (a) the name of the corporation and the state or country under whose law it is incorporated;

18 (b) the address of its registered office and the name of its registered agent at ~~the~~ that office in this
19 state;

20 (c) the address of its principal office;

21 (d) the names and business or residence addresses of its directors and principal officers;

22 (e) a brief description of the nature of its activities; ~~and~~

23 (f) whether or not it has members;

24 (g) whether or not it is currently a tax-exempt corporation under federal law; and

25 (h) IF THE CORPORATION IS SUBJECT TO THE PROVISIONS OF SECTION 501(C)(3) OF THE
26 INTERNAL REVENUE CODE AND IS REQUIRED TO FILE A FORM 990 WITH THE INTERNAL REVENUE
27 SERVICE, what percentage of the money or funds received during the prior year was expended on its
28 administrative costs MANAGEMENT AND GENERAL COSTS AND ITS FUNDRAISING EXPENSES.

29 (2) The information in the annual report must be current on the date that the annual report is
30 executed on behalf of the corporation.

1 (3) The first annual report must be delivered to the secretary of state between January 1 and April
2 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign
3 corporation was authorized to transact business. Subsequent annual reports must be delivered to the
4 secretary of state between January 1 and April 15.

5 (4) If an annual report does not contain the information required by this section, the secretary of
6 state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to
7 it for correction. If the report is corrected ~~to contain the information required by this section~~ and delivered
8 to the secretary of state within 30 days after the effective date of notice, it is considered to be timely
9 filed."

10

-END-

1 HOUSE BILL NO. 241

2 INTRODUCED BY KOTTEL, ELLINGSON, CHRISTIAENS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ANNUAL REPORT FOR A NONPROFIT
5 CORPORATION TO CONTAIN A STATEMENT AS TO WHETHER OR NOT IT IS CURRENTLY TAX-EXEMPT
6 UNDER FEDERAL LAW AND, IF IT IS SUBJECT TO CERTAIN PROVISIONS OF THE INTERNAL REVENUE
7 CODE, A STATEMENT SETTING OUT THE PERCENTAGE OF MONEY OR FUNDS COLLECTED DURING THE
8 PREVIOUS YEAR EXPENDED ON ADMINISTRATIVE COSTS; AND AMENDING SECTION 35-2-904, MCA."

9

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

11

12 **Section 1.** Section 35-2-904, MCA, is amended to read:

13 **"35-2-904. Annual report for secretary of state.** (1) Each domestic corporation and each foreign
14 corporation authorized to transact business in this state under this chapter shall deliver to the secretary of
15 state, for filing, an annual report on a form prescribed and furnished by the secretary of state that sets
16 forth:

- 17 (a) the name of the corporation and the state or country under whose law it is incorporated;
18 (b) the address of its registered office and the name of its registered agent at ~~the~~ that office in this
19 state;
20 (c) the address of its principal office;
21 (d) the names and business or residence addresses of its directors and principal officers;
22 (e) a brief description of the nature of its activities; ~~and~~
23 (f) whether or not it has members;
24 (g) whether or not it is currently a tax-exempt corporation under federal law; and
25 (h) IF THE CORPORATION IS SUBJECT TO THE PROVISIONS OF SECTION 501(C)(3) OF THE

26 INTERNAL REVENUE CODE AND IS REQUIRED TO FILE A FORM 990 WITH THE INTERNAL REVENUE
27 SERVICE, what percentage of the money or funds received during the prior year was expended on its
28 ~~administrative costs~~ MANAGEMENT AND GENERAL COSTS AND ITS FUNDRAISING EXPENSES.

29 (2) The information in the annual report must be current on the date that the annual report is
30 executed on behalf of the corporation.

1 (3) The first annual report must be delivered to the secretary of state between January 1 and April
2 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign
3 corporation was authorized to transact business. Subsequent annual reports must be delivered to the
4 secretary of state between January 1 and April 15.

5 (4) If an annual report does not contain the information required by this section, the secretary of
6 state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to
7 it for correction. If the report is corrected ~~to contain the information required by this section~~ and delivered
8 to the secretary of state within 30 days after the effective date of notice, it is considered to be timely
9 filed."

10

-END-