

HOUSE BILL NO. 760

INTRODUCED BY J. READ, B. LER, G. KMETZ, B. BARKER, B. PHALEN, L. HELLEGAARD, Z. WIRTH, E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN FOREIGN CORPORATIONS TO IDENTIFY IN PRINTED PUBLICATIONS THE STATE WHERE THEIR HEADQUARTERS ARE LOCATED; APPLYING TO FOREIGN CORPORATIONS THAT DESCRIBE THEMSELVES AS A PUBLICATION, NEWSPAPER OR NEWSPAPER PUBLISHER, MAGAZINE, MEDIA COMPANY, COMMUNICATIONS COMPANY, OR BROADCASTING COMPANY; AMENDING SECTION 35-14-1621, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 35-14-1621, MCA, is amended to read:

"35-14-1621. Annual report for secretary of state. (1) Each domestic corporation shall deliver to the secretary of state for filing an annual report that sets forth:

- (a) the name of the corporation;
(b) the street and mailing address of its registered office and the name of its registered agent at that office in this state;
(c) the street and mailing address of its principal office;
(d) the names and business addresses of its directors and principal officers;
(e) a brief description of the nature of its business;
(f) the total number of authorized shares, itemized by class and series, if any, within each class;

and

- (g) the total number of issued and outstanding shares, itemized by class and series, if any, within each class.

(2) Each foreign corporation registered to do business in this state shall deliver to the secretary of state for filing an annual report that sets forth:

1 (a) the name of the foreign corporation and, if the name does not comply with 35-14-401, an  
2 alternate name as required by 35-14-1506;

3 (b) the foreign corporation's jurisdiction of formation;

4 (c) the street and mailing addresses of the foreign corporation's principal office and, if the law of  
5 the foreign corporation's jurisdiction of formation requires the foreign corporation to maintain an office in that  
6 jurisdiction, the street and mailing addresses of that office;

7 (d) the street and mailing addresses of the foreign corporation's registered office in this state and  
8 the name of its registered agent at that office;

9 (e) the names and business addresses of its directors and principal officers; ~~and~~

10 (f) a brief description of the nature of its business conducted in this state; and

11 (g) if the foreign corporation or any business associated with a foreign corporation that is 51%  
12 owned by a foreign corporation that describes itself as a publication, newspaper or newspaper publisher,  
13 magazine, media company, communications company, or broadcasting company, the corporation shall affirm  
14 that the name of the state where the main headquarters of the foreign corporation is located is printed in at  
15 least a 24-point font size on the front page or cover of each hard copy edition and any online news content that  
16 is printed for use in this state.

17 (3) Information in the annual report must be current as of the date the annual report is signed on  
18 behalf of the corporation.

19 (4) The first annual report must be delivered to the secretary of state between January 1 and April  
20 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign  
21 corporation was registered to do business. Subsequent annual reports must be delivered to the secretary of  
22 state between January 1 and April 15 of subsequent years.

23 (5) If an annual report does not contain the information required by this section, the secretary of  
24 state shall promptly notify the reporting domestic or foreign corporation in writing. The corrected report must be  
25 filed by April 15 to be considered timely filed."  
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27 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.  
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