

1 *Senate* BILL NO. *99*
 2 INTRODUCED BY *Thynn Turgeon*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 40-4913, R.C.M. 1947, RELATING TO EXPENSES OF BENEVOLENT
 6 ASSOCIATIONS."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 40-4913, R.C.M. 1947, is amended to
 10 read as follows:

11 "40-4913. Expenses--assessment for expenses--shown in
 12 annual statement. (1) The total expenses of any benevolent
 13 association during any calendar year shall ~~not--exceed--the~~
 14 ~~larger-of-the-following:~~

15 (a) ~~Ten--per--cent--(10%)--of--the--total--amount--received~~
 16 ~~during--such--year,--whether--as--assessments,--dues,--donations--or~~
 17 ~~by--whatever--name--called,--except--fees--collected--for--new~~
 18 ~~memberships,--or~~

19 (b) ~~Fifteen--dollars--(\$15)--per--death--loss--incurred~~
 20 ~~during--such--year.~~

21 (2) ~~Such--an--association--may,--instead--of--providing--for~~
 22 ~~expenses--as--in--subsection--(1)--above,--assess--each--of--its~~
 23 ~~members--for--expenses--at--an--amount--not--to--exceed--three~~
 24 ~~dollars--(3)--per--calendar--year,--except--that--such--assessment~~
 25 ~~shall--not--exceed--four--dollars--(4)--per--year--where--a~~

1 membership--certificate--includes--within--its--protection--a
 2 family--group--consisting--of--two--(2)--or--more--persons,--The
 3 proceeds--of--such--assessments--shall--be--placed--in--an--expense
 4 fund--out--of--which--all--of--the--expenses--of--the--association--for
 5 such--year--shall--be--paid,--The--association--shall--show--the
 6 condition--of--such--expense--fund--in--its--annual--statement,
 7 (3) ~~The--association--shall--state--in--its--annual--statement~~
 8 ~~whether--the--expenses--as--to--be--shown--in--its--next--annual~~
 9 ~~statement--will--be--determined--as--in--subsection--(1)--above,--or~~
 10 ~~whether--the--members--will--be--assessed--for--the--same--as--in~~
 11 ~~subsection--(2)--above,--No--association--shall--use--both--methods,~~
 12 ~~nor--a--combination--of--such--methods, be in a reasonable amount~~
 13 ~~and shall be expended only for the actual and necessary~~
 14 ~~business of the association. Expenses shall be itemized and~~
 15 ~~accounted for in the annual statement of the association."~~

-End-

SB98

Without recommendation by Com-
mittee on Business and Industry

SENATE BILL NO. 98

INTRODUCED BY FLYNN, TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
40-4913, R.C.M. 1947, RELATING TO EXPENSES OF BENEVOLENT
ASSOCIATIONS."

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

Section 1. Section 40-4913, R.C.M. 1947, is amended to
read as follows:

"40-4913. Expenses--assessment for expenses--shown in
annual statement. (1) The total expenses of any benevolent
association during any calendar year shall ~~not exceed the~~
~~larger of the following:~~

~~(a) Ten per cent (10%) of the total amount received~~
~~during such year, whether as assessments, dues, donations or~~
~~by whatever name called, except fees collected for new~~
~~memberships; or~~

~~(b) Fifteen dollars (\$15) per death loss incurred~~
~~during such year.~~

~~(2) Such an association may, instead of providing for~~
~~expenses as in subsection (1) above, assess each of its~~
~~members for expenses at an amount not to exceed three~~
~~dollars (3) per calendar year, except that such assessment~~
~~shall not exceed four dollars (4) per year where a~~

~~membership certificate includes within its protection a~~
~~family group consisting of two (2) or more persons; The~~
~~proceeds of such assessments shall be placed in an expense~~
~~fund out of which all of the expenses of the association for~~
~~such year shall be paid; The association shall show the~~
~~condition of such expense fund in its annual statement.~~

~~(3) The association shall state in its annual statement~~
~~whether the expenses as to be shown in its next annual~~
~~statement will be determined as in subsection (1) above, or~~
~~whether the members will be assessed for the same as in~~
~~subsection (2) above; No association shall use both methods,~~
~~nor a combination of such methods, be in a reasonable amount~~
~~and shall be expended only for the actual and necessary~~
~~business of the association; Expenses shall be itemized and~~
~~accounted for in the annual statement of the association.~~

NOT EXCEED THE LARGER OF THE FOLLOWING:

(A) TEN PER CENT (10%) TWENTY PERCENT (20%) OF THE
TOTAL AMOUNT RECEIVED DURING SUCH YEAR, WHETHER AS
ASSESSMENTS, DUES, DONATIONS OR BY WHATEVER NAME CALLED,
EXCEPT FEES COLLECTED FOR NEW MEMBERSHIPS; OR

(B) FIFTEEN DOLLARS (\$15) PER DEATH LOSS INCURRED
DURING SUCH YEAR.

(2) SUCH AN ASSOCIATION MAY, INSTEAD OF PROVIDING FOR
EXPENSES AS IN SUBSECTION (1) ABOVE, ASSESS EACH OF ITS
MEMBERS FOR EXPENSES AT AN AMOUNT NOT TO EXCEED THREE

1 DOLLARS (\$3) PER CALENDAR YEAR, EXCEPT THAT SUCH ASSESSMENT
2 SHALL NOT EXCEED FOUR DOLLARS (\$4) PER YEAR WHERE A
3 MEMBERSHIP CERTIFICATE INCLUDES WITHIN ITS PROTECTION A
4 FAMILY GROUP CONSISTING OF TWO (2) OR MORE PERSONS. THE
5 PROCEEDS OF SUCH ASSESSMENTS SHALL BE PLACED IN AN EXPENSE
6 FUND OUT OF WHICH ALL OF THE EXPENSES OF THE ASSOCIATION FOR
7 SUCH YEAR SHALL BE PAID. THE ASSOCIATION SHALL SHOW THE
8 CONDITION OF SUCH EXPENSE FUND IN ITS ANNUAL STATEMENT.

9 (3) THE ASSOCIATION SHALL STATE IN ITS ANNUAL
10 STATEMENT WHETHER THE EXPENSES AS TO BE SHOWN IN ITS NEXT
11 ANNUAL STATEMENT WILL BE DETERMINED AS IN SUBSECTION (1)
12 ABOVE, OR WHETHER THE MEMBERS WILL BE ASSESSED FOR THE SAME
13 AS IN SUBSECTION (2) ABOVE. NO ASSOCIATION SHALL USE BOTH
14 METHODS, NOR A COMBINATION OF SUCH METHODS."

-End-

1 SENATE BILL NO. 98

2 INTRODUCED BY FLYNN, TURNAGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 40-4913, R.C.M. 1947, RELATING TO EXPENSES OF BENEVOLENT
6 ASSOCIATIONS."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9 Section 1. Section 40-4913, R.C.M. 1947, is amended to
10 read as follows:11 "40-4913. Expenses--assessment for expenses--shown in
12 annual statement. (1) The total expenses of any benevolent
13 association during any calendar year shall ~~not exceed the~~
14 ~~larger of the following:~~
15 ~~(a) Ten per cent (10%) of the total amount received~~
16 ~~during such year, whether as assessments, dues, donations or~~
17 ~~by whatever name called, except fees collected for new~~
18 ~~memberships; or~~19 ~~(b) Fifteen dollars (\$15) per death loss incurred~~
20 ~~during such year;~~21 ~~(2) Such an association may, instead of providing for~~
22 ~~expenses as in subsection (1) above, assess each of its~~
23 ~~members for expenses at an amount not to exceed three~~
24 ~~dollars (\$3) per calendar year, except that such assessment~~
25 ~~shall not exceed four dollars (\$4) per year where a~~1 ~~membership certificate includes within its protection a~~
2 ~~family group consisting of two (2) or more persons. The~~
3 ~~proceeds of such assessments shall be placed in an expense~~
4 ~~fund out of which all of the expenses of the association for~~
5 ~~such year shall be paid. The association shall show the~~
6 ~~condition of such expense fund in its annual statement;~~7 ~~(3) The association shall state in its annual statement~~
8 ~~whether the expenses as to be shown in its next annual~~
9 ~~statement will be determined as in subsection (1) above, or~~
10 ~~whether the members will be assessed for the same as in~~
11 ~~subsection (2) above. No association shall use both methods,~~
12 ~~nor a combination of such methods, be in a reasonable amount~~
13 ~~and shall be expended only for the actual and necessary~~
14 ~~business of the association; Expenses shall be itemized and~~
15 ~~accounted for in the annual statement of the association;~~16 NOT EXCEED THE LARGER OF THE FOLLOWING:17 (A) TEN PER CENT (10%) TWENTY PERCENT (20%) OF THE
18 TOTAL AMOUNT RECEIVED DURING SUCH YEAR, WHETHER AS
19 ASSESSMENTS, DUES, DONATIONS OR BY WHATEVER NAME CALLED,
20 EXCEPT FEES COLLECTED FOR NEW MEMBERSHIPS; OR21 (B) FIFTEEN DOLLARS (\$15) PER DEATH LOSS INCURRED
22 DURING SUCH YEAR.23 (2) SUCH AN ASSOCIATION MAY, INSTEAD OF PROVIDING FOR
24 EXPENSES AS IN SUBSECTION (1) ABOVE, ASSESS EACH OF ITS
25 MEMBERS FOR EXPENSES AT AN AMOUNT NOT TO EXCEED THREE

1 DOLLARS (\$3) PER CALENDAR YEAR, EXCEPT THAT SUCH ASSESSMENT
2 SHALL NOT EXCEED FOUR DOLLARS (\$4) PER YEAR WHERE A
3 MEMBERSHIP CERTIFICATE INCLUDES WITHIN ITS PROTECTION A
4 FAMILY GROUP CONSISTING OF TWO (2) OR MORE PERSONS. THE
5 PROCEEDS OF SUCH ASSESSMENTS SHALL BE PLACED IN AN EXPENSE
6 FUND OUT OF WHICH ALL OF THE EXPENSES OF THE ASSOCIATION FOR
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8 CONDITION OF SUCH EXPENSE FUND IN ITS ANNUAL STATEMENT.

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Section 1. Section 40-4913, R.C.M. 1947, is amended to read as follows:

"40-4913. Expenses--assessment for expenses--shown in annual statement. (1) The total expenses of any benevolent association during any calendar year shall ~~not--exceed--the larger-of-the-following:~~

~~(a)--Ten--per--cent--(10%)--of--the--total--amount--received during--such--year,--whether--as--assessments,--dues,--donations--or by--whatever--name--called,--except--fees--collected--for--new memberships,--or~~

~~(b)--Fifteen--dollars--(\$15)--per--death--loss--incurred during--such--year.~~

~~(2)--Such--an--association--may,--instead--of--providing--for expenses--as--in--subsection--(1)--above,--assess--each--of--its members--for--expenses--at--an--amount--not--to--exceed--three dollars--(\$3)--per--calendar--year,--except--that--such--assessment shall--not--exceed--four--dollars--(\$4)--per--year--where--a~~

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~~membership--certificate--includes--within--its--protection--a family--group--consisting--of--two--(2)--or--more--persons. The proceeds--of--such--assessments--shall--be--placed--in--an--expense fund--out--of--which--all--of--the--expenses--of--the--association--for such--year--shall--be--paid. The--association--shall--show--the condition--of--such--expense--fund--in--its--annual--statement.~~

~~(3)--The--association--shall--state--in--its--annual--statement whether--the--expenses--as--to--be--shown--in--its--next--annual statement--will--be--determined--as--in--subsection--(1)--above,--or whether--the--members--will--be--assessed--for--the--same--as--in subsection--(2)--above. No--association--shall--use--both--methods, nor--a--combination--of--such--methods; be--in--a--reasonable--amount and--shall--be--expended--only--for--the--actual--and--necessary business--of--the--association. Expenses--shall--be--itemized--and accounted--for--in--the--annual--statement--of--the--association.~~

NOT EXCEED THE LARGER OF THE FOLLOWING:

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