

SENATE BILL NO. 65

INTRODUCED BY DOVER

IN THE SENATE

January 9, 1981	Introduced and referred to Committee on Taxation.
February 11, 1981	Committee recommend bill do pass as amended. Report adopted.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading, do pass.
February 14, 1981	Correctly engrossed.
February 16, 1981	Third reading, passed. Ayes, 38; Noses, 8. Transmitted to House.

IN THE HOUSE

February 17, 1981	Introduced and referred to Committee on Business and Industry.
March 5, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1981	Second reading, concurred in.
March 11, 1981	Third reading, concurred in as amended. Ayes, 91; Noes, 4.

IN THE SENATE

March 16, 1981	On motion, consideration be passed for the day.
March 17, 1981	Second reading, amendments concurred in.
March 19, 1981	Third reading, amendments concurred in. Ayes, 48; Noes, 0. Sent to enrolling.
March 21, 1981	Correctly enrolled.
	Signed by President.
March 23, 1981	Delivered to Governor.
March 27, 1981	Returned from Governor with recommended amendments.
April 3, 1981	Second reading, Governor's amendments concurred in.
April 6, 1981	Third reading, Governor's amendments concurred in. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

IN THE SENATE

1 *Senate* BILL NO. 85
2 INTRODUCED BY Davis

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE RAFFLE PRIZE
5 RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS,
6 RELIGIOUS CORPORATIONS SOLE, AND OTHER NONPROFIT
7 ORGANIZATIONS WHEN THE PROCEEDS OF A RAFFLE ARE USED FOR
8 CHARITABLE PURPOSES."

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

11 Section 1. Exemption from restrictions -- raffles. The
12 restrictions of 23-5-413 do not apply to raffles conducted
13 by nonprofit corporations, religious corporations sole, or
14 other nonprofit organizations if the proceeds from the sale
15 of the raffle tickets are used only for charitable purposes
16 or to pay for prizes. None of the proceeds may be used for
17 the administrative cost of conducting the raffle.

18 Section 2. Codification instruction. Section 1 is
19 intended to be codified as an integral part of Title 23,
20 chapter 5, part 4, and the provisions of Title 23, chapter
21 5, part 4, apply to section 1.

-End-

INTRODUCED BILL
SB 85

Approved by Committee
on Taxation

1 SENATE BILL NO. 85
2 INTRODUCED BY DOVER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE RAFFLE PRIZE
5 RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS,
6 RELIGIOUS CORPORATIONS SOLELY AND OTHER NONPROFIT
7 ORGANIZATIONS WHEN THE PROCEEDS OF A RAFFLE ARE USED FOR
8 CHARITABLE PURPOSES."

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

11 Section 1. Exemption from restrictions -- raffles. (1)
12 The restrictions of 23-5-413 do not apply to raffles A
13 RAFFLE conducted by nonprofit corporations, religious
14 corporations sole, or other nonprofit organizations if--the
15 WHEN THE CORPORATION OR ORGANIZATION IS LICENSED BY THE
16 BOARD OF COUNTY COMMISSIONERS TO CONDUCT THE RAFFLE.

17 (2) THE ORGANIZATION OR CORPORATION SEEKING THE
18 LICENSE UNDER SUBSECTION (1) MUST APPLY TO THE BOARD OF
19 COUNTY COMMISSIONERS FOR THE LICENSE AND MUST PROVIDE THE
20 FOLLOWING INFORMATION:

21 (A) THE COST AND NUMBER OF RAFFLE TICKETS TO BE SOLD;
22 (B) THE CHARITABLE PURPOSES THE PROCEEDS OF THE RAFFLE
23 ARE INTENDED TO BENEFIT;

24 (C) THE PROPOSED PRIZES AND THEIR VALUE.

25 (3) THE proceeds from the sale of the raffle tickets

1 are TO BE used only for charitable purposes or to pay for
2 prizes. THE RAFFLE PRIZE MUST BE IN TANGIBLE PERSONAL
3 PROPERTY ONLY AND NOT IN MONEY, CASH, STOCK, BONDS, EVIDENCE
4 OF INDEBTEDNESS, OR OTHER INTANGIBLE PERSONAL PROPERTY. None
5 of the proceeds may be used for the administrative cost of
6 conducting the raffle.

7 14) THE CORPORATION OR ORGANIZATION CONDUCTING THE
8 RAFFLE MUST SUBMIT AN ACCOUNTING TO THE BOARD OF COUNTY
9 COMMISSIONERS WITHIN 30 DAYS FOLLOWING THE COMPLETION OF THE
10 RAFFLE. THE PERSON OR PERSONS SUBMITTING THE APPLICATION TO
11 THE BOARD OF COUNTY COMMISSIONERS ALONG WITH THE CORPORATION
12 OR ORGANIZATION CONDUCTING THE RAFFLE SHALL BE RESPONSIBLE
13 FOR SUBMITTING THE ACCOUNTING TO THE BOARD OF COUNTY
14 COMMISSIONERS.

15 Section 2. Codification instruction. Section 1 is
16 intended to be codified as an integral part of Title 23,
17 chapter 5, part 4, and the provisions of Title 23, chapter
18 5, part 4, apply to section 1.

-End-

SENATE BILL NO. 85

INTRODUCED BY DOVER

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE RAFFLE PRIZE
2 RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS,
3 RELIGIOUS CORPORATIONS SOLE, AND OTHER NONPROFIT
4 ORGANIZATIONS WHEN THE PROCEEDS OF A RAFFLE ARE USED FOR
5 CHARITABLE PURPOSES."

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

7 Section 1. Exemption from restrictions -- raffles. (1) The restrictions of 23-5-413 do not apply to ~~raffles~~ A RAFFLE conducted by nonprofit corporations, religious corporations sole, or other nonprofit organizations if -- the WHEN THE CORPORATION OR ORGANIZATION IS LICENSED BY THE BOARD OF COUNTY COMMISSIONERS TO CONDUCT THE RAFFLE.

8 (2) THE ORGANIZATION OR CORPORATION SEEKING THE LICENSE UNDER SUBSECTION (1) MUST APPLY TO THE BOARD OF COUNTY COMMISSIONERS FOR THE LICENSE AND MUST PROVIDE THE FOLLOWING INFORMATION:

9 (a) THE COST AND NUMBER OF RAFFLE TICKETS TO BE SOLD;
10 (b) THE CHARITABLE PURPOSES THE PROCEEDS OF THE RAFFLE ARE INTENDED TO BENEFIT;
11 (c) THE PROPOSED PRIZES AND THEIR VALUE.
12 (3) THE proceeds from the sale of the raffle tickets

13 are to be used only for charitable purposes or to pay for prizes. THE RAFFLE PRIZE MUST BE IN TANGIBLE PERSONAL PROPERTY ONLY AND NOT IN MONEY, CASH, STOCK, BONDS, EVIDENCE OF INDEBTEDNESS, OR OTHER INTANGIBLE PERSONAL PROPERTY. None of the proceeds may be used for the administrative cost of conducting the raffle.

14 (4) THE CORPORATION OR ORGANIZATION CONDUCTING THE RAFFLE MUST SUBMIT AN ACCOUNTING TO THE BOARD OF COUNTY COMMISSIONERS WITHIN 30 DAYS FOLLOWING THE COMPLETION OF THE RAFFLE. THE PERSON OR PERSONS SUBMITTING THE APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS ALONG WITH THE CORPORATION OR ORGANIZATION CONDUCTING THE RAFFLE SHALL BE RESPONSIBLE FOR SUBMITTING THE ACCOUNTING TO THE BOARD OF COUNTY COMMISSIONERS.

15 Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 23, chapter 5, part 4, and the provisions of Title 23, chapter 5, part 4, apply to section 1.

-End-

THIRD READING

SENATE BILL NO. 85
INTRODUCED BY DOVER

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE RAFFLE PRIZE
5 RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS,
6 RELIGIOUS CORPORATIONS SOLELY AND OTHER NONPROFIT
7 ORGANIZATIONS WHEN THE PROCEEDS OF A RAFFLE ARE USED FOR
8 CHARITABLE PURPOSES."

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

11 Section 1. Exemption from restrictions -- raffles. (11)
12 The restrictions of 23-5-413 do not apply to raffles A
13 RAFFLE conducted by nonprofit corporations, religious
14 corporations sole, or other nonprofit organizations if--the
15 WHEN THE CORPORATION OR ORGANIZATION IS LICENSED BY THE
16 BOARD OF COUNTY COMMISSIONERS TO CONDUCT THE RAFFLE. A
17 SEPARATE LICENSE SHALL BE REQUIRED FOR EACH RAFFLE
18 CONDUCTED.

19 12) THE ORGANIZATION OR CORPORATION SEEKING THE
20 LICENSE UNDER SUBSECTION (1) MUST APPLY TO THE BOARD OF
21 COUNTY COMMISSIONERS FOR THE LICENSE AND MUST PROVIDE THE
22 FOLLOWING INFORMATION:

23 (A) THE COST AND NUMBER OF RAFFLE TICKETS TO BE SOLD;
24 (B) THE CHARITABLE PURPOSES THE PROCEEDS OF THE RAFFLE
25 ARE INTENDED TO BENEFIT;

1 1C) THE PROPOSED PRIZES AND THEIR VALUE.
2 131 THE proceeds from the sale of the raffle tickets
3 are TO BE used only for charitable purposes or to pay for
4 prizes. THE RAFFLE PRIZE MUST BE IN TANGIBLE PERSONAL
5 PROPERTY ONLY AND NOT IN MONEY, CASH, STOCK, BONDS, EVIDENCE
6 OF INDEBTEDNESS, OR OTHER INTANGIBLE PERSONAL PROPERTY. None
7 of the proceeds may be used for the administrative cost of
8 conducting the raffle.

17 Section 2. Codification instruction. Section 1 is
18 intended to be codified as an integral part of Title 23,
19 chapter 5, part 4, and the provisions of Title 23, chapter
20 5, part 4, apply to section 1.

-End-

SENATE BILL NO. 85

INTRODUCED BY DOVER

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE RAFFLE PRIZE
5 RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS,
6 RELIGIOUS CORPORATIONS SOLE, AND OTHER NONPROFIT
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TO BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Exemption from restrictions -- raffles. (1)
12 The restrictions of 23-5-413 do not apply to raffles A
13 RAFFLE conducted by A nonprofit corporations CORPORATION,
14 religious corporations CORPORATION sole, or other nonprofit
15 organizations ORGANIZATION if--the WHEN THE CORPORATION OR
16 ORGANIZATION IS LICENSED BY THE BOARD OF COUNTY
17 COMMISSIONERS TO CONDUCT THE RAFFLE. A SEPARATE LICENSE
18 SHALL BE REQUIRED FOR EACH RAFFLE CONDUCTED.

19 (2) THE ORGANIZATION OR CORPORATION SEEKING THE
20 LICENSE UNDER SUBSECTION (1) MUST APPLY TO THE BOARD OF
21 COUNTY COMMISSIONERS FOR THE LICENSE AND MUST PROVIDE THE
22 FOLLOWING INFORMATION:

23 1A1. THE COST AND NUMBER OF RAFFLE TICKETS TO BE SOLD;
24 1B1. THE CHARITABLE PURPOSES THE PROCEEDS OF THE RAFFLE
25 ARE INTENDED TO BENEFIT; AND

1 (C) THE PROPOSED PRIZES AND THEIR VALUE.

2 (3) THE proceeds from the sale of the raffle tickets
3 are TO BE used only for charitable purposes or to pay for
4 prizes. THE RAFFLE PRIZE MUST BE IN TANGIBLE PERSONAL
5 PROPERTY ONLY AND NOT IN MONEY, CASH, STOCK, BONDS, EVIDENCE
6 OF INDEBTEDNESS, OR OTHER INTANGIBLE PERSONAL PROPERTY. None
7 of the proceeds may be used for the administrative cost of
8 conducting the raffle.

17 Section 2. Codification instruction. Section 1 is
18 intended to be codified as an integral part of Title 23,
19 chapter 5, part 4, and the provisions of Title 23, chapter
20 5, part 4, apply to section 1.

- End -

March 4, 1981

The HOUSE BUSINESS AND INDUSTRY COMMITTEE amended Senate Bill 85
as follows:

1. Page 1, Line 16.

Following: "RAFFLE."

Insert: "A separate license shall be required for each raffle
conducted."

March 26, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 85
PROPOSED REFERENCE COPY, AS FOLLOWS:

1. Page 1, line 13.
Following: "By"
Insert: "a"
Following: "nonprofit"
Strike: "corporations"
Insert: "corporation"
2. Page 1, line 14.
Following: line 13
Strike: "corporations"
Insert: "corporation"
Following: "nonprofit"
Strike: "organizations"
Insert: "organization"

State of Montana
Office of the Governor
Helena 59620

TED SCHWINDEN
GOVERNOR

March 26, 1981

The Honorable Robert Marks
Speaker of the House
State Capitol
Helena, Montana 59601

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59601

Dear Representative Marks and Senator Turnage:

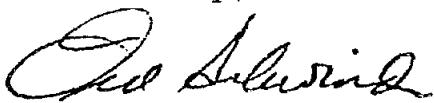
In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill 85, "AN ACT TO MAKE RAFFLE PRIZE RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS, RELIGIOUS CORPORATIONS SOLE, AND OTHER NONPROFIT ORGANIZATIONS WHEN THE PROCEEDS OF A RAFFLE ARE USED FOR CHARITABLE PURPOSES," without my signature and recommend the attached amendments.

Senate Bill 85 intends to exempt a nonprofit corporation religious corporation sole, and other nonprofit organization from the restrictions set forth in Section 23-5-413, MCA, when the proceeds of a raffle are used for charitable purposes. As adopted it is not clear whether a single nonprofit corporation, religious corporation sole, or other nonprofit organization conducting a raffle would benefit from the exemption.

I am proposing amendments so as to ensure that when one or more nonprofit corporations, religious corporations sole, or other nonprofit organizations conduct a raffle, and the proceeds of the raffle are used for charitable purposes, the corporation or organization will be exempt from the restrictions set forth in Section 23-5-413, MCA.

I urge your concurrence in these amendments.

Sincerely,


TED SCHWINDEN
Governor