

HOUSE BILL NO. 63  
INTRODUCED BY KELLER

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 4, 1993	FIRST READING.
JANUARY 13, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 14, 1993	PRINTING REPORT.
JANUARY 16, 1993	SECOND READING, DO PASS.
JANUARY 18, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 81; NOES, 18.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 29, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 30, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 1, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 2, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

## 1 HOUSE BILL NO. 63

2 INTRODUCED BY KELLER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
5 REQUIREMENT FOR A COUNTY PERMIT AND CERTAIN INFORMATION  
6 REQUIREMENTS FOR A RAFFLE CONDUCTED BY A RELIGIOUS  
7 CORPORATION SOLE OR A NONPROFIT ORGANIZATION; AND AMENDING  
8 SECTION 23-5-413, MCA."

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

11 Section 1. Section 23-5-413, MCA, is amended to read:

12 "23-5-413. Raffle prizes -- permits -- exception  
13 exceptions. (1) (a) Except as provided in subsection  
14 subsections (1)(b) and (1)(c), a permit must be issued by  
15 the board of county commissioners for each raffle conducted  
16 within its jurisdiction. The permit must be issued before  
17 the raffle may be conducted. The--board--of--county  
18 commissioners--may--not--charge--a--permit--fee--or--an  
19 investigative--fee--for--a--raffle--conducted-by-a-religious  
20 corporation--sole--or--a--nonprofit--organization--if--the  
21 organization--presents--sufficient--documentation--of--its  
22 nonprofit-status-

23 (b) If tickets for a raffle are to be sold in more than  
24 one county, a permit must be obtained only in the county  
25 where the winners of the raffle are to be determined.

1 (c) If a raffle is to be conducted by a religious  
2 corporation sole or a nonprofit organization, a county  
3 permit is not required.

4 (2) Except for a religious corporation sole or a  
5 nonprofit organization, a person or organization conducting  
6 a raffle shall own all prizes to be awarded as part of the  
7 raffle before the sale of any tickets.

8 (3) A person who has conducted a raffle must submit an  
9 accounting to the board of county commissioners within 30  
10 days following the completion of the raffle.

11 (4) The sale of raffle tickets authorized by this part  
12 is restricted to events and participants within the  
13 geographic confines of the state.

14 (5) The value of a prize awarded for an individual  
15 ticket for a raffle conducted by a person or an  
16 organization, other than a religious corporation sole or a  
17 nonprofit organization, may not exceed \$5,000. The prize may  
18 be in the form of cash, other intangible personal property,  
19 tangible personal property, or real property. Prizes may not  
20 be combined in any manner to increase the ultimate value of  
21 the prize awarded for each ticket.

22 (6) (a) ~~in-addition-to-complying-with-the--requirements~~  
23 ~~of-subsections-(1)-through-(5),-a-religious-corporation-sole~~  
24 ~~or--a--nonprofit--organization--as-defined-in-23-5-112-shall~~  
25 ~~provide-the-following-information-to--the--board--of--county~~

1 ~~commissioners-when-applying-for-a-raffle-permit-~~

2 ~~{i}--the-cost-and-number-of-raffle-tickets-to-be-sold,~~

3 ~~{ii}--the--charitable-purposes-the-proceeds-of-the-raffle~~

4 ~~are-intended-to-benefit,-and~~

5 ~~{iii}--the-proposed-prizes-and-their-value. A religious~~

6 corporation sole or a nonprofit organization shall comply

7 with the requirements in subsections (3) and (4).

8 (b) The proceeds from the sale of tickets for a raffle  
9 conducted by a religious corporation sole or a nonprofit  
10 organization may be used only for charitable purposes or to  
11 pay for prizes. Proceeds may not be used for the  
12 administrative cost of conducting the raffle.

13 (c) The value of a prize awarded for an individual  
14 ticket for a raffle conducted by a religious corporation  
15 sole or a nonprofit organization may equal or exceed \$5,000  
16 if the prize is in the form of tangible personal property.  
17 If the value of the prize is less than \$5,000, the prize may  
18 be in the form of cash, other intangible personal property,  
19 tangible personal property, or real property."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0063, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to eliminate the requirement for a county permit and certain information requirements for a raffle conducted by a religious corporation sole or nonprofit organization.

ASSUMPTIONS:

1. There is no impact on any state agency.

FISCAL IMPACT: none

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: There is little local impact. The bill relieves county commissioners of the need to issue raffle permits; however, according to the Department of Commerce, few counties have been asked for such permits. The dollar impact cannot be determined.

David M Lewis 1-7-93  
DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

Vernon Keller 1/8/93  
Vernon Keller, PRIMARY SPONSOR DATE

Fiscal Note for HB0063, as introduced

HB 63

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 63  
INTRODUCED BY KELLER

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
REQUIREMENT FOR A COUNTY PERMIT AND CERTAIN INFORMATION  
REQUIREMENTS FOR A RAFFLE CONDUCTED BY A RELIGIOUS  
CORPORATION SOLE OR A NONPROFIT ORGANIZATION; AND AMENDING  
SECTION 23-5-413, MCA."

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

**Section 1.** Section 23-5-413, MCA, is amended to read:

"23-5-413. Raffle prizes -- permits -- exception  
exceptions. (1) (a) Except as provided in subsection  
subsections (1)(b) and (1)(c), a permit must be issued by  
the board of county commissioners for each raffle conducted  
within its jurisdiction. The permit must be issued before  
the raffle may be conducted. The--board--of--county  
commissioners--may--not--charge--a--permit--fee--or--an  
investigative--fee--for--a--raffle--conducted-by-a-religious  
corporation--sole--or--a--nonprofit--organization---if---the  
organization---presents---sufficient--documentation--of--its  
nonprofit-status-

(b) If tickets for a raffle are to be sold in more than  
one county, a permit must be obtained only in the county  
where the winners of the raffle are to be determined.

(c) If a raffle is to be conducted by a religious  
corporation sole or a nonprofit organization, AS DEFINED IN  
23-5-112, a county permit is not required.

(2) Except for a religious corporation sole or a  
nonprofit organization, a person or organization conducting  
a raffle shall own all prizes to be awarded as part of the  
raffle before the sale of any tickets.

(3) A person who has conducted a raffle must submit an  
accounting to the board of county commissioners within 30  
days following the completion of the raffle.

(4) The sale of raffle tickets authorized by this part  
is restricted to events and participants within the  
geographic confines of the state.

(5) The value of a prize awarded for an individual  
ticket for a raffle conducted by a person or an  
organization, other than a religious corporation sole or a  
nonprofit organization, may not exceed \$5,000. The prize may  
be in the form of cash, other intangible personal property,  
tangible personal property, or real property. Prizes may not  
be combined in any manner to increase the ultimate value of  
the prize awarded for each ticket.

(6) (a) ~~in-addition-to-complying-with-the--requirements  
of-subsections-(1)-through-(5), a religious corporation sole  
or--a--nonprofit--organization--as-defined-in-23-5-112-shall  
provide-the-following-information-to--the--board--of--county~~

1 ~~commissioners when applying for a raffle permit:~~

2 ~~(i) the cost and number of raffle tickets to be sold;~~

3 ~~(ii) the charitable purposes the proceeds of the raffle~~  
4 ~~are intended to benefit; and~~

5 ~~(iii) the proposed prizes and their value.~~ A religious  
6 corporation sole or a nonprofit organization shall comply  
7 with the requirements in subsections (3) and (4).

8 (b) The proceeds from the sale of tickets for a raffle  
9 conducted by a religious corporation sole or a nonprofit  
10 organization may be used only for charitable purposes or to  
11 pay for prizes. Proceeds may not be used for the  
12 administrative cost of conducting the raffle.

13 (c) The value of a prize awarded for an individual  
14 ticket for a raffle conducted by a religious corporation  
15 sole or a nonprofit organization may equal or exceed \$5,000  
16 if the prize is in the form of tangible personal property.  
17 If the value of the prize is less than \$5,000, the prize may  
18 be in the form of cash, other intangible personal property,  
19 tangible personal property, or real property."

-End-

HOUSE BILL NO. 63

INTRODUCED BY KELLER

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT FOR A COUNTY PERMIT AND CERTAIN INFORMATION REQUIREMENTS FOR A RAFFLE CONDUCTED BY A RELIGIOUS CORPORATION SOLE OR A NONPROFIT ORGANIZATION; AND AMENDING SECTION 23-5-413, MCA."

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

**Section 1.** Section 23-5-413, MCA, is amended to read:

"23-5-413. Raffle prizes -- permits -- exception exceptions. (1) (a) Except as provided in subsection subsections (1)(b) and (1)(c), a permit must be issued by the board of county commissioners for each raffle conducted within its jurisdiction. The permit must be issued before the raffle may be conducted. The--board-of--county commissioners--may--not--charge--a--permit--fee--or--an investigative--fee--for--a--raffle--conducted-by-a-religious corporation--sole--or--a--nonprofit--organization--if--the organization--presents--sufficient--documentation--of--its nonprofit-status.

(b) If tickets for a raffle are to be sold in more than one county, a permit must be obtained only in the county where the winners of the raffle are to be determined.

(c) If a raffle is to be conducted by a religious corporation sole or a nonprofit organization, AS DEFINED IN 23-5-112, a county permit is not required.

(2) Except for a religious corporation sole or a nonprofit organization, a person or organization conducting a raffle shall own all prizes to be awarded as part of the raffle before the sale of any tickets.

(3) A person who has conducted a raffle must submit an accounting to the board of county commissioners within 30 days following the completion of the raffle.

(4) The sale of raffle tickets authorized by this part is restricted to events and participants within the geographic confines of the state.

(5) The value of a prize awarded for an individual ticket for a raffle conducted by a person or an organization, other than a religious corporation sole or a nonprofit organization, may not exceed \$5,000. The prize may be in the form of cash, other intangible personal property, tangible personal property, or real property. Prizes may not be combined in any manner to increase the ultimate value of the prize awarded for each ticket.

(6) (a) In-addition-to-complying-with-the--requirements of-subsections-(1)-through-(5),-a-religious-corporation-sole or--a--nonprofit--organization--as-defined-in-23-5-112-shall provide-the-following-information-to--the--board-of--county

1 ~~commissioners-when-applying-for-a-raffle-permit:~~

2 ~~{i}--the-cost-and-number-of-raffle-tickets-to-be-sold;~~

3 ~~{ii}-the-charitable-purposes-the-proceeds-of-the-raffle~~

4 ~~are-intended-to-benefit;-and~~

5 ~~{iii}-the-proposed-prizes-and-their-value. A religious~~

6 ~~corporation sole or a nonprofit organization shall comply~~

7 ~~with the requirements in subsections (3) and (4).~~

8 (b) The proceeds from the sale of tickets for a raffle  
9 conducted by a religious corporation sole or a nonprofit  
10 organization may be used only for charitable purposes or to  
11 pay for prizes. Proceeds may not be used for the  
12 administrative cost of conducting the raffle.

13 (c) The value of a prize awarded for an individual  
14 ticket for a raffle conducted by a religious corporation  
15 sole or a nonprofit organization may equal or exceed \$5,000  
16 if the prize is in the form of tangible personal property.  
17 If the value of the prize is less than \$5,000, the prize may  
18 be in the form of cash, other intangible personal property,  
19 tangible personal property, or real property."

-End-



## 1 HOUSE BILL NO. 63

2 INTRODUCED BY KELLER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
5 REQUIREMENT FOR A COUNTY PERMIT AND CERTAIN INFORMATION  
6 REQUIREMENTS FOR A RAFFLE CONDUCTED BY A RELIGIOUS  
7 CORPORATION SOLE OR A NONPROFIT ORGANIZATION; AND AMENDING  
8 SECTION 23-5-413, MCA."

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

11 Section 1. Section 23-5-413, MCA, is amended to read:

12 "23-5-413. Raffle prizes -- permits -- exception  
13 exceptions. (1) (a) Except as provided in subsection  
14 subsections (1)(b) and (1)(c), a permit must be issued by  
15 the board of county commissioners for each raffle conducted  
16 within its jurisdiction. The permit must be issued before  
17 the raffle may be conducted. The--board--of--county  
18 commissioners--may--not--charge---a---permit---fee---or---an  
19 investigative--fee--for--a--raffle--conducted-by-a-religious  
20 corporation--sole--or--a--nonprofit--organization---if---the  
21 organization---presents---sufficient--documentation--of---its  
22 nonprofit-status-

23 (b) If tickets for a raffle are to be sold in more than  
24 one county, a permit must be obtained only in the county  
25 where the winners of the raffle are to be determined.

1 (c) If a raffle is to be conducted by a religious  
2 corporation sole or a nonprofit organization, AS DEFINED IN  
3 23-5-112, a county permit is not required.

4 (2) Except for a religious corporation sole or a  
5 nonprofit organization, a person or organization conducting  
6 a raffle shall own all prizes to be awarded as part of the  
7 raffle before the sale of any tickets.

8 (3) A person who has conducted a raffle must submit an  
9 accounting to the board of county commissioners within 30  
10 days following the completion of the raffle.

11 (4) The sale of raffle tickets authorized by this part  
12 is restricted to events and participants within the  
13 geographic confines of the state.

14 (5) The value of a prize awarded for an individual  
15 ticket for a raffle conducted by a person or an  
16 organization, other than a religious corporation sole or a  
17 nonprofit organization, may not exceed \$5,000. The prize may  
18 be in the form of cash, other intangible personal property,  
19 tangible personal property, or real property. Prizes may not  
20 be combined in any manner to increase the ultimate value of  
21 the prize awarded for each ticket.

22 (6) (a) ~~in-addition-to-complying-with-the-requirements~~  
23 ~~of-subsections-(1)-through-(5), a religious corporation sole~~  
24 ~~or-a-nonprofit-organization-as-defined-in-23-5-112-shall~~  
25 ~~provide-the-following-information-to-the-board-of-county~~

1 ~~commissioners when applying for a raffle permit:~~

2 ~~{i}--the cost and number of raffle tickets to be sold;~~

3 ~~{ii}--the charitable purposes the proceeds of the raffle~~  
4 ~~are intended to benefit; and~~

5 ~~{iii}--the proposed prizes and their value.~~ A religious  
6 corporation sole or a nonprofit organization shall comply  
7 with the requirements in subsections (3) and (4).

8 (b) The proceeds from the sale of tickets for a raffle  
9 conducted by a religious corporation sole or a nonprofit  
10 organization may be used only for charitable purposes or to  
11 pay for prizes. Proceeds may not be used for the  
12 administrative cost of conducting the raffle.

13 (c) The value of a prize awarded for an individual  
14 ticket for a raffle conducted by a religious corporation  
15 sole or a nonprofit organization may equal or exceed \$5,000  
16 if the prize is in the form of tangible personal property.  
17 If the value of the prize is less than \$5,000, the prize may  
18 be in the form of cash, other intangible personal property,  
19 tangible personal property, or real property."

-End-