

HOUSE BILL NO. 68
INTRODUCED BY C. KAUFMANN
BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A REGISTRATION SYSTEM FOR CHARITIES; PROVIDING PENALTIES FOR FAILURE TO REGISTER; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Registration of Charities Act."

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) (a) "Charity" means any public benefit company registered with the secretary of state or any person or entity seeking donations in Montana for the benefit of others.

(b) The term does not include governmental entities or political entities that are registered with the commissioner of political practices.

(2) "Department" means the department of justice provided for in 2-15-2001.

(3) "Seeking donations" means requests for a gift of cash, services, or goods.

(4) "Unified registration statement" means the multistate form designed by the national association of attorneys general and the national association of state charity officials.

NEW SECTION. **Section 3. Registration requirement -- rules.** (1) Each charity shall fill out and file the unified registration statement with the department every year within 4 1/2 months of the end of the fiscal year.

(2) The department may adopt rules to set other requirements for registration. The rules may include the filing of additional documents and a filing fee that is commensurate with the costs of administering [sections 1 through 4].

NEW SECTION. **Section 4. Failure to register.** A charity that fails to register or comply with the requirements of [sections 1 through 4] is liable for a civil penalty of \$5 for each day in which the charity is not

registered, not to exceed a total of \$1,000 for each year that the charity transacts business in this state without a certificate of registration. The attorney general may collect all penalties due under this section.

NEW SECTION. **Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 4].

NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2008.

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