

1 SENATE BILL NO. 307

2 INTRODUCED BY M. NOLAND

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NONPROFIT CORPORATION AND CHARITABLE
5 TRUST LAWS; AND PROHIBITING STATE AGENCIES OR STATE OFFICIALS FROM IMPOSING
6 REQUIREMENTS NOT AUTHORIZED BY LAW."

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

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10 **NEW SECTION. Section 1. Limit on nonprofit corporation requirements.** (1) Except as provided
11 in subsection (2), a state agency or state official may not impose any annual filing or reporting requirements on
12 a any nonprofit corporation with tax-exempt status pursuant to 26 U.S.C. 501(c)(3), as of February 21, 2023,
13 that are more stringent, restrictive, or expansive than the requirements authorized under Montana law.

14 (2) Subsection (1) does not apply to state grants and contracts, fraud investigations, or
15 enforcement actions against specific nonprofit corporations.

16
17 **NEW SECTION. Section 2. Limit on charitable trust requirement.** (1) Except as provided in
18 subsections (2) and (3), a state agency or state official may not impose any annual filing or reporting
19 requirements on a charitable trust that are more stringent, restrictive, or expansive than the requirements
20 authorized under Montana law.

21 (2) Subsection (1) does not apply to state grants and contracts, fraud investigations, or
22 enforcement actions against specific charitable trusts.

23 (3) Subsection (1) may not be construed to impact the authority of the attorney general to act as a
24 qualified beneficiary for a charitable trust pursuant to 72-38-221.

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26 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an
27 integral part of Title 35, chapter 2, and the provisions of Title 35, chapter 2, apply to [section 1].

28 (2) [Section 2] is intended to be codified as an integral part of Title 72, and the provisions of Title

Amendment - 1st Reading-white - Requested by: Mark Noland - (S) Judiciary

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0307.001.001

1 72 apply to [section 2].

2 - END -

AMEND