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SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
REGULAR SESSION, 1989



**ENROLLED**

*Committee Substitute for*  
SENATE BILL NO. 572

(By Senator Jackson M. President)



PASSED April 6, 1989

In Effect from Passage

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 572**

(BY SENATOR TUCKER, MR. PRESIDENT)

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[Passed April 6, 1989; in effect from passage.]

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AN ACT to amend and reenact section six, article nineteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; relating to the exemption of certain charitable organizations from filing annual registration statements with the secretary of state provided that each such charitable organization does not employ professional solicitors or fund-raisers or does not intend to solicit and receive and does not actually raise or receive contributions in excess of ten thousand dollars; and changing the statement printed on solicitation materials relating to the source for documents.

*Be it enacted by the Legislature of West Virginia:*

That section six, article nineteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. SOLICITATION OF CHARITABLE FUNDS ACT.**

**§29-19-6. Certain persons and organizations exempt from registration.**

1 (a) The following charitable organizations shall not  
2 be required to file an annual registration statement  
3 with the secretary of state:

4 (1) Educational institutions, the curriculums of  
5 which in whole or in part are registered or approved  
6 by the state board of education, either directly or by  
7 acceptance of accreditation by an accrediting body  
8 recognized by the state board of education; and any  
9 auxiliary associations, foundations and support groups  
10 which are directly responsible to any such educational  
11 institutions;

12 (2) Persons requesting contributions for the relief of  
13 any individual specified by name at the time of the  
14 solicitation when all of the contributions collected  
15 without any deductions whatsoever are turned over to  
16 the named beneficiary for his or her use;

17 (3) Hospitals which are nonprofit and charitable;

18 (4) Organizations which solicit only within the  
19 membership of the organization by the members  
20 thereof: *Provided*, That the term "membership" shall  
21 not include those persons who are granted a member-  
22 ship upon making a contribution as the result of  
23 solicitation. For the purpose of this section, "member"  
24 means a person having membership in a nonprofit  
25 corporation, or other organization, in accordance with  
26 the provisions of its articles of incorporation, bylaws or  
27 other instruments creating its form and organization;  
28 and, having bona fide rights and privileges in the  
29 organization, such as the right to vote, to elect officers,  
30 directors and issues, to hold office or otherwise as  
31 ordinarily conferred on members of such organizations;

32 (5) Religious organizations, churches or any group  
33 affiliated with and forming an integral part of these  
34 organizations of which no part of the net income  
35 inures to the direct benefits of any individual and  
36 which have received a declaration of current tax-

37 exempt status from the government of the United  
38 States.

39 (b) The following charitable organizations are  
40 exempt from filing an annual registration statement  
41 with the secretary of state if they do not employ a  
42 professional solicitor or fund-raiser or do not intend to  
43 solicit and receive and do not actually raise or receive  
44 contributions from the public in excess of ten thou-  
45 sand dollars during a calendar year:

46 (1) Local youth athletic organizations: *Provided*, That  
47 such organizations may solicit and receive contribu-  
48 tions from the public in excess of ten thousand dollars  
49 during a calendar year and still be exempt from filing  
50 an annual registration statement;

51 (2) Community civic clubs;

52 (3) Community service clubs;

53 (4) Fraternal organizations;

54 (5) Labor unions;

55 (6) Local posts, camps, chapters or similarly desig-  
56 nated elements or county units of such elements of  
57 bona fide veterans organizations or auxiliaries which  
58 issue charters to such local elements throughout the  
59 state;

60 (7) Bona fide organizations of volunteer firemen or  
61 auxiliaries;

62 (8) Bona fide ambulance associations or auxiliaries;

63 (9) Bona fide rescue squad associations or auxiliaries.

64 Charitable organizations which do not intend to  
65 solicit and receive in excess of ten thousand dollars,  
66 but do receive in excess of that amount from the  
67 public, shall file the annual registration statement  
68 within thirty days after contributions are in excess of  
69 ten thousand dollars.

70 (c) Every printed solicitation shall include the  
71 following statement: "West Virginia residents may  
72 obtain a summary of the registration and financial

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73 documents from the secretary of state, state capitol,  
74 Charleston, West Virginia 25305. Registration does not  
75 imply endorsement.”

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick L. Parker*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Todd C. Nichol*  
.....  
Clerk of the Senate

*Donald L. Hogg*  
.....  
Clerk of the House of Delegates

*Samuel L. Tucker*  
.....  
President of the Senate

*Robert H. ...*  
.....  
Speaker House of Delegates

The within *is approved* this the *24th* day of *April* 1989.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/89

Time 4:54