WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Committee Substitute
SENATE BILL NO. 572

(By Senator [Signature])

PASSED April 6, 1989
In Effect from Passage
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.

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

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

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

(3) Hospitals which are nonprofit and charitable;

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

(5) Religious organizations, churches or any group affiliated with and forming an integral part of these organizations of which no part of the net income inures to the direct benefits of any individual and which have received a declaration of current tax-
exempt status from the government of the United States.

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

(1) Local youth athletic organizations: Provided, That such organizations may solicit and receive contributions from the public in excess of ten thousand dollars during a calendar year and still be exempt from filing an annual registration statement;

(2) Community civic clubs;

(3) Community service clubs;

(4) Fraternal organizations;

(5) Labor unions;

(6) Local posts, camps, chapters or similarly designated elements or county units of such elements of bona fide veterans organizations or auxiliaries which issue charters to such local elements throughout the state;

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

(8) Bona fide ambulance associations or auxiliaries;

(9) Bona fide rescue squad associations or auxiliaries.

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

(c) Every printed solicitation shall include the following statement: "West Virginia residents may obtain a summary of the registration and financial
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documents from the secretary of state, state capitol,
Charleston, West Virginia 25305. Registration does not imply endorsement."
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker  
Chairman Senate Committee

Bernard N. Kelly  
Chairman House Committee

Originated in the Senate.

In effect from passage.

Todd C. Nick  
Clerk of the Senate

Hershel T. Woop  
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Gaston Caperton  
Governor