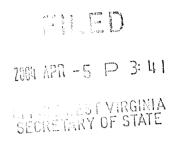
2004 APR -5 P 3: 39

OFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE Regular Session, 2004

ENROLLED

	LL NO. <u>480</u>
By Senator _	Caldwell)
PASSED	March 13, 2004



ENROLLED Senate Bill No. 480

(By Senator Caldwell)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §29-19-6 of the code of West Virginia, 1931, as amended, relating to exempting nonprofit licensed nursing homes from registration under the solicitation of charitable funds act.

Be it enacted by the Legislature of West Virginia:

That §29-19-6 of the code of West Virginia, 1931, 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 The following charitable organizations shall not be
- 2 required to file an annual registration statement with the
- 3 secretary of state:
- 4 (1) Educational institutions, the curriculums of which, in
- 5 whole or in part, are registered or approved by the state
- 6 board of education, either directly or by acceptance of
- 7 accreditation by an accrediting body recognized by the

- state board of education; and any auxiliary associations,
- 9 foundations and support groups which are directly respon-
- 10 sible to any such educational institutions;
- 11 (2) Persons requesting contributions for the relief of any
- 12 individual specified by name at the time of the solicitation
- 13 when all of the contributions collected without any
- 14 deductions whatsoever are turned over to the named
- 15 beneficiary for his or her use;
- 16 (3) Hospitals and licensed nursing homes which are
- nonprofit and charitable; 17
- 18 (4) Organizations which solicit only within the member-
- ship of the organization by the members thereof: Pro-19
- 20 vided, That the term "membership" shall not include those
- persons who are granted a membership upon making a 21
- 22 contribution as the result of solicitation. For the purpose
- 23 of this section, "member" means a person having member-
- 24 ship in a nonprofit corporation, or other organization, in
- 25 accordance with the provisions of its articles of incorpora-
- 26 tion, bylaws or other instruments creating its form and
- 27 organization; and having bona fide rights and privileges in
- the organization, such as the right to vote, to elect officers, 28
- directors and issues, to hold office or otherwise as ordi-29
- 30 narily conferred on members of such organizations;
- 31 (5) Churches, synagogues, associations or conventions of
- 32 churches, religious orders or religious organizations that
- 33 are an integral part of a church which qualifies as tax
- exempt under the provisions of 26 U.S.C. §501(c)(3) and 34
- 35 which qualifies as being exempt from filing an annual
- return under the provisions of 26 U.S.C. §6033; 36
- 37 (6) Any person, firm, corporation or organization that
- 38 sponsors a single fund-raising event for the benefit of a
- 39 named charitable organization where all or part of the
- 40 funds collected are donated to the named charitable
- 41 organization: Provided. That the named charitable
- 42 organization receiving the funds is registered pursuant to

- 43 this article, reports each of these donations individually
- 44 and certifies that no funds were withheld by the organiza-
- 45 tion that solicited the funds;
- 46 (7) Any charitable organization that does not employ a 47 professional solicitor or fund-raiser and does not intend to 48 solicit and receive and does not actually raise or receive 49 contributions from the public in excess of twenty-five 50 thousand dollars during a calendar year.
- Charitable organizations which do not intend to solicit and receive in excess of twenty-five 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 twenty-five thousand dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Chairman Senate Committee
(100) Bulker Chairman House Committee
Originated in the Senate.
In effect ninety days from passage. Clerk of the Senate
Clerk of the House of Delegates
President of the Senate
Speaker House of Delegates
The within 10 0000000000000000000000000000000000
Day of

Governor

PRESENTED TO THE

GOVERNOR DATE 399/04 TIME 4.05/1