

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 480

(By Senator Caldwell)

PASSED March 13, 2004

In Effect 90 days from Passage

FILED

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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

8 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
17 nonprofit and charitable;

18 (4) Organizations which solicit only within the member-
19 ship of the organization by the members thereof: *Pro-*
20 *vided*, That the term "membership" shall not include those
21 persons who are granted a membership upon making a
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
28 the organization, such as the right to vote, to elect officers,
29 directors and issues, to hold office or otherwise as ordi-
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
34 exempt under the provisions of 26 U. S. C. §501(c)(3) and
35 which qualifies as being exempt from filing an annual
36 return under the provisions of 26 U. S. C. §6033;

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.

51 Charitable organizations which do not intend to solicit
52 and receive in excess of twenty-five thousand dollars, but
53 do receive in excess of that amount from the public, shall
54 file the annual registration statement within thirty days
55 after contributions are in excess of twenty-five thousand
56 dollars.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within is approved this the 5th
Day of April, 2004.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/04

TIME 4:05 pm