

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4714

BY DELEGATES HOWELL, C. MARTIN AND ELLINGTON

(BY REQUEST OF THE WEST VIRGINIA SECRETARY OF STATE)

[Introduced February 06, 2020; Referred to the
Committee on Government Organization.]

1 A BILL to amend and reenact §29-19-6 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the monetary threshold for requiring nonprofit organizations to register as a
3 charitable organization to be consistent with the United States Internal Revenue Service
4 and other states;

Be it enacted by the Legislature of West Virginia:

ARTICLE 19. SOLICITATION OF CHARITABLE FUNDS ACT.

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

1 The following charitable organizations are not required to file an annual registration
2 statement with the Secretary of State:

3 (1) Educational institutions, the curriculums of which, in whole or in part, are registered or
4 approved by the State Board of Education, either directly or by acceptance of accreditation by an
5 accrediting body recognized by the State Board of Education; and any auxiliary associations,
6 foundations and support groups which are directly responsible to the educational institutions;

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

10 (3) Hospitals and licensed nursing homes which are nonprofit and charitable;

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

19 (5) Churches, synagogues, associations or conventions of churches, religious orders or
20 religious organizations that are an integral part of a church which qualifies as tax exempt under
21 the provisions of 26 U.S.C. §501(c)(3) and which qualifies as being exempt from filing an annual
22 return under the provisions of 26 U.S.C. §6033;

23 (6) Any person, firm, corporation or organization that sponsors a single fund-raising event
24 for the benefit of a named charitable organization where all or part of the funds collected are
25 donated to the named charitable organization: *Provided*, That the named charitable organization
26 receiving the funds is registered pursuant to this article, reports each of these donations
27 individually and certifies that no funds were withheld by the organization that solicited the funds;
28 and

29 (7) (A) Any charitable organization that does not employ a professional solicitor or
30 fundraiser and does not intend to solicit and receive and does not actually raise or receive
31 contributions, donations or grants from the public in excess of ~~\$25,000~~ \$50,000 during a calendar
32 year.

33 (B) Charitable organizations which do not intend to solicit and receive contributions,
34 donations or grants in excess of ~~\$25,000~~ \$50,000, but do receive in excess of that amount from
35 the public, shall file the annual registration statement within 30 days after contributions are in
36 excess of ~~\$25,000~~ \$50,000.

NOTE: The purpose of this bill is to increase the monetary threshold for requiring nonprofit organizations to register as a charitable organization, to be consistent with the United States Internal Revenue Service and other states.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.