

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Walsh, Marian (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to charities in Massachusetts.

PETITION OF:

NAME:

Walsh, Marian (SEN)

DISTRICT/ADDRESS:

Suffolk and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01036 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CHARITIES IN MASSACHUSETTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8F of chapter 12 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting after the word “require”, in line 6, the following
3 words: - , including, but not limited to the address of each parcel of real property owned by the
4 public charity and any related organization.

5 SECTION 2. Section 8F of chapter 12 of the General Laws, as so appearing, is hereby amended
6 by striking out the fifth paragraph.

7 SECTION 3. Section 8F of chapter 12 of the General Laws, as so appearing, is hereby amended
8 by inserting at the end thereof the following paragraph:-

9 For the purposes of this section, a related organization means:

10 (a) Any entity, whether for profit or nonprofit, which the public charity directly or indirectly
11 owns, or which directly or indirectly owns the public charity. "Owns," means directly or
12 indirectly holding more than 50% of voting membership rights or voting stock;

13 (b) Any entity, whether for profit or nonprofit, under common control with the public charity.
14 "Control" means over 50% of an entity's directors, trustees, or other members of its governing
15 body are representatives of, or are directly or indirectly controlled by a second entity;

16 (c) Any entity, whether for profit or nonprofit, (i) a purpose of which is to benefit or further the
17 purposes of the reporting organization, or which the reporting organization was established to
18 benefit or further in its purposes and (ii) which engaged in business transactions or business
19 arrangements, including pledges or assignments of collateral and loan guarantees or other
20 contracts of suretyship with the reporting organization, or paid compensation to, an officer,
21 director, trustee or employee of the reporting organization. SECTION 4. Chapter 68 of the
22 General Laws, as so appearing, is hereby amended by striking out section 20 and inserting in
23 place thereof the following section:-

24 Section 20. The following shall not be required to file registration statements with the division
25 or to have a certificate of registration under section nineteen: (1) charitable organizations which
26 do not actually raise or receive contributions from the public in excess of five thousand dollars
27 during a calendar year or do not receive contributions from more than ten persons during a
28 calendar year, if all of their functions, including fund-raising activities, are carried on by persons
29 who are unpaid for their services and if no part of their assets or income inures to the benefit of,
30 or is paid to any officer or member; provided, however, that if the contributions raised from the
31 public, whether or not all is received by any charitable organization during any calendar year, is

32 in excess of five thousand dollars, it shall within thirty days after the date it shall have received
33 total contributions in excess of five thousand dollars, register with and report to the division as
34 required by section nineteen.

35 SECTION 5. Subsection (5) of section 26A of chapter 180 of the General Laws, as so appearing,
36 is hereby amended by striking out, in line 41, the words “a church or religious organization,”.

37 SECTION 6. Section 8F of chapter 12 of the General Laws, as appearing in the 2004 Official
38 Edition, is hereby amended by striking out, in line 13, the words “one hundred thousand” and
39 inserting in place thereof the following words:- “five hundred thousand”.

40 SECTION 7. The second paragraph of section 8F of chapter 12 of the General Laws, as
41 appearing in the 2004 Official Edition, is hereby amended by striking in line 24 the figure
42 “\$500,000” and inserting in place thereof the following figure:- “\$1,000,000”.