
HOUSE BILL 2047

State of Washington 61st Legislature 2009 Regular Session

By Representatives Darneille and Morrell

Read first time 02/06/09. Referred to Committee on Judiciary.

1 AN ACT Relating to charitable organizations; amending RCW
2 19.09.076, 19.09.520, and 19.09.530; adding new sections to chapter
3 19.09 RCW; and adding a new section to chapter 24.03 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A charitable organization that is exempt
6 under RCW 19.09.076(1)(a) must register with the secretary in a form to
7 be prescribed by the secretary if the charitable organization raises
8 more than one thousand dollars in charitable solicitations in any
9 accounting year and engages in solicitations from the general public
10 more than once in any accounting year. The form must include the name,
11 address, and telephone number of the charitable organization; a
12 statement that the charitable organization meets the requirements for
13 the exemption under RCW 19.09.076(1)(a); and other information as
14 determined by the secretary. The form must be signed and dated by the
15 president, treasurer, or other officer of the charitable organization.

16 **Sec. 2.** RCW 19.09.076 and 2007 c 471 s 4 are each amended to read
17 as follows:

18 (1) The application requirements of RCW 19.09.075 do not apply to:

1 (a) Any charitable organization raising less than an amount as set
2 by rule adopted by the secretary in any accounting year when all the
3 activities of the organization, including all fund raising activities,
4 are carried on by persons who are unpaid for their services and no part
5 of the charitable organization's assets or income inures to the benefit
6 of or is paid to any officer or member of the organization. A
7 charitable organization exempt under this subsection must comply with
8 the registration requirements in section 1 of this act;

9 (b) Political organizations; or

10 (c) Appeals for funds on behalf of a specific individual named in
11 the solicitation, but only if all of the proceeds of the solicitation
12 are given to or expended for the direct benefit of that individual.

13 (2) All entities soliciting contributions for charitable purposes
14 shall comply with the requirements of RCW 19.09.100.

15 NEW SECTION. Sec. 3. The secretary shall refer to the attorney
16 general for enforcement any case involving a charitable organization
17 that:

18 (1) Files the registration required under section 1 of this act
19 when the charitable organization does not meet the requirements for the
20 exemption under RCW 19.09.076(1)(a);

21 (2) Is required to file the registration required under section 1
22 of this act and the charitable organization, after notification from
23 the secretary, fails to file the registration within forty-five days
24 following the issuance of the notice; or

25 (3) Fails to comply with the requirements of section 4 of this act.

26 NEW SECTION. Sec. 4. A new section is added to chapter 24.03 RCW
27 to read as follows:

28 A corporation organized under this chapter that is a charitable
29 organization as defined in RCW 19.09.020 must register as a charitable
30 organization in accordance with chapter 19.09 RCW within forty-five
31 days of the issuance of a certificate of incorporation by the secretary
32 of state. At the time the certificate of incorporation is issued, the
33 secretary of state shall notify the corporation of the requirement
34 imposed by this section.

1 NEW SECTION. **Sec. 5.** A governmental entity may not contract with
2 or provide grants to a charitable organization or an organization that
3 holds itself out as a charitable organization unless the governmental
4 entity has determined that the organization is in compliance with the
5 registration requirements of chapter 19.09 RCW. For the purposes of
6 this section, "governmental entity" means any agency, department, or
7 division of the state, or a county, city, town, municipal corporation,
8 quasi-municipal corporation, school district, special purpose district,
9 or other political subdivision of the state.

10 **Sec. 6.** RCW 19.09.520 and 2007 c 471 s 13 are each amended to read
11 as follows:

12 (1) To provide for a charitable organization education program as
13 authorized in RCW 19.09.510, the secretary (~~((may establish))~~) shall
14 charge an additional fee((s)) of ten dollars on original registrations
15 and annual renewals for entities filing with the secretary as
16 organizations pursuant to this chapter.

17 (2) The fee((s)) authorized in this section (~~((are))~~) is in addition
18 to the (~~((existing))~~) fees established under section 8 of this act and
19 other fees established by the secretary in rule for organizations
20 required to register under this chapter.

21 **Sec. 7.** RCW 19.09.530 and 2007 c 471 s 14 are each amended to read
22 as follows:

23 The charitable organization education account is created in
24 (~~((the))~~) the custody of the state ((treasury)) treasurer. All
25 receipts from the fee((s)) authorized in RCW 19.09.520(1) must be
26 deposited into the account. (~~((Moneys in the account may be spent only~~
27 ~~after appropriation.))~~) Expenditures from the account may be used only
28 for the charitable organization education program authorized in RCW
29 19.09.510. Only the secretary may authorize expenditures from the
30 account. The account is subject to allotment procedures under chapter
31 43.88 RCW, but an appropriation is not required for expenditures.

32 NEW SECTION. **Sec. 8.** The secretary of state shall charge and
33 collect:

34 (1) For an original registration of a charitable organization, a
35 fee of fifty dollars for the first year of registration; and

1 (2) For an annual renewal of a charitable organization
2 registration, a renewal fee of forty dollars.

3 NEW SECTION. **Sec. 9.** Sections 1, 3, 5, and 8 of this act are each
4 added to chapter 19.09 RCW.

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