

SENATE NO. 1036

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 Official
2 Edition, is hereby amended by inserting after the word “require”, in line 6, the following words:
3 - , including, but not limited to the address of each parcel of real property owned by the public
4 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
8 amended 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
29 persons who are unpaid for their services and if no part of their assets or income inures to the
30 benefit of, or is paid to any officer or member; provided, however, that if the contributions
31 raised from the public, whether or not all is received by any charitable organization during any
32 calendar year, is in excess of five thousand dollars, it shall within thirty days after the date it
33 shall have received total contributions in excess of five thousand dollars, register with and
34 report to the division as required by section nineteen.

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

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

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42 SECTION 7. The second paragraph of section 8F of chapter 12 of the General Laws, as
43 appearing in the 2004 Official Edition, is hereby amended by striking in line 24 the figure
44 “\$500,000” and inserting in place thereof the following figure:- “\$1,000,000”.