

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2243

By Committee on Judiciary

2-12

1 AN ACT concerning charitable organizations; relating to exemption from
2 registration; animal shelters; amending K.S.A. 2018 Supp. 17-1762 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 17-1762 is hereby amended to read as
7 follows: 17-1762. The following persons shall not be required to register
8 with the secretary of state:

9 (a) State educational institutions under the control and supervision of
10 the state board of regents, unified school districts, educational interlocals,
11 educational cooperatives, area vocational-technical schools, all educational
12 institutions that are accredited by a regional accrediting association or by
13 an organization affiliated with the national commission of accrediting, any
14 foundation having an established identity with any of the aforementioned
15 educational institutions, any other educational institution confining its
16 solicitation of contributions to the student body, alumni, faculty and
17 trustees of such institution, and their families, or a library established
18 under the laws of this state, provided that the annual financial report of
19 such institution or library shall be filed with the attorney general;

20 (b) fraternal, patriotic, social, educational, alumni organizations and
21 historical societies when solicitation of contributions is confined to their
22 membership. This exemption shall be extended to any subsidiary of a
23 parent or superior organization exempted by this subsection where such
24 solicitation is confined to the membership of the subsidiary, parent or
25 superior organization;

26 (c) persons requesting any contributions for the relief or benefit of
27 any individual, specified by name at the time of the solicitation, if the
28 contributions collected are turned over to the named beneficiary, first
29 deducting reasonable expenses for costs of banquets, or social gatherings,
30 if any, provided all fund raising functions are carried on by persons who
31 are unpaid, directly or indirectly, for such services;

32 (d) any charitable organization which does not intend to solicit and
33 receive and does not actually receive contributions in excess of \$10,000
34 during such organization's tax period, as defined by K.S.A. 17-7501, and
35 amendments thereto, if all of such organization's fund-raising functions are
36 carried on by persons who are unpaid for such services. However, if the

1 gross contributions received by such charitable organization during any
2 such tax period is in excess of \$10,000, such organization, within 30 days
3 after the end of such tax period, shall register with the secretary of state as
4 provided in K.S.A. 17-1763, and amendments thereto;

5 (e) any incorporated community chest, united fund, united way or any
6 charitable organization receiving an allocation from an incorporated
7 community chest, united fund or united way;

8 (f) a bona fide organization of volunteer firemen, or a bona fide
9 auxiliary or affiliate of such organization, if all fund-raising activities are
10 carried on by members of such organization or an affiliate thereof and such
11 members receive no compensation, directly or indirectly, therefor;

12 (g) any charitable organization operating a nursery for infants
13 awaiting adoption if all fund-raising activities are carried on by members
14 of such an organization or an affiliate thereof and such members receive
15 no compensation, directly or indirectly, therefor;

16 (h) any corporation established by the federal congress that is
17 required by federal law to submit annual reports of such corporation's
18 activities to congress containing itemized accounts of all receipts and
19 expenditures after being duly audited by the department of defense or
20 other federal department;

21 (i) any girls' club which is affiliated with the girls' club of America, a
22 corporation chartered by congress, if such an affiliate properly files the
23 reports required by the girls' club of America and that the girls' club of
24 America files with the government of the United States the reports
25 required by such federal charter;

26 (j) any boys' club which is affiliated with the boys' club of America, a
27 corporation chartered by congress, if such an affiliate properly files the
28 reports required by the boys' club of America and that the boys' club of
29 America files with the government of the United States the reports
30 required by such federal charter;

31 (k) any corporation, trust or organization incorporated or established
32 for religious purposes, or established for charitable, hospital or educational
33 purposes and engaged in effectuating one or more of such purposes, that is
34 affiliated with, operated by or supervised or controlled by a corporation,
35 trust or organization incorporated or established for religious purposes, or
36 to any other religious agency or organization which serves religion by the
37 preservation of religious rights and freedom from persecution or prejudice
38 or by fostering religion, including the moral and ethical aspects of a
39 particular religious faith;

40 (l) the boy scouts of America and the girl scouts of America,
41 including any regional or local organization affiliated therewith;

42 (m) the young men's christian association and the young women's
43 christian association, including any regional or local organization affiliated

1 therewith;

2 (n) any licensed medical care facility which is organized as a
3 nonprofit corporation under the laws of this state;

4 (o) any licensed community mental health center or licensed mental
5 health clinic;

6 (p) any licensed community center for people with intellectual
7 disability and its affiliates as determined by the Kansas department for
8 aging and disability services;

9 (q) any charitable organization of employees of a corporation whose
10 principal gifts are made to an incorporated community chest, united fund
11 or united way, and whose solicitation is limited to such employees;

12 (r) any community foundation or community trust to which
13 deductible contributions can be made by individuals, corporations, public
14 charities and private foundations, as well as other charitable organizations
15 and governmental agencies for the overall purposes of the foundation or to
16 particular charitable and endowment funds established under agreement
17 with the foundation or trust for the charitable benefit of the people of a
18 specific geographic area and which is a nonprofit organization exempt
19 from federal income taxation pursuant to section 501(a) of the internal
20 revenue code of 1986, as in effect on the effective date of this act, by
21 reason of qualification under section 501(c)(3) of the internal revenue code
22 of 1986, as in effect on the effective date of this act, and which is deemed
23 a publicly supported organization and not a private foundation within the
24 meaning of section 509(a)(1) of the internal revenue code of 1986, as in
25 effect on the effective date of this act;

26 (s) any charitable organization which does not intend to or does not
27 actually solicit or receive contributions from more than 100 persons;

28 (t) any charitable organization the funds of which are used to support
29 an activity of a municipality of this state; ~~and~~

30 (u) the junior league, including any local community organization
31 affiliated therewith; *and*

32 (v) *any charitable organization that is an animal shelter as defined in*
33 **licensed pursuant to K.S.A. 47-1701 et seq., and amendments thereto.**

34 Sec. 2. K.S.A. 2018 Supp. 17-1762 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the statute book.