

Chap. 529 AN ACT ESTABLISHING THE DIVISION OF PUBLIC CHARITIES IN THE DEPARTMENT OF THE ATTORNEY GENERAL, AND DEFINING ITS POWERS AND DUTIES.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide that the division of public charities established herein shall enforce immediately the due application of funds given or appropriated to public charities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 12, new §§ 8A-8I, added.
Definitions.

SECTION 1. Chapter 12 of the General Laws is hereby amended by inserting after section 8 the following nine sections: — *Section 8A*. As used in this section and sections eight B to eight I, inclusive, the following words and phrases shall, unless a different meaning is plainly required by the context, have the following meanings: —

“Director”, the director of public charities appointed pursuant to the provisions of section eight C.

“Division”, the division of public charities established under section eight B.

Division of public charities, established.

Section 8B. There shall be in the department of the attorney general a division of public charities which shall, under the direction and control of the attorney general, perform the duties imposed upon him by the provisions of section eight.

Director.

Section 8C. The executive and administrative head of the division shall be an assistant attorney general designated by the attorney general to act as the director of public charities.

Personnel of division.

Section 8D. The director may appoint and remove, subject to the approval of the attorney general, such accounting, investment, clerical and other experts and assistants as the work of the division may require.

Operation of certain charitable corporations, regulated.

Copy of charter, to be filed with division.

Section 8E. A charitable corporation established, organized or chartered under laws other than those of the commonwealth, except the Grand Army of the Republic, the United Spanish War Veterans, The American Legion, the Disabled American Veterans of the World War, and the Veterans of Foreign Wars of the United States, shall, before engaging in charitable work or raising funds in the commonwealth, file with the division a copy of its charter, articles or certificate of incorporation, certified under the seal of the state or country where such corporation is incorporated, by the secretary of state thereof or by the officer having charge of the original record therein, and a true copy of its constitution and by-laws, and shall also file with the division such other information as may from time to time be required by it. Every officer of such a corporation which fails to comply with the requirements of this section who authorizes or transacts, and every agent of such a corpora-

tion who transacts, business in behalf of such corporation in this commonwealth, shall be punished by a fine of not more than five hundred dollars. Upon an information in equity by the attorney general, the supreme judicial or superior court may restrain the violation of this section by such a corporation or the transaction of any business in its behalf by any officer or agent while such violation continues. Penalty.

Section 8F. The trustee or trustees or the governing board of every public charity, including those referred to in section eight E, shall annually, on or before June first, or on or before the sixtieth day following the end of its fiscal year if its fiscal year shall end in April or May, file with the division a written report for its last preceding fiscal year, or its last preceding calendar year if it has no fiscal year. Such report shall state: the names and addresses of the trustees, or if the public charity is an organization, the name and address of the organization and the names and addresses of the members of its principal governing board and of its principal officers, and if the organization is a corporation, the statute under which it was incorporated; the aggregate value of endowment and other funds, the aggregate value of real estate, and the aggregate value of tangible personal property held and administered by the public charity for charitable, educational, benevolent, humane or philanthropic purposes or for other purposes of public charity, all as shown by the books of the public charity at the end of said fiscal year, and the aggregate income and the aggregate expenditures of the public charity for such fiscal year; provided, however, that a public charity which annually furnishes to interested persons or publishes a financial report containing information as to endowment and other funds, real estate or tangible personal property, income and expenditures required by the preceding sentence, may file a copy of such financial report for any year with the division as its report for such year under this section as to the matters covered by said financial report, and provided, further, that a public charity which is required by law to file accounts in a probate court of the commonwealth may file a copy of such account for any year with the division as its report for such year under this section as to the matters covered by said account. This section shall not apply to any property held for any religious purpose by any public charity, incorporated or unincorporated. There shall be a filing fee of three dollars for each such report, to be paid to the division at the time of filing. In the event that any public charity shall fail for two successive years to file a report as required hereunder, the division may take such action as may be appropriate to compel compliance with the provisions of this section. Annual reports of public charities. contents thereof prescribed.

Section 8G. The attorney general shall be made a party to all judicial proceedings in which he may be interested in the performance of his duties under section eight, and service upon or notice to the director in any such proceeding Fee.

Attorney general to be party to all judicial proceedings.

shall be deemed sufficient service upon or notice to the attorney general.

Powers of division.

Section 8II. Upon application to and with the approval of a judge of a probate court or a justice of the supreme judicial court, the division may at any time examine all the books and records, and investigate the administration of any public charity, and the director may require the attendance and testimony of witnesses, who shall be summoned in the same manner and paid the same fees as witnesses in the superior court. Such witnesses shall be duly sworn and shall give their testimony under the pains and penalties of perjury.

Rules and regulations.

Section 8I. The director shall, with the approval of the governor and council, from time to time formulate such reasonable rules and regulations as may be advisable with reference to the filing of reports under the provisions of section eight F and the conduct of examinations and investigations under the provisions of section eight H, and such rules and regulations shall thereafter govern all such matters.

G. L. (Ter. Ed.), 217, § 19, etc., amended.

SECTION 2. Section 19 of chapter 217 of the General Laws, as most recently amended by section 1 of chapter 354 of the acts of 1948, is hereby further amended by striking out, in lines 5 and 6, the words "department of public welfare and to the attorney general" and inserting in place thereof the words: — division of public charities established by section eight B of chapter twelve.

G. L. (Ter. Ed.), 68, § 15, etc., repealed.

SECTION 3. Section fifteen of chapter sixty-eight of the General Laws, as most recently amended by chapter twenty-three of the acts of nineteen hundred and forty-six, is hereby repealed.

G. L. (Ter. Ed.), 180, § 12, etc., repealed.

SECTION 4. Section twelve of chapter one hundred and eighty of the General Laws, as most recently amended by section two of chapter three hundred and fifty-four of the acts of nineteen hundred and forty-eight, is hereby repealed.

G. L. (Ter. Ed.), 180, § 12A, etc., repealed.

SECTION 5. Section twelve A of said chapter one hundred and eighty, as most recently amended by chapter twenty-five of the acts of nineteen hundred and forty-six, is hereby repealed.

Approved June 1, 1954.

Chap. 530 AN ACT PERMITTING CAMPAIGN CONTRIBUTIONS BY PUBLIC OFFICERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 55, § 13, etc., amended.

Section 13 of chapter 55 of the General Laws, as appearing in section 10 of chapter 537 of the acts of 1946, is hereby amended by inserting after the first paragraph the following paragraph: —

Campaign contributions by public officers, permitted.

Nothing in this section shall be construed to prevent any person holding elective public office from contributing to a candidate or to an elected or non-elected political committee.

Approved June 1, 1954.