

N.D.A.G. Letter to Meier (June 19, 1985)

June 19, 1985

Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, ND 58505

Dear Secretary Meier:

Thank you for your letter of May 22, 1985, regarding whether state political subdivisions are subject to the licensing requirements of the Charitable Organizations Soliciting Contributions Act of N.D.C.C. Ch. 50-22.

Charitable organizations subject to the charitable solicitation licensing requirements are listed in N.D.C.C. §50-22-01 which provides in part:

50-22-01. DEFINITIONS. As used in this chapter unless the context other wise requires:

1. "Charitable organization" means any benevolent, philanthropic, patriotic, or eleemosynary organization or one purporting to be such except organizations soliciting funds for institutions of higher learning, and organizations soliciting funds for churches operating and having a place of worship within the state. [Emphasis supplied.]

The answer to the question of whether state political subdivisions are subject to the charitable solicitation licensure requirements is found in the definitions of benevolent, philanthropic, patriotic and eleemosynary organization.

N.D.C.C. §1-02-02 provides that words used in any statute are to be understood in their ordinary sense. The key provisions of N.D.C.C. §50-22-01 are defined in Webster's New Collegiate Dictionary (1973) as follows: benevolent -- organized for the purpose of doing good; philanthropic -- dispensing or receiving aid from funds set aside for humanitarian purposes; patriotic -- inspired by love or devotion to one's country; eleemosynary -- supported by charity. Id. at 103, 860, 840, and 367.

Clearly, even though a project undertaken by a political subdivision may be described as benevolent, philanthropic, patriotic or eleemosynary in nature, political subdivisions are not included in the definition of charitable organizations. See also 15 Am.Jur.2d Charities 1 et. seq. (1976).

Therefore, it is my opinion that state political subdivisions are not subject to the licensing requirements of the Charitable Organizations Soliciting Contributions Act of N.D.C.C. Ch. 50-22.

Sincerely,

Nicholas J. Spaeth

cv

bcc: Craig Sinclair