STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

FLOOR SUBSTITUTE
FOR
SENATE BILL NO. 929

By: Corn of the Senate

and

Wilt of the House

FLOOR SUBSTITUTE

An Act relating to corporations; amending 18 O.S. 2001, Section 552.3, which relates to the Oklahoma Solicitation of Charitable Contributions Act of 1955; requiring certain organizations to have residents in certain counties under certain circumstances; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 18 O.S. 2001, Section 552.3, is amended to read as follows:

Section 552.3 A. No charitable organization, except those specifically exempt under Section 552.4 of this title, shall solicit or accept contributions from any person in this state by any means whatsoever until the charitable organization shall have registered with the Office of the Secretary of State and filed information, as required by this act, on forms approved by that office. At the time of registration, each charitable organization shall pay a fee of Fifteen Dollars ($15.00), which shall be deposited to the General Revenue Fund of the State Treasury. Registration shall be valid for a period of one (1) year from the date of filing with the Secretary of State, and shall be subject to annual renewal. This registration shall not be deemed to constitute endorsement by the state or by the Secretary of State of the charitable organizations so registered. The information so filed shall be available to the general public as a matter of public record. The forms containing the information

shall be signed and acknowledged by a party duly authorized to sign on behalf of the charitable organization and shall include the following:

1. The legal name of the charitable organization, any other name the organization may be identified as or known as, and any distinctive names the organization uses for purposes of public solicitation;

2. The street address and the mailing address, if different, of the charitable organization;

3. The name and street address of:

   a. each officer, including each principal salaried executive staff officer,

   b. each director,

   c. each trustee,

   d. each person who will have custody of the contributions, and

   e. each person responsible for the distribution of funds collected;

4. The purposes for which the contributions solicited or accepted are to be used; provided, however, no contribution or any portion thereof shall inure to the private benefit of any voluntary solicitor;

5. A copy of Internal Revenue Form 990 as filed by the charitable organization for the most recently completed fiscal year; or, for the initial registration of a newly formed organization, a copy of a letter from the Internal Revenue Service, or other evidence, showing the tax exempt status of the charitable organization;

6. The period of time during which the solicitation is to be conducted;

7. A description of the specific method or methods of solicitation;

8. Whether the solicitation is to be conducted by voluntary unpaid solicitors, by paid solicitors, or both;

9. If in whole or in part by paid solicitors, the name and address of each professional fund-raiser supplying the solicitors, which includes any professional fund-raising counsel who is acting or has agreed to act on behalf of the organization; the basis of payment and the nature of the arrangement, including a copy of the contract or other agreement between the charitable organization and the professional fund-raiser or fund-raising counsel relating to financial compensation or profit to be derived by the fund-raisers or fund-raising counsel, the specific amount or percentage of compensation, or property of any kind or value to be paid or paid to the professional fund-raiser, the percentage value of compensation as compared:

a. to the total contributions received, and

b. to the net amount of the total contributions received; and

10. Additional information as may be deemed necessary and appropriate by the Secretary of State in the public interest or for the specific protection of contributors.

B. Any fraternal or membership organization which solicits contributions from any person of this state by telephone, or contracts with professional fund-raisers to solicit such contributions, shall be required to have at least one member or employee of the fraternal or membership organization residing within the county where the call is received.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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