SENATE FLOOR VERSION
February 25, 2013

SENATE BILL NO. 372 By: Paddack of the Senate

and

Thomsen of the House

An Act relating to the Oklahoma Solicitation of Charitable Contributions Act; amending 18 O.S. 2011, Section 552.3, which relates to registration and information to be filed; modifying information required to be provided by charitable organizations; and providing an effective date.

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

SECTION 1. AMENDATORY 18 O.S. 2011, Section 552.3, is amended to read as follows:

Section 552.3. A. No charitable organization that is either located within this state or that is soliciting contributions from any person in this state, except those specifically exempt under Section 552.4 of this title, shall solicit contributions until the charitable organization shall have registered with the Office of the Secretary of State and filed information, as required by the Oklahoma Solicitation of Charitable Contributions Act, on forms approved by that office. At the time of registration, each charitable organization, except as otherwise provided in this

section, shall pay a fee of Sixty-five Dollars ($65.00). The first Fifteen Dollars ($15.00) of the fee shall be deposited to the credit of the General Revenue Fund of the State Treasury. Thirty-four Dollars ($34.00) of the fee shall be deposited to the credit of the Attorney General Charitable Solicitations Enforcement Revolving Fund and the remaining Sixteen Dollars ($16.00) shall be deposited to the credit of the Secretary of State Charitable Solicitations Revolving Fund. Provided, a charitable organization whose contributions during the previous registration period did not exceed Ten Thousand Dollars ($10,000.00) or if this is the charitable organization's first registration period and the anticipated contributions for the current registration period are not expected to exceed Ten Thousand Dollars ($10,000.00), shall pay a fee of Fifteen Dollars ($15.00) of which Ten Dollars ($10.00) shall be deposited to the credit of the Attorney General Charitable Solicitations Enforcement Revolving Fund and the remaining Five Dollars ($5.00) shall be deposited to the credit of the Secretary of State Charitable Solicitations Revolving Fund. Each charitable organization that is required to register under this act, shall register annually with the Secretary of State by the date that the charitable organization files its Form 990 or by the date, plus extensions, that it is required to file its Form 990, whichever occurs first. Registration shall not be deemed to constitute an endorsement by the state or by the Secretary of State of any charitable organization or the proposed uses of the funds

solicited. The information so filed shall be available to the general public. The charitable organization shall provide the following information on the required forms:

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

2. The mailing address of the charitable organization;

3. The name and mailing address of:

a. each officer, director, trustee, and/or equivalent, and

b. each salaried executive employee of the charitable organization;

4. The name and mailing address of:

a. each professional fundraiser or professional solicitor that will have custody of the contributions, and

b. each person associated with a professional fundraiser, professional solicitor or charitable organization that is directly responsible for the payment and distribution of funds collected;

5. The name and mailing address of each professional fundraising counsel utilized by the charitable organization;

6. For charitable organizations that register for the first time, a statement of whether or not the charitable organization

believes contributions for the first year of registration will exceed Ten Thousand Dollars ($10,000.00);

7. The purposes for which the contributions solicited are to be used;

8. ~~A copy of Form 990 as filed by the charitable organization for the most recently completed fiscal year; or, for~~ For the initial registration of a newly formed charitable organization, a copy of a letter from the Internal Revenue Service, or other evidence, showing that such organization is exempt from federal income taxation; or, for a charitable organization that has not applied for federal income tax exemption with the Internal Revenue Service or is not required to apply for federal income tax exemption, evidence showing that said charitable organization is organized in any state or jurisdiction as a not-for-profit entity;

9. An identification of the period of time or periods during which solicitations are to be conducted, which may be specific periods, estimated or projected time frames, or continuous, and which may involve different periods for different types of solicitations by the same charitable organization;

10. An identification of the specific method or methods of solicitation utilized by the charitable organization and its agents;

11. Whether the solicitation is to be conducted by the following for or on behalf of the charitable organization:

professional fundraisers, employees or volunteers of the charitable organization, and/or others; and

12. If the solicitation is to be conducted in whole or in part by professional fundraisers, the names and addresses of each professional fundraiser involved in the solicitation; the basis of payment or other consideration payable to each professional fundraiser and the nature of the arrangements between the charitable organization and each professional fundraiser, the specific amount, formula or percentage of compensation, or property of any kind or value to be paid or provided to each professional fundraiser; and if payment is based on a percentage, the amount of compensation as a percentage of the total contributions received, and the net amount of the total contributions received (total contributions received, less expenses of solicitation other than amounts payable to any professional fundraiser).

B. In addition to the required information in subsection A of this section, every charitable organization subject to the provisions of the Oklahoma Solicitation of Charitable Contributions Act that has solicited contributions during the previous fiscal year shall provide the following information:

1. The gross amount of the contributions, gifts, grants and other similar amounts received by the charitable organization;

2. The total Program Service Expenses of the charitable organization;

3. The total Management and General Expenses of the charitable organization;

4. The total Fundraising Expenses of the charitable organization; and

5. The aggregate amount paid, or payable, to professional fundraisers and professional fundraising counsel.

C. Any registration form required to be filed under this section shall be executed by signature, without more, of the person or persons signing the form, in which case the signature or signatures shall constitute the affirmation of the signatory, under penalty of perjury, that the signature is that person's act and deed or the act and deed of the organization, and that the facts stated therein are true.

D. If a charitable organization that is registered with the Secretary of State to solicit contributions in this state changes its name or the mailing address of its principal office, or plans to engage in the solicitation of contributions using a name that is not listed on its registration form, then it shall, prior to soliciting any funds in this state using any such name, file with the Secretary of State a statement executed by an authorized officer of the organization setting forth any new name and mailing address along with a fee of Twenty-five Dollars ($25.00). Such fee shall be deposited to the credit of the General Revenue Fund of the State Treasury.

E. Any fraternal or membership organization not based in Oklahoma which solicits contributions from any person of this state by telephone, or contracts with professional fundraisers 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. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
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