

An Act

ENROLLED SENATE
BILL NO. 204

By: Thompson of the Senate

and

Hilbert of the House

An Act relating to the Oklahoma Solicitation of Charitable Contributions Act; amending 18 O.S. 2011, Section 552.2, which relates to definitions; modifying definition of charitable organization; and providing an effective date.

SUBJECT: Oklahoma Solicitation of Charitable Contributions Act

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

SECTION 1. AMENDATORY 18 O.S. 2011, Section 552.2, is amended to read as follows:

Section 552.2. As used in the Oklahoma Solicitation of Charitable Contributions Act:

1. "Person" means any individual, organization, group, association, partnership, corporation, limited liability company, trust, or other entity, except as otherwise provided in Section 552.1 et seq. of this title;

2. "Charitable organization" means any person soliciting contributions in this state, other than a natural person, that is described in Section 501(c) of Title 26 of the United States Code, that solicits contributions as described in this act and that is organized and operated primarily for religious, charitable, scientific, literary, educational, artistic, cultural, economic development, civic improvement, testing for public safety, research,

humanitarian, animal welfare, recreational, or environmental protection purposes; to foster national or international amateur sports competition, but only if no part of its activities involves the provision of athletic facilities or equipment; to prevent cruelty to children, the elderly, identified populations, or animals; to relieve poverty, hunger, or homelessness; to support law enforcement or citizen protection organizations or agencies; or to provide emergency relief. "Charitable organization" shall also include a natural person representing himself or herself as a charitable organization or purporting to act on behalf of a charitable organization;

3. "Contribution" means the promise, gift, donation, payment, pledge, or grant of any money or property of any kind or value, including any contribution for operations, capital, endowment, reserves, dues, memberships, program support, naming opportunities, or other uses. Contribution does not include a payment for goods, services, admission to a museum, performances or programs sold or provided by a charitable organization, if the payment does not exceed the bona fide fair market value of the goods or services provided;

4. "Professional fundraiser" means any person who for compensation or other consideration plans, conducts or manages in this state the solicitation of contributions for or on behalf of any charitable organization, or who engages in the business of or holds himself or herself out to persons in this state as independently engaged in the business of soliciting contributions for such purpose. For purposes of this act, professional fundraiser does not include an employee of a charitable organization who engages in such activities for the charitable organization for which he or she is employed; nor does it include any volunteer who receives no payment, compensation, or remuneration of any kind for soliciting any contributions; provided, a volunteer may receive credit for fulfilling any community service requirement of an educational institution or government agency. In addition, for this purpose consideration does not include incidental benefits that might be received by a noncompensated person, such as meals, supplies, or similar support, and does not include reimbursement for expenses incurred by any noncompensated person in his or her solicitation activities;

5. "Professional solicitor" means any person that is either located within this state or that is soliciting contributions from any person in this state and who is employed or retained for compensation or other consideration by a professional fundraiser to solicit contributions for or on behalf of any charitable organization. Professional solicitor does not include an employee of a charitable organization who is engaged in such activities for the charitable organization for which he or she is employed; nor does it include a volunteer who engages in such activities for the charitable organization for which he or she volunteers if the volunteer receives no payment, compensation or remuneration of any kind for soliciting any contributions; provided, a volunteer may receive credit for fulfilling any community service requirement of an educational institution or government agency. In addition, for this purpose consideration does not include incidental benefits that might be received by a noncompensated person, such as meals, supplies, or similar support, and does not include reimbursement for expenses incurred by any noncompensated person in his or her solicitation activities;

6. "Professional fundraising counsel" means any person that provides, for compensation or other consideration, services, including planning, organizing or managing any solicitation, to a charitable organization, as long as such person does not:

- a. directly or indirectly solicit contributions alone or through its employees and agents, or
- b. accept, receive, hold, have access to, maintain, manage, invest, or control any contribution generated by the solicitation activity.

However, professional fundraising counsel does not include an employee or volunteer of a charitable organization who is providing such services on behalf of the charitable organization;

7. "Solicitation" means the request or appeal for any contribution on the plea or representation that such contribution will be used by or on behalf of a charitable organization; and

8. "Form 990" means a return of an organization that is exempt from federal income tax. Form 990, includes, but is not limited to,

Form 990, Form 990-N, Form 990-PF, and other similar returns as required by federal law.

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 25th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____