


Introduced: 4/15/74
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2  HOUSE BILL NO. 850

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of charitable
7 organizations and the solicitation of contributions
8 for charitable purposes."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 10 is amended by adding a new chapter to read:

11 CHAPTER 50. CHARITABLE ORGANIZATIONS

12 AND SOLICITATION OF CONTRIBUTIONS.

13 Sec. 10.50.010. LEGISLATIVE FINDINGS; PURPOSE. The legislature
14 finds and declares that charities perform valuable social services at
15 a cost saving to the state, responsibilities that otherwise would have
16 to be assumed by state government. Therefore, in the interest of
17 protecting the public welfare, the state should ensure that money and
18 other property collected in fund-raising campaigns are used solely for
19 the charitable purposes promised during that campaign, to preclude
20 the diversion of funds from necessary philanthropies for personal use
21 or gain, and to make certain that full information concerning charities,
22 their purposes, management and method of solicitation is made available
23 to protect the public from the unscrupulous so that worthwhile chari-
24 table organizations will thrive while those unworthy of public support
25 will be exposed.

26 ARTICLE 1. CHARITABLE ORGANIZATIONS.

27 Sec. 10.50.020. REGISTRATION OF CHARITABLE ORGANIZATIONS. (a)
28 A charitable organization, except those exempted by sec. 30 of this
29 chapter, which intends to solicit contributions from persons in the

1 state shall, before solicitation, file with the department on forms
2 prescribed by it the following information:

3 (1) the name of the organization and the name or names under
4 which it intends to solicit contributions;

5 (2) the names and addresses of the officers, directors,
6 trustees, and executive personnel of the organization;

7 (3) the addresses of the organization and the addresses of
8 offices in this state; if the organization does not maintain an office,
9 the name and address of the person having custody of its financial
10 records;

11 (4) where and when the organization was legally established,
12 the form of its organization and its tax exempt status;

13 (5) the purposes for which the organization is organized
14 and the purposes for which the contributions to be solicited will be
15 used;

16 (6) the date on which the fiscal year of the organization
17 ends;

18 (7) whether the organization is authorized by a governmental
19 agency to solicit contributions and whether it is or has been enjoined
20 by a court from soliciting contributions;

21 (8) the names and addresses of professional fund raisers
22 who are acting or have agreed to act on behalf of the organiza-
23 tion;

24 (9) the remuneration, if any, paid officers, directors,
25 trustees and executive personnel of the organization, and the remunera-
26 tion paid professional fund raisers and solicitors and the method of
27 payment.

28 (b) The registration form shall be signed by the president or
29 other authorized officer and the chief fiscal officer of the

1 organization.

2 (c) For filing the registration, the department shall receive a
3 fee of \$25, to be paid at the time of registration.

4 (d) The registration remains in effect for a period of two years
5 from the date the registration is approved and a certificate of regis-
6 tration is issued by the department unless it is either cancelled as
7 provided in this chapter or withdrawn by the organization.

8 (e) A registered organization shall notify the department within
9 10 days of a change in the information required to be furnished by the
10 organization under (a)(1) - (9) of this section.

11 (f) No registration of a charitable organization may continue, or
12 be continued, in effect after the date the organization should have
13 filed, but failed to file, an annual report in accordance with the re-
14 quirements of sec. 40 of this chapter, and the organization may not file
15 a new registration until it has filed the required annual report with
16 the department. If the report is subsequently filed, the organization
17 may file a new registration upon the payment of a fee of \$25 to the
18 department.

19 (g) Registration statements, financial reports, professional fund
20 raisers' contracts, and other documents required to be filed under this
21 chapter are public records in the department's office.

22 (h) The department may require by regulation that the officers
23 or management of a charitable organization submit a business history or
24 statement of financial condition of the organization.

25 (i) The department may require by regulation or order that a
26 charitable organization furnish additional information and, in accordance
27 with AS 10.20.655 - 10.20.660, may propound those interrogatories rea-
28 sonably necessary and proper to enable the department to ascertain
29 whether the charitable organization has complied with the provisions of

1 this chapter.

2 Sec. 10.50.030. EXEMPTIONS. The following persons are not re-
3 quired to register with the department:

4 (1) an educational institution the curriculums of which in
5 whole or in part are registered or approved by the Department of Educa-
6 tion either directly or by acceptance of accreditation by an accrediting
7 body recognized by the Department of Education, an educational institu-
8 tion confining its solicitation of contributions to its student body,
9 alumni, faculty and trustees, and their families, or a library regis-
10 tered by the Department of Education if the annual financial report of
11 the institution or library is filed with the Department of Education
12 where it shall be open for public inspection;

13 (2) religious corporations, organizations or charities,
14 agencies, or organizations operated, supervised or controlled by, or in
15 connection with, a religious corporation or organization, fraternal,
16 patriotic, social, alumni or veterans organizations and historical
17 societies when solicitation of contributions is confined to their mem-
18 bership;

19 (3) persons requesting a contribution for the relief of an
20 individual, specified by name at the time of the solicitation, if all
21 of the contributions collected, without deductions, are turned over to
22 the named beneficiary;

23 (4) a charitable organization which does not intend to
24 solicit and receive and does not actually receive contributions in
25 excess of \$1,000 during a fiscal year of the organization if all of
26 its fund-raising functions are carried on by persons who are unpaid
27 for these services; however, if the gross contributions received by a
28 charitable organization during a fiscal year of the organization exceed
29 \$1,000, it shall within 30 days after the date it has received total

1 contributions in excess of \$1,000 register with the department as
2 required by sec. 20 of this chapter;

3 (5) a charitable organization receiving an allocation from
4 an incorporated community chest or united fund if (A) the chest or
5 fund is complying with the provisions of this chapter relating to
6 registration and filing of annual reports with the department; and
7 (B) the fund-raising functions of the organization are carried on by
8 persons who are unpaid for these services; however, if the gross contri-
9 butions other than the allocation received by the charitable organization
10 during a fiscal year of the organization exceed \$1,000, it shall within
11 30 days after the date it has received the contributions in excess of
12 \$1,000 register with the department as required by sec. 20 of this
13 chapter.

14 Sec. 10.50.040. ANNUAL REPORTS. (a) A charitable organization
15 registered under sec. 20 of this chapter that receives in a fiscal year
16 of the organization contributions in excess of \$2,500 and a charitable
17 organization whose fund-raising functions are not carried on solely by
18 persons who are unpaid for these services shall file a written report
19 with the department on forms prescribed by it, within six months after
20 the close of the fiscal year. The report shall include a financial
21 statement covering the fiscal year, clearly setting out the gross
22 income, expenses, and net income accruing to the benefit of the chari-
23 table organization, a balance sheet as of the close of the fiscal year
24 and a schedule of the activities carried on by the organization in the
25 performance of its purposes, and the amounts expended for them, during
26 the fiscal year. An organization shall report its expenditures in
27 accordance with standards and classifications of accounts prescribed
28 by the department to effect uniform reporting by organizations having
29 similar activities and programs. The report shall also include a

1 statement of changes in the information required to be contained in the
2 registration form filed on behalf of the organization. The report
3 shall be signed by the president or other authorized officer and the
4 chief fiscal officer of the organization, and accompanied by an opinion
5 signed by an independent public accountant that the financial statement
6 and balance sheet fairly represent the financial operations and posi-
7 tion of the organization.

8 (b) An organization registered under sec. 20 of this chapter
9 which receives in a fiscal year of the organization contributions of
10 \$2,500 or less and all of whose fund-raising functions are carried on
11 by persons who are unpaid for these services shall file a written re-
12 port with the department on forms prescribed by it, within six months
13 after the close of the fiscal year, that shall include a financial
14 statement covering the fiscal year limited to a statement of the organi-
15 zation's gross receipts from contributions, fund-raising expenses
16 including a separate statement of the cost of goods, services or
17 admissions supplied as part of its solicitations, and the disposition
18 of the net proceeds from contributions. The report also shall include
19 a statement of changes in the information required to be contained in
20 the registration form filed on behalf of the organization. The report
21 shall be signed by the president or other authorized officer and the
22 chief fiscal officer who shall certify that the statements in the
23 report are correct to the best of their knowledge.

24 (c) For a fiscal year of an organization registered under sec. 20
25 of this chapter in which the organization would have been exempt under
26 sec. 30 of this chapter if it had not been registered, or in which it
27 did not solicit or receive contributions, the organization shall file,
28 instead of the reports required by (a) or (b) of this section, a report
29 in the form of an affidavit of its president and chief fiscal officer

1 stating the exemption and the facts upon which it is based or that the
2 organization did not solicit or receive contributions in the fiscal
3 year. The affidavit also shall include a statement of changes in the
4 information required to be contained in the registration form filed on
5 behalf of the organization.

6 (d) A charitable organization registered under sec. 20 of this
7 chapter, which is the parent organization of one or more chapters in
8 the state, and its chapters may comply with the reporting requirements
9 of (a), (b) or (c) of this section by filing a consolidated written
10 report on forms prescribed by the department. As used in this section
11 the term "chapter" means a branch, auxiliary, affiliate or other sub-
12 ordinate unit of a registered charitable organization of whatever
13 designation, whose policies, fund-raising activities and expenditures
14 are supervised or controlled by the parent organization. There shall
15 be appended to a consolidated report a schedule containing the informa-
16 tion that may be prescribed by the department, reflecting the activities
17 of a chapter. The schedule shall contain a certification, under penalty
18 of perjury, by an official of the organization certifying that the
19 information contained in it is true. The failure of a parent organiza-
20 tion to file an appropriate consolidated written report does not excuse
21 either the parent organization or its chapters from complying with the
22 provisions of (a), (b) or (c) of this section.

23 (e) The department shall cancel the registration of an organization
24 which fails to comply with (a), (b) or (c) of this section within the
25 time prescribed, or fails to furnish the additional information that is
26 requested by the department within the required time. However, the
27 department may extend the period of time in which the report required
28 by this section or information requested by the department shall be
29 filed. The extension of time may not exceed six months.

1 Sec. 10.50.050. EXAMINATION OF BOOKS, RECORDS, DOCUMENTS. (a)

2 The records, books and reports maintained by a charitable organization
3 registered or required to register under sec. 20 of this chapter shall
4 be available for inspection by the attorney general at the principal
5 office of the organization.

6 (b) A charitable organization is subject to examination by the
7 commissioner or the attorney general to ascertain the condition of its
8 affairs and to what extent, if at all, it has failed to comply with
9 trusts which it has assumed or has departed from the general purpose
10 for which it is formed. In case of a failure or departure the attorney
11 general on recommendation of the commissioner or on his own motion
12 shall institute the proceedings necessary to correct the noncompliance
13 or departure.

14 Sec. 10.50.060. INVESTIGATORY POWERS. If the commissioner has
15 reason to believe that a charitable organization or person subject to
16 the provisions of this chapter has engaged in an act which is in viola-
17 tion of the provisions of this chapter, he may conduct an investigation
18 to determine if the act has been committed and, to the extent neces-
19 sary for this purpose, may administer oaths or affirmations and, upon
20 his own motion or upon request of any party, he may subpoena witnesses,
21 compel their attendance, adduce evidence, and require the production
22 of any matter which is relevant to the investigation, including the
23 existence, description, nature, custody, condition, and location of
24 any books, documents, records or other tangible things, and the identity
25 and location of persons having knowledge of relevant facts, or any
26 other matter reasonably calculated to lead to the discovery of admis-
27 sible evidence.

28 Sec. 10.50.065. ADMINISTRATIVE HEARINGS. An administrative
29 hearing held under this chapter shall be conducted in accordance with

1 the Administrative Procedure Act (AS 44.62).

2 Sec. 10.50.070. ENFORCEMENT. (a) In addition to any other
3 action authorized by law, the attorney general on recommendation of the
4 commissioner may bring an action in the superior court against a chari-
5 table organization and any other persons acting for it or in its behalf
6 to enjoin the organization and persons from continuing the solicitation
7 or collection of funds or property or engaging in them or doing acts
8 in their furtherance, and to cancel the registration statement previously
9 filed with the department, when the attorney general believes it is in
10 the public interest and that the charitable organization

11 (1) is operating in violation of the provisions of this
12 chapter;

13 (2) has refused or failed, or its principal officers have
14 refused or failed, after notice, to produce records of the organization;

15 (3) is employing or about to employ, or there is employed,
16 or about to be employed, in the solicitation or collection of funds or
17 other property for the organization, a device, scheme or artifice to
18 defraud or for obtaining money or property by means of a false pretense,
19 representation or promise;

20 (4) has made a material false statement in an application,
21 registration or statement required to be filed under this chapter; or

22 (5) is soliciting funds by mail, or by any other means,
23 where the solicitation includes the sending of goods, wares or merchan-
24 dise not ordered or requested by the recipient and less than 50 per cent
25 of the total amount of the funds so raised is or will be devoted to the
26 purported purposes of the charitable organization.

27 (b) The activity described in (a)(1) - (5) of this section is a
28 fraud on the people of the state.

29 (c) Upon a showing by the attorney general in an application for

1 an injunction that a person engaged in the solicitation or collection
2 of funds for charitable purposes, either as an individual or as a mem-
3 ber of a partnership, or as an officer of a corporation or as an agent
4 for some other person, or partnership or corporation, has been convicted
5 in this state or elsewhere of a felony or of a misdemeanor involving
6 the misappropriation, misapplication or misuse of the money or property
7 of another, and who has not, subsequent to the conviction, received
8 executive pardon for the conviction or a certificate of good conduct
9 or rehabilitation from the parole board, the superior court, after
10 hearing, may enjoin the person from engaging in the solicitation or
11 collection of funds for charitable purposes.

12 (d) The commissioner or the attorney general may exercise the
13 authority granted in this section against a charitable organization
14 which operates under the guise or pretense of being an organization
15 exempted by the provisions of sec. 30 of this chapter and is not in
16 fact an organization entitled to an exemption.

17 Sec. 10.50.080. NONRESIDENT CHARITABLE ORGANIZATIONS; SERVICE OF
18 PROCESS. A charitable organization having its principal place of busi-
19 ness outside the state or organized under the laws of a foreign state
20 that solicits contributions from people in this state is considered to
21 have irrevocably appointed the commissioner of commerce as its agent
22 upon whom may be served summons, subpoena, subpoena duces tecum, or
23 other process directed to the charitable organization, or a partner,
24 principal, officer or director in an action or proceeding brought by
25 the attorney general under this chapter. A charitable organization may
26 file with the commissioner a designation, in terms of complying with
27 this section, duly acknowledged, irrevocably appointing the commis-
28 sioner as its agent upon whom process may be served. However, a desig-
29 nation filed with the commissioner under AS 10.05.057 or AS 10.20.046

1 also is a sufficient designation for the purposes of this section.
2 Service of process upon the commissioner shall be made by personally
3 delivering to and leaving with him a copy of it at the department's
4 office, and the service shall be sufficient service. However, notice
5 of the service and a copy of the process immediately shall be sent by
6 the commissioner to the charitable organization by certified mail,
7 return receipt requested, at its office as set out in the registration
8 form required to be filed under sec. 20 of this chapter, or in default
9 of the filing of the form, at the last address known to the commis-
10 sioner. Service of process shall be complete upon the receipt by the
11 commissioner of a return receipt purporting to be signed by the
12 addressee or a person qualified to receive his or its certified mail,
13 in accordance with the rules and customs of the United States Postal
14 Service, or, if acceptance was refused by the addressee or his or its
15 agent, 10 days after the return to the commissioner of the original
16 envelope bearing a notation by the postal service that receipt of it
17 was refused.

18 ARTICLE 2. PROFESSIONAL FUND RAISERS AND SOLICITORS.

19 Sec. 10.50.090. PROFESSIONAL FUND RAISERS. (a) No person may
20 act as a professional fund raiser for a charitable organization required
21 to register under sec. 20 of this chapter before he has registered with
22 the department or after the expiration or cancellation of the regis-
23 tration or its renewal. Applications for registration and reregistra-
24 tion shall be in writing, under oath, in the form prescribed by the
25 department and accompanied by an annual fee of \$50. The applicant at
26 the time of making application shall file with, and have approved by,
27 a bond in which the applicant is the principal obligor in the sum of
28 \$5,000, with one or more sureties whose liability in the aggregate as
29 sureties will equal at least that sum. The bond shall run to the

1 commissioner for the use of the state and to pay a person who may have
2 a cause of action against the obligor of the bond for malfeasance or
3 misfeasance in the conduct of the solicitation. Registration or re-
4 registration when effected shall be for a period of one year, or a
5 part of it, expiring on March 31, and may be renewed by written appli-
6 cation, under oath, on the form prescribed by the department and the
7 filing of the bond and the fee prescribed in this section for additional
8 one-year periods. Applications for registration and reregistration and
9 bonds, when filed with the department, are public records in the
10 department's office.

11 (b) A professional fund raiser shall maintain accurate, current
12 books and records of his activities while required to be registered
13 under this section. Until at least three years have elapsed after the
14 end of the effective period of the registration to which they relate,
15 he shall keep the books and records in his office available for inspec-
16 tion and examination by the attorney general.

17 (c) Wilful violation of the provisions of this section is a
18 misdemeanor.

19 Sec. 10.50.100. CONTRACTS. Contracts entered into between pro-
20 fessional fund raisers and charitable organizations shall be in writing
21 and a copy of the contract filed by the professional fund raiser who
22 is a party to it with the department within 10 days after it is made.
23 Copies of these contracts shall be kept on file in the offices of the
24 charitable organization and the professional fund raiser during their
25 term and until the expiration of a period of three years subsequent
26 to the date the solicitation of contributions provided for in the
27 contract terminates. Wilful violation of this section is a misde-
28 meanor.

29 Sec. 10.50.110. PROFESSIONAL SOLICITOR. No person may act as a

1 professional solicitor in the employ of a professional fund raiser
2 required to register under sec. 90 of this chapter before he has
3 registered with the department or after the expiration or cancellation
4 of the registration or its renewal. Application for registration or
5 reregistration shall be in writing, under oath, on the form prescribed
6 by the department and accompanied by a fee of \$10. The registration
7 or reregistration when effected shall be for a period of one year, or
8 part of it, expiring on March 31, and may be renewed by written appli-
9 cation, under oath, on the form prescribed by the department and the
10 payment of the fee prescribed in this section for additional one-year
11 periods. Applications for registration and reregistration, when filed
12 with the department, are public records in the department's office.
13 Wilful violation of the provisions of this section is a misdemeanor.

14 Sec. 10.50.120. ENFORCEMENT. When the commissioner believes
15 that a professional fund raiser or professional solicitor is operating
16 in violation of the provisions of this chapter, or has made a false
17 statement in an application, registration or statement required to be
18 filed under this chapter, or if a professional fund raiser has refused
19 or failed, after notice, to produce a record demanded of him, or there
20 is employed or is about to be employed in a solicitation or collection
21 of contributions for a charitable organization a device, scheme or
22 artifice to defraud or for obtaining money or property by means of a
23 false pretence, representation or promise, in addition to any other
24 action authorized by law, he may bring an action in the superior court
25 against the professional fund raiser or professional solicitor, and
26 other persons who have participated or are about to participate in a
27 solicitation or collection by employing a device, scheme, artifice,
28 false representation or promise, to enjoin the professional fund
29 raiser or professional solicitor, or other person from continuing the

1 solicitation or collection or engaging in or doing any acts in further-
2 ance of it, or to cancel a registration statement previously filed with
3 the department.

4 Sec. 10.50.130. NONRESIDENT PROFESSIONAL FUND RAISERS AND PROFES-
5 SIONAL SOLICITORS; SERVICE OF PROCESS. A professional fund raiser or
6 professional solicitor who has his or its principal place of business
7 outside the state or is organized under the laws of a foreign state and
8 who solicits contributions from people in this state is considered to
9 have irrevocably appointed the commissioner of commerce as his or its
10 agent upon whom may be served any summons, subpoena, subpoena duces
11 tecum, or other process directed to the professional fund raiser, pro-
12 fessional solicitor or any partner, principal, officer, or director of
13 it, in an action or proceeding brought by the attorney general under
14 this chapter. A professional fund raiser or professional solicitor may
15 file with the commissioner a designation, in terms of complying with
16 this section, duly acknowledged, irrevocably appointing the commis-
17 sioner as its agent upon whom process may be served. However, a desig-
18 nation filed with the commissioner under AS 10.05.057 or AS 10.20.046
19 also is a sufficient designation for the purposes of this section. Ser-
20 vice of process upon the commissioner shall be made personally by
21 delivering to and leaving with him a copy of it at the department's
22 office, and the service shall be sufficient service. However, notice
23 of the service and a copy of the process immediately shall be sent by
24 the commissioner to the professional fund raiser or professional solici-
25 tor by certified mail, return receipt requested, at his or its office
26 as set out in the registration form required to be filed under secs.
27 90 and 110 of this chapter, or in default of the filing of the form,
28 at the last address known to the commissioner. Service of process shall
29 be complete 10 days after the receipt by the attorney general of a

1 return receipt purporting to be signed by the addressee or a person
2 qualified to receive his or its certified mail, in accordance with the
3 rules and customs of the United States Postal Service, or, if acceptance
4 was refused by the addressee or his or its agent, 10 days after the
5 return to the commissioner of the original envelope bearing a notation
6 by the postal service that receipt of it was refused.

7 ARTICLE 3. MISCELLANEOUS.

8 Sec. 10.50.140. UNAUTHORIZED USE OF NAMES. (a) No person may,
9 for the purpose of soliciting contributions from persons in this state,
10 use the name of any person, except that of an officer, director or
11 trustee of the charitable organization by or for which contributions
12 are solicited, without the written consent of that other person.

13 (b) A person shall be considered to have used the name of another
14 person for the purpose of soliciting contributions if the latter per-
15 son's name is listed on stationery, in an advertisement, a brochure or
16 in correspondence in or by which a contribution is solicited by or on
17 behalf of a charitable organization or his name is listed or referred
18 to in connection with a request for a contribution as one who has con-
19 tributed to, sponsored or endorsed the charitable organization or its
20 activities.

21 (c) Nothing contained in this section prevents the publication of
22 names of contributors without their written consents in an annual or
23 other periodic report issued by a charitable organization for the
24 purpose of reporting on its operations and affairs to its membership
25 or for the purpose of reporting contributions to contributors.

26 (d) Violation of this section is a misdemeanor.

27 Sec. 10.50.150. SOLICITATION BY UNREGISTERED CHARITABLE ORGANIZA-
28 TIONS OR UNREGISTERED PROFESSIONAL FUND RAISERS. (a) No charitable
29 organization required to be registered under this chapter may employ a

1 professional fund raiser required to be registered under this chapter
2 unless the fund raiser is registered.

3 (b) No professional fund raiser required to be registered under
4 this chapter may enter into a contract or raise funds for an organiza-
5 tion required to be registered under this chapter unless the charitable
6 organization is registered.

7 (c) No professional fund raiser required to be registered under
8 this chapter may employ a professional solicitor who is not registered
9 under this chapter.

10 (d) In addition to other remedies provided by law the commissioner
11 may bring an action to enjoin the violation of the provisions of this
12 section. The commissioner shall give notice of at least 15 days in
13 writing by certified mail to the organization, person or persons
14 violating the provisions of this chapter, requiring that registration be
15 accomplished or that the solicitation of funds be terminated immediately.
16 Failure to discontinue solicitation immediately or to register under
17 this chapter within 15 days of service of this notice is a continuing
18 fraud upon the people of this state.

19 Sec. 10.50.160. ADVISORY COUNCIL. The commissioner may appoint
20 an advisory council of not less than five nor more than ten persons to
21 advise him and make recommendations with respect to the operation and
22 administration of this chapter with the objective of assuring maximum
23 compliance by charitable organizations with the provisions of this
24 chapter. The commissioner shall designate the chairman of the advisory
25 council and fix the terms of its members. The members serve without
26 compensation but are entitled to per diem and travel expenses as may be
27 authorized by law.

28 Sec. 10.50.170. ADMINISTRATIVE REGULATIONS. The commissioner shall
29 promulgate under the Administrative Procedure Act (AS 44.62) those

1 regulations he considers necessary for the effective administration of
2 this chapter.

3 Sec. 10.50.180. EXCHANGE OF INFORMATION, RECIPROCAL AGREEMENTS.

4 The commissioner with the approval of the attorney general may enter
5 into reciprocal agreements with a like authority in another state or
6 states to exchange information made available to the department under
7 this chapter. Under these agreements the commissioner may accept
8 information filed by a charitable organization, professional fund raiser
9 or professional solicitor, with another state in lieu of the information
10 required to be filed by a charitable organization, professional fund
11 raiser or professional solicitor under secs. 20, 90 and 110 of this
12 chapter, if the information is substantially similar to the information
13 required to be filed under those sections.

14 Sec. 10.50.190. CONSTRUCTION. This chapter shall operate prospec-
15 tively and shall be liberally construed to meet its objectives, and the
16 attorney general has all the powers necessary to carry out the purposes
17 of this chapter.

18 Sec. 10.50.200. DEFINITIONS. In this chapter

19 (1) "charitable organization" means any benevolent, philan-
20 thropic, patriotic, or eleemosynary person or one purporting to be the
21 same;

22 (2) "commissioner" means the commissioner of commerce;

23 (3) "contribution" means the promise or grant of money or
24 property of any kind or value, including a grant or other financial
25 assistance from an agency of government, except payments by members of
26 an organization for membership fees, dues, fines, or assessments, or for
27 services rendered to individual members, if membership in the organiza-
28 tion confers a bona fide right, privilege, professional standing, honor
29 or other direct benefit, other than the right to vote, elect officers,

1 or hold office;

2 (4) "department" means the Department of Commerce;

3 (5) "professional fund raiser" means a person who for compen-
4 sation or other consideration plans, conducts, manages, or carries on a
5 drive or campaign in this state for the purpose of soliciting contribu-
6 tions for or on behalf of a charitable organization or other person, or
7 who engages in the business of, or holds himself out to persons in this
8 state as independently engaged in the business of soliciting contribu-
9 tions for that purpose; a bona fide officer or employee of a charitable
10 organization is not considered a professional fund raiser;

11 (6) "professional solicitor" means a person who is employed
12 or retained for compensation by a professional fund raiser to solicit
13 contributions for charitable purposes from persons in this state.

14 Sec. 10.50.210. SHORT TITLE. This chapter shall be known and
15 may be cited as the Alaska Charitable Organizations and Solicitations
16 Act.