

Introduced: 3/14/75
Referred: Commerce

1 IN THE SENATE

BY CHANCE

2 SENATE BILL NO. 274

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST 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 a
15 cost saving to the state, responsibilities that otherwise would have to
16 be assumed by state government. Therefore, in the interest of protect-
17 ing the public welfare, the state should ensure that money and other
18 property collected in fund-raising campaigns are used solely for the
19 charitable purposes promised during that campaign, to preclude the
20 diversion of funds from necessary philanthropies for personal use or
21 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) A
28 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 and
14 the purposes for which the contributions to be solicited will be used;

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

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

20 (8) the names and addresses of professional fund raisers who
21 are acting or have agreed to act on behalf of the organization;

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

26 (b) The registration form shall be signed by the president or
27 other authorized officer and the chief fiscal officer of the organiza-
28 tion.

29 (c) For filing the registration, the department shall receive a

1 fee of \$25, to be paid at the time of registration.

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5 provided in this chapter or withdrawn by the organization.

6 (e) A registered organization shall notify the department within
7 30 days of a change in the information required to be furnished by the
8 organization under (a)(1) - (9) of this section.

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

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

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

23 (i) The department may require by regulation or order that a
24 charitable organization furnish additional information and, in accor-
25 dance with AS 10.20.655 - 10.20.660, may propound those interrogatories
26 reasonably necessary and proper to enable the department to ascertain
27 whether the charitable organization has complied with the provisions of
28 this chapter.

29 Sec. 10.50.030. EXEMPTIONS. The following persons are not re-

1 quired to register with the department:

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

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

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

21 (4) a charitable organization which does not intend to
22 solicit and receive and does not actually receive contributions in
23 excess of \$1,000 during a fiscal year of the organization if all of its
24 fund-raising functions are carried on by persons who are unpaid for
25 these services; however, if the gross contributions received by a chari-
26 table organization during a fiscal year of the organization exceed
27 \$1,000, it shall within 30 days after the date it has received total
28 contributions in excess of \$1,000 register with the department as
29 required by sec. 20 of this chapter;

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

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

1 fiscal officer of the organization, and accompanied by an opinion signed
2 by an independent public accountant that the financial statement and
3 balance sheet fairly represent the financial operations and position of
4 the organization.

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

21 (c) For a fiscal year of an organization registered under sec. 20
22 of this chapter in which the organization would have been exempt under
23 sec. 30 of this chapter if it had not been registered, or in which it
24 did not solicit or receive contributions, the organization shall file,
25 instead of the reports required by (a) or (b) of this section, a report
26 in the form of an affidavit of its president and chief fiscal officer
27 stating the exemption and the facts upon which it is based or that the
28 organization did not solicit or receive contributions in the fiscal
29 year. The affidavit also shall include a statement of changes in the

1 information required to be contained in the registration form filed on
2 behalf of the organization.

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

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

27 Sec. 10.50.050. EXAMINATION OF BOOKS, RECORDS, DOCUMENTS. (a)
28 The records, books and reports maintained by a charitable organization
29 registered or required to register under sec. 20 of this chapter shall

1 be available for inspection by the attorney general at the principal
2 office of the organization.

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

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

24 Sec. 10.50.065. ADMINISTRATIVE HEARINGS. An administrative hearing
25 held under this chapter shall be conducted in accordance with the
26 Administrative Procedure Act (AS 44.62).

27 Sec. 10.50.070. ENFORCEMENT. (a) In addition to any other action
28 authorized by law, the attorney general on recommendation of the commis-
29 sioner may bring an action in the superior court against a charitable

1 organization and any other persons acting for it or in its behalf to
2 enjoin the organization and persons from continuing the solicitation or
3 collection of funds or property or engaging in them or doing acts in
4 their furtherance, and to cancel the registration statement previously
5 filed with the department, when the attorney general believes it is in
6 the public interest and that the charitable organization

7 (1) is operating in violation of the provisions of this
8 chapter;

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

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

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

18 (5) is soliciting funds by mail, or by any other means, where
19 the solicitation includes the sending of goods, wares or merchandise not
20 ordered or requested by the recipient and less than 50 per cent of the
21 total amount of the funds so raised is or will be devoted to the pur-
22 ported purposes of the charitable organization.

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

25 (c) Upon a showing by the attorney general in an application for
26 an injunction that a person engaged in the solicitation or collection of
27 funds for charitable purposes, either as an individual or as a member of
28 a partnership, or as an officer of a corporation or as an agent for some
29 other person, or partnership or corporation, has been convicted in this

1 state or elsewhere of a felony or of a misdemeanor involving the mis-
2 appropriation, misapplication or misuse of the money or property of
3 another, and who has not, subsequent to the conviction, received execu-
4 tive pardon for the conviction or a certificate of good conduct or
5 rehabilitation from the parole board, the superior court, after hearing,
6 may enjoin the person from engaging in the solicitation or collection of
7 funds for charitable purposes.

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

13 Sec. 10.50.080. NONRESIDENT CHARITABLE ORGANIZATIONS; SERVICE OF
14 PROCESS. A charitable organization having its principal place of busi-
15 ness outside the state or organized under the laws of a foreign state
16 that solicits contributions from people in this state is considered to
17 have irrevocably appointed the commissioner of commerce as its agent
18 upon whom may be served summons, subpoena, subpoena duces tecum, or
19 other process directed to the charitable organization, or a partner,
20 principal officer or director in an action or proceeding brought by the
21 attorney general under this chapter. A charitable organization may file
22 with the commissioner a designation, in terms of complying with this
23 section, duly acknowledged, irrevocably appointing the commissioner as
24 its agent upon whom process may be served. However, a designation filed
25 with the commissioner under AS 10.05.057 or AS 10.20.046 also is a
26 sufficient designation for the purposes of this section. Service of
27 process upon the commissioner shall be made by personally delivering to
28 and leaving with him a copy of it at the department's office, and the
29 service shall be sufficient service. However, notice of the service and

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

13 ARTICLE 2. PROFESSIONAL FUND RAISERS AND SOLICITORS.

14 Sec. 10.50.090. PROFESSIONAL FUND RAISERS. (a) No person may act
15 as a professional fund raiser for a charitable organization required to
16 register under sec. 20 of this chapter before he has registered with the
17 department or after the expiration or cancellation of the registration
18 or its renewal. Applications for registration and reregistration shall
19 be in writing, under oath, in the form prescribed by the department and
20 accompanied by an annual fee of \$50. The applicant at the time of
21 making application shall file with, and have approved by, a bond in
22 which the applicant is the principal obligor in the sum of \$5,000, with
23 one or more sureties whose liability in the aggregate as sureties will
24 equal at least that sum. The bond shall run to the commissioner for the
25 use of the state and to pay a person who may have a cause of action
26 against the obligor of the bond for malfeasance or misfeasance in the
27 conduct of the solicitation. Registration or reregistration when
28 effected shall be for a period of one year, or a part of it, expiring on
29 March 31, and may be renewed by written application, under oath, on the

1 form prescribed by the department and the filing of the bond and the fee
2 prescribed in this section for additional one-year periods. Applications
3 for registration and reregistration and bonds, when filed with the
4 department, are public records in the department's office.

5 (b) A professional fund raiser shall maintain accurate, current
6 books and records of his activities while required to be registered
7 under this section. Until at least three years have elapsed after the
8 end of the effective period of the registration to which they relate, he
9 shall keep the books and records in his office available for inspection
10 and examination by the attorney general.

11 (c) Wilful violation of the provisions of this section is a mis-
12 demeanor.

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

22 Sec. 10.50.110. PROFESSIONAL SOLICITOR. No person may act as a
23 professional solicitor in the employ of a professional fund raiser
24 required to register under sec. 90 of this chapter before he has regis-
25 tered with the department or after the expiration or cancellation of the
26 registration or its renewal. Application for registration or reregistra-
27 tion shall be in writing, under oath, on the form prescribed by the
28 department and accompanied by a fee of \$10. The registration or reregis-
29 tration when effected shall be for a period of one year, or part of it,

1 expiring on March 31, and may be renewed by written application, under
2 oath, on the form prescribed by the department and the payment of the
3 fee prescribed in this section for additional one-year periods. Appli-
4 cations for registration and reregistration, when filed with the depart-
5 ment, are public records in the department's office. Wilful violation of
6 the provisions of this section is a misdemeanor.

7 Sec. 10.50.120. ENFORCEMENT. When the commissioner believes that
8 a professional fund raiser or professional solicitor is operating in
9 violation of the provisions of this chapter, or has made a false state-
10 ment in an application, registration or statement required to be filed
11 under this chapter, or if a professional fund raiser has refused or
12 failed, after notice, to produce a record demanded of him, or there is
13 employed or is about to be employed in a solicitation or collection of
14 contributions for a charitable organization a device, scheme or artifice
15 to defraud or for obtaining money or property by means of a false pre-
16 tense, representation or promise, in addition to any other action
17 authorized by law, he may bring an action in the superior court against
18 the professional fund raiser or professional solicitor, and other
19 persons who have participated or are about to participate in a sollicita-
20 tion or collection by employing a device, scheme, artifice, false
21 representation or promise, to enjoin the professional fund raiser or
22 professional solicitor, or other person from continuing the solicitation
23 or collection or engaging in or doing any acts in furtherance of it, or
24 to cancel a registration statement previously filed with the department.

25 Sec. 10.50.130. NONRESIDENT PROFESSIONAL FUND RAISERS AND PROFES-
26 SIONAL SOLICITORS; SERVICE OF PROCESS. A professional fund raiser or
27 professional solicitor who has his or its principal place of business
28 outside the state or is organized under the laws of a foreign state and
29 who solicits contributions from people in this state is considered to

1 have irrevocably appointed the commissioner of commerce as his or its
2 agent upon whom may be served any summons, subpoena, subpoena duces
3 tecum, or other process directed to the professional fund raiser, pro-
4 fessional solicitor or any partner, principal officer, or director of
5 it, in an action or proceeding brought by the attorney general under
6 this chapter. A professional fund raiser or professional solicitor may
7 file with the commissioner a designation, in terms of complying with
8 this section, duly acknowledged, irrevocably appointing the commissioner
9 as its agent upon whom process may be served. However, a designation
10 filed with the commissioner under AS 10.05.057 or AS 10.20.046 also is a
11 sufficient designation for the purposes of this section. Service of
12 process upon the commissioner shall be made personally by delivering to
13 and leaving with him a copy of it at the department's office, and the
14 service shall be sufficient service. However, notice of the service and
15 a copy of the process immediately shall be sent by the commissioner to
16 the professional fund raiser or professional solicitor by certified
17 mail, return receipt requested, at his or its office as set out in the
18 registration form required to be filed under secs. 90 and 110 of this
19 chapter, or in default of the filing of the form, at the last address
20 known to the commissioner. Service of process shall be complete 10 days
21 after the receipt by the attorney general of a return receipt purporting
22 to be signed by the addressee or a person qualified to receive his or
23 its certified mail, in accordance with the rules and customs of the
24 United States Postal Service, or, if acceptance was refused by the
25 addressee or his or its agent, 10 days after the return to the commis-
26 sioner of the original envelope bearing a notation by the postal service
27 that receipt of it was refused.

28 ARTICLE 3. MISCELLANEOUS.

29 Sec. 10.50.140. UNAUTHORIZED USE OF NAMES. (a) No person may,

1 for the purpose of soliciting contributions from persons in this state,
2 use the name of an organization or any person, except that of an offi-
3 cer, director or trustee of the charitable organization by or for which
4 contributions are solicited, without the written consent of that other
5 person or organization.

6 (b) A person shall be considered to have used the name of an
7 organization or another person for the purpose of soliciting contribu-
8 tions if that name is listed on stationery, in an advertisement, a
9 brochure or in correspondence in or by which a contribution is solicited
10 by or on behalf of a charitable organization or that name is listed or
11 referred to in connection with a request for a contribution as being the
12 name of a contributor, sponsor or endorser of the charitable organi-
13 zation or its activities.

14 (c) Nothing contained in this section prevents the publication of
15 names of contributors without their written consents in an annual or
16 other periodic report issued by a charitable organization for the pur-
17 pose of reporting on its operations and affairs to its membership or for
18 the purpose of reporting contributions to contributors.

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

20 Sec. 10.50.150. SOLICITATION BY UNREGISTERED CHARITABLE ORGANIZA-
21 TIONS OR UNREGISTERED PROFESSIONAL FUND RAISERS. (a) No charitable
22 organization required to be registered under this chapter may employ a
23 professional fund raiser required to be registered under this chapter
24 unless the fund raiser is registered.

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

29 (c) No professional fund raiser required to be registered under

1 this chapter may employ a professional solicitor who is not registered
2 under this chapter.

3 (d) In addition to other remedies provided by law the commissioner
4 may bring an action to enjoin the violation of the provisions of this
5 section. The commissioner shall give notice of at least 15 days in
6 writing by certified mail to the organization, person or persons violat-
7 ing the provisions of this chapter, requiring that registration be
8 accomplished or that the solicitation of funds be terminated immediately.
9 Failure to discontinue solicitation immediately or to register under
10 this chapter within 15 days of service of this notice is a continuing
11 fraud upon the people of this state.

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

21 Sec. 10.50.170. ADMINISTRATIVE REGULATIONS. The commissioner
22 shall promulgate under the Administrative Procedure Act (AS 44.62) those
23 regulations he considers necessary for the effective administration of
24 this chapter.

25 Sec. 10.50.180. EXCHANGE OF INFORMATION, RECIPROCAL AGREEMENTS.
26 The commissioner with the approval of the attorney general may enter
27 into reciprocal agreements with a like authority in another state or
28 states to exchange information made available to the department under
29 this chapter. Under these agreements the commissioner may accept

1 information filed by a charitable organization, professional fund raiser
2 or professional solicitor, with another state in lieu of the information
3 required to be filed by a charitable organization, professional fund
4 raiser or professional solicitor under secs. 20, 90 and 110 of this
5 chapter, if the information is substantially similar to the information
6 required to be filed under those sections.

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

11 Sec. 10.50.200. DEFINITIONS. In this chapter

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

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

16 (3) "contribution" means the promise or grant of money or
17 property of any kind or value, including a grant or other financial
18 assistance from an agency of government, except payments by members of
19 an organization for membership fees, dues, fines, or assessments, or for
20 services rendered to individual members, if membership in the organiza-
21 tion confers a bona fide right, privilege, professional standing, honor
22 or other direct benefit, other than the right to vote, elect officers,
23 or hold office;

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

25 (5) "professional fund raiser" means a person who for compen-
26 sation or other consideration plans, conducts, manages, or carries on a
27 drive or campaign in this state for the purpose of soliciting contribu-
28 tions for or on behalf of a charitable organization or other person, or
29 who engages in the business of, or holds himself out to persons in this

1 state as independently engaged in the business of soliciting contribu-
2 tions for that purpose; a bona fide officer or employee of a charitable
3 organization is not considered a professional fund raiser;

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

7 Sec. 10.50.210. SHORT TITLE. This chapter shall be known and may
8 be cited as the Alaska Charitable Organization and Solicitations Act.
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