

Representative Wayne A. Harper proposes the following substitute bill:

CHARITABLE SOLICITATIONS ACT

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill provides for the creation of a certified local museum designation and provides for a discounted registration fee under Title 13, Chapter 22, Charitable Solicitations Act.

Highlighted Provisions:

This bill:

- ▶ requires the Office of Museum Services to create a certified local museum designation;
- ▶ provides a discounted fee under Title 13, Chapter 22, Charitable Solicitations Act, for a certified local museum; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **9-6-603**, as renumbered and amended by Laws of Utah 2006, Chapter 24
27 **13-22-6**, as last amended by Laws of Utah 2004, Chapter 55



29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **9-6-603** is amended to read:

31 **9-6-603. Duties of office.**

32 The office shall:

33 (1) recommend to the Museum Services Advisory Board:

34 (a) policies regarding:

35 (i) a grants program; and

36 (ii) the equitable dissemination of office technical assistance; and

37 (b) guidelines for determining eligibility for office grants;

38 (2) advise state and local government agencies and employees regarding museum
39 related issues, including museum capital development projects;

40 (3) provide to Utah museums technical advice and information about sources of direct
41 technical assistance;

42 (4) assist and advise Utah museums in locating sources of training for their museum
43 staff members;

44 (5) develop and coordinate programs, workshops, seminars, and similar activities
45 designed to provide training for staff members of Utah museums;

46 (6) undertake scholarly research as necessary to understand the training needs of the
47 museum community and to assess how those needs could best be met; [~~and~~]

48 (7) administer a state Museum Grant Program to assist eligible Utah museums[~~;~~]; and

49 (8) establish a program by January 1, 2009, by rule, creating a certified local museum
50 designation, including any provisions necessary to ensure public confidence in charitable
51 solicitation undertaken by a certified local museum.

52 Section 2. Section **13-22-6** is amended to read:

53 **13-22-6. Application for registration.**

54 (1) An applicant for registration or renewal of registration as a charitable organization
55 shall:

56 (a) pay an application fee as determined under Section 63-38-3.2; and

- 57 (b) submit an application on a form approved by the division which shall include:
58 (i) the organization's name, address, telephone number, facsimile number, if any, and
59 the names and addresses of any organizations or persons controlled by, controlling, or affiliated
60 with the applicant;
61 (ii) the specific legal nature of the organization, that is, whether it is an individual, joint
62 venture, partnership, limited liability company, corporation, association, or other entity;
63 (iii) the names and residence addresses of the officers and directors of the organization;
64 (iv) the name and address of the registered agent for service of process and a consent to
65 service of process;
66 (v) the purpose of the solicitation and use of the contributions to be solicited;
67 (vi) the method by which the solicitation will be conducted and the projected length of
68 time it is to be conducted;
69 (vii) the anticipated expenses of the solicitation, including all commissions, costs of
70 collection, salaries, and any other items;
71 (viii) a statement of what percentage of the contributions collected as a result of the
72 solicitation are projected to remain available for application to the charitable purposes declared
73 in the application, including a satisfactory statement of the factual basis for the projected
74 percentage;
75 (ix) a statement of total contributions collected or received by the organization within
76 the calendar year immediately preceding the date of the application, including a description of
77 the expenditures made from or the use made of the contributions;
78 (x) a copy of any written agreements with any professional fund raiser involved with
79 the solicitation;
80 (xi) disclosure of any injunction, judgment, or administrative order or conviction of
81 any crime involving moral turpitude with respect to any officer, director, manager, operator, or
82 principal of the organization;
83 (xii) a copy of all agreements to which the applicant is, or proposes to be, a party
84 regarding the use of proceeds for the solicitation or fundraising;
85 (xiii) a statement of whether or not the charity, or its parent foundation, will be using
86 the services of a professional fund raiser or of a professional fund raising counsel or consultant;
87 (xiv) if either the charity or its parent foundation will be using the services of a

88 professional fund raiser or a professional fund raising counsel or consultant:

89 (A) a copy of all agreements related to the services; and

90 (B) an acknowledgment that fund raising in the state will not commence until both the
91 charitable organization, its parent foundation, if any, and the professional fund raiser or
92 professional fund raising counsel or consultant are registered and in compliance with this
93 chapter; and

94 (xv) any additional information the division may require by rule.

95 (2) If any information contained in the application for registration becomes incorrect or
96 incomplete, the applicant or registrant shall, within 30 days after the information becomes
97 incorrect or incomplete, correct the application or file the complete information required by the
98 division.

99 (3) In addition to the registration fee, an organization failing to file a registration
100 application or renewal by the due date or filing an incomplete registration application or
101 renewal shall pay an additional fee of \$25 for each month or part of a month after the date on
102 which the registration application or renewal were due to be filed.

103 (4) Notwithstanding Subsection (1), the registration fee for a certified local museum
104 under Section 9-6-603 is 65% of the registration fee established under Subsection (1).

H.B. 252 1st Sub. (Buff) - Charitable Solicitations Act Amendments

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will reduce the fee revenue collections from the Commerce Service Fund and ultimately revenue to the General Fund.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	(\$2,000)	(\$2,000)
Total	\$0	\$0	\$0	\$0	(\$2,000)	(\$2,000)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments or individuals. Certain businesses may be benefit due to a reduction in fees that have to be paid for registering with the state.
