

SECOND REGULAR SESSION

# HOUSE BILL NO. 1130

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WILDBERGER (Sponsor), LeVOTA,  
ROORDA AND WHORTON (Co-sponsors).

Pre-filed December 14, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3484L.01I

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### AN ACT

To repeal section 407.469, RSMo, and to enact in lieu thereof one new section relating to charitable solicitations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 407.469, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.469, to read as follows:

407.469. 1. All charitable organizations required to submit an annual report under section 407.462 shall, upon request, disclose the percentage of the funds solicited which were spent on the costs of fund raising in the last twelve-month period for which an annual report was filed under section 407.462. For purposes of this section, costs of fund raising shall include all money directly expended on fund raising and that portion of all administrative expenses and salaries of the charitable organization attributable to fund-raising activities. Any person who markets or collects funds on behalf of a charitable organization shall state on all literature soliciting such funds that a portion of the funds contributed [are] **is** used for marketing expenses and paid to persons for marketing the charitable organization, if any such funds are so used.

2. Whenever a solicitation of funds on behalf of a charitable organization is undertaken by a professional fund-raiser, the professional fund-raiser shall disclose that fact to prospective contributors. **In addition, the professional fund-raiser shall, during the time he or she is soliciting funds on behalf of a charitable organization and for not less than three years after such time, maintain the following records:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **(1) The name and, if known to the professional fund-raiser, the address of each**  
16 **person pledging to contribute, together with the date and amount of the pledge;**

17           **(2) The name and residence address of each employee, agent, or other person,**  
18 **however styled, involved in the solicitation;**

19           **(3) A record of all contributions at any time in the custody of the professional fund-**  
20 **raiser;**

21           **(4) A record of all expenses incurred by the professional fund-raiser for which the**  
22 **charitable organization is liable for payment;**

23           **(5) The location and account number of all bank or other financial institution**  
24 **accounts in which the professional fund-raiser has deposited revenue from the solicitation**  
25 **of funds; and**

26           **(6) Such other records as may be prescribed by the secretary of state by rule.**

27           **3. If the professional fund-raiser sells tickets to an event and represents that tickets**  
28 **shall be donated for use by another, the professional fund-raiser shall also maintain for the**  
29 **same period as specified in subsection 2 of this section:**

30           **(1) The name and address of those contributors donating tickets and the number**  
31 **of tickets donated by each contributor; and**

32           **(2) The name and address of all organizations receiving donated tickets for use by**  
33 **others, including the number of tickets received by each organization.**

34           **4. All records of a professional fund-raiser compiled under this section are subject**  
35 **to such reasonable periodic, special, or other examinations by representatives of the**  
36 **secretary of state as the secretary of state deems necessary or appropriate in the public**  
37 **interest or for the protection of the public; provided that the secretary of state shall not**  
38 **disclose such information except to the extent he or she reasonably deems necessary for**  
39 **investigative or law enforcement purposes.**

40           **5. Not later than thirty days following the end of each solicitation of funds, the**  
41 **professional fund-raiser shall provide at no cost to the charitable organization a copy of**  
42 **all records described in subsections 2 to 4 of this section.**

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