

Substitute for SENATE BILL No. 6

By Committee on Judiciary

2-3

9 AN ACT amending the charitable organizations and solicitations act; con-
10 cerning professional fund raisers; amending K.S.A. 17-1766 and re-
11 pealing the existing section.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 17-1766 is hereby amended to read as follows: 17-
15 1766. ~~All~~ *Prior to verbally requesting a contribution, or contemporane-*
16 *ously with and accompanying a written request for a contribution, all*
17 *solicitations by professional solicitors shall contain the following disclo-*
18 *sures at the point of solicitation:*

19 (a) The name, address and telephone number of the charitable
20 organization;

21 (b) the registration number, obtained pursuant to K.S.A. 17-1763,
22 *and amendments thereto*, for the charitable organization;

23 (c) if the solicitation is made by a person acting as a professional
24 solicitor, the registration number obtained pursuant to K.S.A. 17-1765,
25 *and amendments thereto; and*

26 (d) that an annual financial report required by K.S.A. 17-1763, *and*
27 *amendments thereto*, for the preceding fiscal year is on file with the sec-
28 retary of state;

29 (e) *the name of the professional solicitor and the professional fund*
30 *raiser, and the fact that the solicitation is being conducted by a profes-*
31 *sional solicitor who is being paid for soliciting;*

32 (f) *the fact that the professional solicitor is employed by a professional*
33 *fund raiser, the name of the professional fund raiser as registered with*
34 *the secretary of state, and the fact that information about the professional*
35 *fund raiser is on file for public inspection with the secretary of state; and*

36 (g) *if requested by the prospective donor, the amount of the contri-*
37 *bution to be retained by the professional fund raiser, calculated as follows:*

38 (1) *If the compensation paid to the professional fund raiser is contin-*
39 *gent upon the number of contributions or the amount of revenue received*
40 *from the solicitation campaign, the stated amount shall be expressed as a*
41 *fixed percentage of gross revenue.*

42 (2) *If the compensation paid to the professional fund raiser is not*
43 *contingent upon the number of contributions or the amount of revenue*

1 *received, the stated amount shall be a reasonable estimate, expressed as*
2 *a percentage of the gross revenue. The stated estimate, expressed as a*
3 *percentage of gross revenue, shall be based upon all of the relevant facts*
4 *known to the professional fund raiser regarding the solicitation to be con-*
5 *ducted as well as the past performance of solicitations conducted by the*
6 *professional fund raiser. The prospective donor shall be informed that the*
7 *stated amount is an estimate.*
8 Sec. 2. K.S.A. 17-1766 is hereby repealed.
9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.