

2007 SENATE BILL 531

February 25, 2008 – Introduced by Senators HANSEN, LEHMAN, GROTHMAN, TAYLOR and RISSER, cosponsored by Representatives CULLEN, ALBERS, BERCEAU, HAHN, JORGENSEN, KRUSICK, MOLEPSKE, MURSAU, MUSSER, PETROWSKI, SOLETSKI, VOS, A. WILLIAMS and ZIEGELBAUER. Referred to Committee on Commerce, Utilities and Rail.

1 **AN ACT** *to amend* 440.44 (3) (intro.); and *to create* 440.47 (1m) of the statutes;
2 **relating to:** posting information about charitable solicitation campaigns
3 performed by professional fund-raisers on the Internet Web site of the
4 Department of Regulation and Licensing.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law requires every charitable organization to register with the Department of Regulation and Licensing (department) before it solicits or has contributions solicited on its behalf. Excepted from this requirement is a fraternal, civic, benevolent, patriotic, or social organization that solicits contributions solely from its membership; a state agency or local governmental unit; and certain private schools. Current law also requires a professional fund-raiser to register with the department before the professional fund-raiser may solicit on behalf of a charitable organization that is required to be registered with the department. A professional fund-raiser is defined as a person who, for compensation, requests contributions and states or implies that the contributions will be used for a charitable purpose or will benefit a charitable organization.

In addition, current law requires the professional fund-raiser to enter into a contract with a charitable organization prior to soliciting contributions. The contract must clearly state the amount of revenue, expressed as a percentage of the gross revenue raised, that the charitable organization must receive under the contract. The professional fund-raiser must submit a solicitation notice to the department before performing services under the contract. The solicitation notice must provide

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certain information, including the projected period during which the soliciting will take place and the location and telephone number from which the soliciting will be conducted, and be accompanied by a copy of the contract between the charitable organization and the professional fund-raiser.

This bill requires the department to compile the following information received from professional fund-raisers and to post this information on the department's Internet Web site:

1. The name and address of the professional fund-raiser.
2. The name and address of the charitable organization with which the professional fund-raiser has entered into a contract.
3. A full and fair description of the charitable purpose for which solicitations will be made.
4. The dates on which the soliciting services being performed under the contract begin and end.
5. The percentage of funds, solicited by the professional fund-raiser, that the charitable organization will receive under the contract.
6. The percentage of funds, solicited by the professional fund-raiser, that the professional fund-raiser will receive under the contract.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.44 (3) (intro.) of the statutes is amended to read:

2 440.44 (3) SOLICITATION NOTICE. (intro.) Before performing services under a
3 contract with a charitable organization that is required to be registered under s.
4 440.42 (1), a professional fund-raiser shall file with the department a completed
5 solicitation notice in the form prescribed by the department. The charitable
6 organization on whose behalf the professional fund-raiser is acting shall file with the
7 department a written confirmation that the solicitation notice and any
8 accompanying material are true and complete to the best of its knowledge. The
9 solicitation notice shall be accompanied by the form required under s. 440.47 (1m),
10 and shall include all of the following:

11 **SECTION 2.** 440.47 (1m) of the statutes is created to read:

