

Sec. 3. Section 5, chapter 250, Laws of 1984 and RCW 84.08.200 are each amended to read as follows:

(1) Every individual, corporation, association, partnership, trust, and estate shall list with the department of revenue all ships and vessels which are subject to their ownership, possession, or control and which are ~~((subject to ad valorem taxation under RCW 84.36.080))~~ not entirely exempt from property taxation, and such listing shall be subject to the same requirements, penalties, and liens provided in this chapter and chapter~~((s 84.40 and))~~ 84.60 RCW for all other personal property in the same manner as provided therein.

(2) The department shall assess all ships and vessels and shall certify to the respective county assessors the equalized values thereof, subject to the same rules as other state-assessed properties in accordance with RCW 84.12.370 and 84.16.130 and chapter 84.48 RCW.

(3) Any ship or vessel owner disputing the assessment under this section shall have the same rights of review as any other vessel owner subject to the excise tax contained in chapter 82.49 RCW in accordance with RCW 82.49.060.

NEW SECTION. Sec. 4. This act shall be effective for taxes levied for collection in 1987, and thereafter.

NEW SECTION. Sec. 5. RCW 84.08.200, as amended by section 3 of this act, shall be recodified in chapter 84.40 RCW.

Passed the House March 9, 1986.

Passed the Senate March 6, 1986.

Approved by the Governor April 3, 1986.

Filed in Office of Secretary of State April 3, 1986.

CHAPTER 230

[Substitute House Bill No. 1726] CHARITABLE SOLICITATIONS

AN ACT Relating to charitable solicitations; amending RCW 19.09.010, 19.09.020, 19.09.065, 19.09.075, 19.09.079, 19.09.085, 19.09.095, 19.09.100, 19.09.200, 19.09.210, 19.09.230, 19.09.240, 19.09.190, and 19.09.275; adding new sections to chapter 19.09 RCW; repealing RCW 19.09.030, 19.09.045, 19.09.050, and 19.09.069; prescribing penalties; making an appropriation; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.010 are each amended to read as follows:

The purpose of this chapter is to ~~((protect the general public and public charity in the state of Washington, to require full public disclosure of facts))~~ provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes~~((, the purposes for which such funds are solicited, and~~

~~their actual uses, and)) in order to prevent (1) deceptive and dishonest ((statements and conduct in the solicitation of)) practices in the conduct of soliciting funds for or in the name of charity; and (2) improper use of contributions intended for charitable purposes.~~

Sec. 2. Section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 265, Laws of 1983 and RCW 19.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization ((and)); (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means~~((: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning))~~ any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity. "Charitable" (a) is not limited to its common law meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c) includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, or health causes.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

~~((4) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration:))~~

(5) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation ((for a direct gift or conducting a sale or benefit affair;)). Cost of solicitation

~~((staff))~~ does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

~~(6) (~~"Direct gift"~~ shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.~~

~~(7))~~ "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

~~(7)~~ "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

~~(8)~~ "Independent fund raiser" or "independent fund-raising entity" means any entity that for compensation or other consideration, plans, conducts, manages, or administers any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable or religious purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations. However, a nonprofit fund raiser or bona fide officer or other employee of a charitable organization shall not be deemed an independent fund raiser.

~~(9)~~ "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" ~~((staff))~~ does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

~~((8))~~ (10) "Nonprofit fund raiser" means an entity registered as a nonprofit corporation under Title 24 RCW, or any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code, that solicits and receives contributions exceeding five thousand dollars in any accounting year on behalf of a charitable or religious organization other than the nonprofit corporation.

(11) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable or religious purposes.

(12) "Parent organization" means that part of a charitable organization ~~((which))~~ that coordinates, supervises, or exercises control over policy,

fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

~~((9) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.~~

~~(10) "Professional fund-raiser" means any person who, for compensation or other consideration, plans, conducts, manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose; or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations. PROVIDED, That the following persons shall not be deemed professional fund raisers: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.~~

~~(11) A "professional solicitor" means any person other than a professional fund-raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization.~~

~~(12) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith: PROVIDED, That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.)~~

~~(13) "Political activities" means those activities subject to chapter 42-.17 RCW or the Federal Elections Campaign Act of 1971, as amended.~~

(14) "Religious activities" means those religious, evangelical, or missionary activities under the direction of a religious organization duly organized and operating in good faith that are entitled to receive a declaration of current tax exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.

(15) "Secretary" means the secretary of state.

~~((14))~~ (16) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made (~~which~~) that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation under this chapter.

Sec. 3. Section 4, chapter 265, Laws of 1983 and RCW 19.09.065 are each amended to read as follows:

(1) All charitable organizations, independent fund raisers, and non-profit fund raisers, as defined in RCW 19.09.020(~~(; unless exempt under RCW 19.09.030)~~), shall register with the secretary.

(2) Failure to register as required by this chapter is a violation of this chapter.

(3) Information provided to the secretary pursuant to this chapter shall be a public record.

(4) Registration shall not be considered or be represented as an endorsement by the secretary or the state of Washington.

Sec. 4. Section 5, chapter 265, Laws of 1983 and RCW 19.09.075 are each amended to read as follows:

An application for registration as a charitable organization shall ~~((contain))~~ be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the charitable organization;

(2) The name(s) under which the organization will solicit contributions;

(3) The name, address, and telephone number of the ~~((president and treasurer, or comparable))~~ officers(~~(;)~~) of the organization;

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the ((solicitations)) organization;

~~((5))~~ (6) (a) Whether the organization is exempt from federal income tax; and

(b) Whether the financial affairs of the organization are audited by an independent entity and, if so, the name and address of the entity;

(7) A solicitation ((history)) report of the organization for the preceding accounting year including:

(a) The number and types of solicitations ((campaigns over the past three years)) conducted;

(b) The total ((amount of money applied to the costs of the solicitations over the past three years;

(c) The total amount of money dispersed for charitable purposes over the past three years;

(d) The number of solicitation campaigns reported under subsection (5)(a) of this section for which the organization used a professional fund raiser; and

(6)) dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses;

(d) The name, address, and telephone number of any independent fund raiser used by the organization; and

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The requirements of subsection(~~(s-(5)(b))~~) (7) (b) and (c) of this section may be satisfied by the submission of ((an independent certified audit)) such federal tax forms as may be approved by rule of the secretary.

The application shall be (~~(submitted with a fifteen-dollar filing fee and shall be)~~) signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten-dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

NEW SECTION. Sec. 5. A new section is added to chapter 19.09 RCW to read as follows:

The application requirements of RCW 19.09.075 do not apply to the following:

(1) Any charitable organization raising less than five thousand dollars in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

(2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:

(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;

(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and

(c) Such federal income tax forms as may be required by rule of the secretary.

NEW SECTION. Sec. 6. A new section is added to chapter 19.09 RCW to read as follows:

An application for registration as a nonprofit fund raiser shall be submitted in the form prescribed by the secretary and shall contain the following:

- (1) The name, address, and telephone number of the organization;
- (2) The name(s), address(es), and the telephone number(s) of the officers of the organization;
- (3) The names of the three officers or employees receiving the greatest amount of compensation from the organization;
- (4) Whether the financial affairs of the organization are audited by an independent entity, and, if so, the name and address of the entity; and
- (5) A solicitation report of the organization for the preceding accounting year, including:
 - (a) The number and types of fund raising activities conducted on behalf of charitable organizations;
 - (b) The names of charitable organizations on whose behalf fund raising activities were conducted;
 - (c) The total value of contributions received on behalf of charitable organizations; and
 - (d) The amount of money disbursed to charitable organizations for charitable purposes.

The application shall be signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 7. Section 15, chapter 265, Laws of 1983 and RCW 19.09.079 are each amended to read as follows:

An application for registration as ~~((a professional))~~ an independent fund raiser shall ((contain)) be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

- (1) The name, address, and telephone number of the ~~((professional fund raiser))~~ independent fund-raising entity;
- (2) ~~((A solicitation history of the professional fund raiser for the past three years including:~~
 - ~~(a) Number of solicitation campaigns;~~
 - ~~(b) Names of charitable organizations for whom fund raising has been performed; and~~
 - ~~(c) A list of the states in which fund raising has been performed; and~~
- ~~((3))~~ The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the independent fund-raising entity;

(3) The name, address, and telephone number of the individual responsible for the activities of the independent fund-raising entity in Washington;

(4) A list of states and Canadian provinces in which fund raising has been performed;

(5) The names of the three officers or employees receiving the greatest amount of compensation from the independent fund-raising entity;

(6) Whether the financial affairs of the independent fund raiser are audited by an independent entity, and, if so, the name and address of the entity;

(7) A solicitation report of the independent fund-raising entity for the preceding accounting year, including:

(a) The number and types of fund raising services conducted;

(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;

(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the independent fund raiser, affiliate of the independent fund raiser, or any entity retained by the independent fund raiser; and

(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the independent fund raiser;

(8) The name, address, and telephone number of any independent fund raiser that was retained in the conduct of providing fund raising services; and

(9) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the independent fund raiser and shall be submitted with a ((fifteen-dollar)) nonrefundable, fifty-dollar filing fee ((and shall be signed by the professional fund raiser)). If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 8. Section 8, chapter 265, Laws of 1983 and RCW 19.09.085 are each amended to read as follows:

(1) Registration under this chapter shall be effective for ((two years)) one year, or the end of the organization's accounting year, whichever comes first.

(2) ((Persons and charitable organizations)) Reregistration required under RCW 19.09.075 and section 6 of this act shall be received by the secretary no later than the fifteenth day of the fifth month after the organization's accounting period ends.

(3) Reregistration required under RCW 19.09.079 shall be received by the secretary no later than the fifteenth day of the third month after the organization's accounting period ends.

(4) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through ~~((4))~~ (6), 19.09.079 (1) through (6), or section 6 (1) through (4) of this act.

~~((3))~~ (5) The secretary may notify ~~((persons and charitable organizations))~~ entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration.

Sec. 9. Section 6, chapter 265, Laws of 1983 and RCW 19.09.095 are each amended to read as follows:

~~((If any chapter, branch, affiliate, or area division of))~~ A charitable organization that is supervised and controlled by a superior or parent organization ~~((which))~~ that is incorporated, qualified to do business, or is doing business within this state~~((, such chapter, branch, affiliate, or area division))~~ shall not be required to register under RCW 19.09.065 if the superior or parent organization files an application, on behalf of its subsidiary, in addition to or as a part of its own application. If an application has been filed by a superior or parent organization, on behalf of the subsidiary organization, the superior or parent organization ~~((need not include the financial statement information as part of its financial report for any chapter, branch, or affiliate which solicits and collects less than five hundred dollars during its fiscal year, providing all such fund raising is done by persons who are unpaid for such services. For those chapters, branches, or affiliates which solicit, collect, or expend between five hundred dollars and five thousand dollars during their fiscal year, the superior or parent organization shall report such financial information either separately or in consolidated form. For those chapters, branches, or affiliates which solicit, collect, or expend in excess of five thousand dollars during their fiscal year, the superior or parent organization shall set forth such financial information separately, in addition to including such information in consolidated form))~~ shall (1) report financial information either separately or in consolidated form for its subsidiary organization(s), and (2) identify the subsidiary organization(s) on whose behalf the application is being submitted, indicating which such organization(s), if any, collected or expended five thousand dollars or more during their fiscal year.

NEW SECTION. Sec. 10. A new section is added to chapter 19.09 RCW to read as follows:

Before contracting for any fund raising service or activity, the charitable organization and independent fund raiser shall complete a registration form. The registration shall be filed by the charitable organization with the secretary, in the form prescribed by the secretary, within five working days

of the execution of the contract containing, but not limited to the following information:

- (1) The name and registration number of the independent fund raiser;
- (2) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);
- (3) The name and registration number of the charitable organization;
- (4) The name of the representative of the independent fund raiser who will be responsible for the conduct of the fund raising;
- (5) The type(s) of service(s) to be provided by the independent fund raiser;
- (6) The dates such service(s) will begin and end;
- (7) The terms of the agreement between the charitable organization and independent fund raiser relating to:
 - (a) Amount or percentages of amounts to inure to the charitable organization;
 - (b) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;
 - (c) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise;
 - (d) The manner in which contributions received directly by the charitable organization, not the result of services provided by the independent fund raiser, will be identified and used in computing the fee owed to the independent fund raiser; and
- (8) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the independent fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

The registration form shall be submitted with a nonrefundable, five-dollar filing fee and shall be signed by an owner or principal officer of the independent fund raiser and the president, treasurer, or comparable officer of the charitable organization.

Sec. 11. Section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 265, Laws of 1983 and RCW 19.09.100 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

- (1) Each person or organization soliciting charitable contributions shall disclose orally or in writing to each person or organization solicited:
 - (a) The name of the individual making the solicitation;
 - (b) The name of the charitable organization;

(c) The purpose of the solicitation, and the name of the organization that will receive the funds contributed; and

(d) ~~((Upon request, the estimated percentage of the money collected which will be applied to the cost of the solicitation or to the charitable purpose;~~

~~(2)) Whether the charitable organization is or is not properly registered under this chapter, and if registered, that information relating to its financial affairs is available by contacting the office of the secretary of state, giving the secretary's toll-free telephone number, if available.~~

(2) Each person or organization soliciting charitable contributions shall conspicuously disclose in writing to each person or organization solicited:

(a) If the solicitation is conducted by a charitable organization, the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the organization, as contained in the organization's most recent solicitation report filed in accordance with RCW 19.09.075(7);

(b) If the solicitation is conducted by an independent or nonprofit fund raiser, the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the independent or nonprofit fund raiser, as contained in the fund raiser's most recent solicitation report filed in accordance with RCW 19.09.079(7) or section 6 of this act.

(3) Each person or organization soliciting charitable contributions by telephone shall make the disclosures required by RCW 19.09.100(2) (a) or (b) in writing within five days of the receipt of any contribution. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in RCW 19.09.100(1)(d), and 19.09.100 (2) (a) or (b), whichever is applicable.

(4) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by an independent fund raiser.

(5) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government.

(6) A charitable organization shall comply with all local governmental regulations (~~which~~) that apply to soliciting for or on behalf of charitable organizations(;;).

~~((3))~~ (7) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure(~~(; and)~~).

~~((4))~~ (8) Solicitations shall not be conducted by a charitable organization or independent fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years (~~and~~) or has been subject to any permanent injunction or administrative order or judgment(;) under (~~the provisions of~~) RCW 19.86.080 or 19.86.090, involving a violation or violations of (~~the provisions of~~) RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Failure to comply with subsections (1) through ~~((4))~~ (8) of this section is a violation of this chapter.

Sec. 12. Section 20, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 227, Laws of 1982 and RCW 19.09.200 are each amended to read as follows:

Charitable organizations and ~~((professional))~~ independent fund raisers shall maintain accurate, current, and readily available books and records at their usual business locations until at least three years (~~staff~~) have elapsed following the effective period to which they relate.

All contracts between ~~((professional))~~ independent fund raisers and charitable organizations shall be in writing, and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization (~~and/or professional~~) and the independent fund raiser for a three-year period (~~as provided in this section~~). Such records and contracts shall be available for inspection and examination by the attorney general or by the county prosecuting attorney. A copy of such contract or record shall be submitted by the charitable organization or ~~((professional))~~ independent fund raiser, within ten days, following receipt

of a written demand therefor from the attorney general or county prosecutor.

Sec. 13. Section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 265, Laws of 1983 and RCW 19.09.210 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to ~~((professional))~~ independent fund raisers ~~((and solicitors))~~.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

Sec. 14. Section 23, chapter 13, Laws of 1973 1st ex. sess. as amended by section 11, chapter 227, Laws of 1982 and RCW 19.09.230 are each amended to read as follows:

No charitable organization, ~~((professional))~~ independent fund raiser, or ~~((professional solicitor shall))~~ other entity may knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person ~~((PROVIDED, That))~~. Such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, ((professional)) or independent fund raiser((, or professional solicitor)) of the charitable organization.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

Sec. 15. Section 24, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.240 are each amended to read as follows:

No charitable organization, ~~((professional))~~ independent fund raiser, or other person soliciting contributions for or on behalf of a charitable organization ~~((shall))~~ may use a name, symbol, or statement so closely related

or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.

Sec. 16. Section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 16, chapter 265, Laws of 1983 and RCW 19.09.190 are each amended to read as follows:

Every ~~((person employed or retained as a professional fund raiser by or for a charitable organization))~~ independent fund raiser who (1) directly or indirectly receives contributions from the public on behalf of any charitable organization; or (2) is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method; or (3) incurs or is authorized to incur expenses on behalf of the charitable organization; or (4) has not been registered with the secretary as an independent fund raiser for the preceding accounting year shall execute a surety bond as principal ((in the amount of five thousand dollars)) with one or more sureties whose liability in the aggregate as such sureties will ((at least equal the said sum)) equal at least fifteen thousand dollars. The secretary may, by rule, provide for the reduction and reinstatement of the bond required by this section.

The issuer of the surety bond shall be licensed to do business in this state, and shall promptly notify the secretary when claims or payments are made against the bond. The bond shall be filed with the secretary in the form prescribed by the secretary. The bond shall run to the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance ((or)), misfeasance, or deceptive practice in the conduct of such solicitation.

NEW SECTION. Sec. 17. A new section is added to chapter 19.09 RCW to read as follows:

(1) Any charitable organization, nonprofit fund raiser, or independent fund raiser who, after notification by the secretary, fails to properly register under this chapter by the end of the first business day following the issuance of the notice, is liable for a late filing fee of five dollars per day from the date of the notice until the registration is properly completed and filed. The late filing fee is in addition to any other filing fee provided by this chapter.

(2) The secretary shall notify the attorney general of any entity liable for late filing fees under subsection (1) of this section.

Sec. 18. Section 14, chapter 222, Laws of 1977 ex. sess. as last amended by section 11, chapter 265, Laws of 1983 and RCW 19.09.275 are each amended to read as follows:

Any person who wilfully and knowingly violates any provision of this chapter or who wilfully and knowingly gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report

is verified is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

Any person who (~~wilfully and knowingly~~) violates any provisions of this chapter or who (~~shall wilfully and knowingly~~) gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, (~~shall be deemed~~) is guilty of a misdemeanor (~~as provided in~~) punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 13, Laws of 1973 1st ex. sess., section 2, chapter 106, Laws of 1974 ex. sess., section 2, chapter 222, Laws of 1977 ex. sess., section 2, chapter 265, Laws of 1983 and RCW 19.09.030;

(2) Section 3, chapter 265, Laws of 1983 and RCW 19.09.045;

(3) Section 5, chapter 13, Laws of 1973 1st ex. sess., section 13, chapter 265, Laws of 1983 and RCW 19.09.050; and

(4) Section 14, chapter 265, Laws of 1983 and RCW 19.09.069.

NEW SECTION. Sec. 20. To carry out this act, the sum of twelve thousand dollars, or so much thereof as may be necessary, is appropriated to the secretary of state from the general fund for the biennium ending June 30, 1987.

NEW SECTION. Sec. 21. This act shall take effect on January 1, 1987.

Passed the House March 8, 1986.

Passed the Senate March 5, 1986.

Approved by the Governor April 3, 1986.

Filed in Office of Secretary of State April 3, 1986.

CHAPTER 231

[House Bill No. 1851]

MAGNESIUM PRODUCTION—TAXATION OF INGREDIENTS, COMPONENTS, AND CHEMICALS USED IN PROCESSING—CANNING, PRESERVING, AND FREEZING BUSINESS—SALES AND USE TAX

AN ACT Relating to excise taxation of ingredients, components, and chemicals used in processing; amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all