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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 416 Session of  
2013

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INTRODUCED BY GOODMAN, BOBACK, CALTAGIRONE, CLYMER, P. DALEY,  
DEAN, FABRIZIO, KNOWLES, KORTZ, MATZIE, MCCARTER, MCGEEHAN,  
MILLARD, MILLER, MILNE, O'BRIEN, O'NEILL, QUINN, SCHLOSSBERG,  
SWANGER AND WHITE, JANUARY 29, 2013

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 29, 2013

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AN ACT

1 Amending the act of December 19, 1990 (P.L.1200, No.202),  
2 entitled "An act providing for the registration and  
3 regulation of solicitations by charitable organizations,  
4 professional fundraisers and other solicitors; imposing  
5 additional powers on the Department of State and the Office  
6 of Attorney General; prescribing civil and criminal  
7 penalties; and making a repeal," further providing for filed  
8 information as public records; and establishing an account.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 11 of the act of December 19, 1990  
12 (P.L.1200, No.202), known as the Solicitation of Funds for  
13 Charitable Purposes Act, is amended to read:

14 Section 11. Information filed to become public records.

15 (a) Status and access.--Except as otherwise provided in  
16 section 12, registration statements and applications, reports,  
17 notices, contracts or agreements between charitable  
18 organizations and professional fundraising counsel, professional  
19 solicitors and commercial conventurers, and all other documents  
20 and information required to be filed under this act with the

1 department shall:

2 (1) be filed electronically;

3 (2) become public records in the office of the bureau  
4 [and shall];

5 (3) be open to the general public at such time and under  
6 such conditions as the department may prescribe[.]; and

7 (4) be made available to the general public without  
8 charge through a searchable database on the department's  
9 publicly accessible Internet website.

10 (b) Duty of secretary.--The secretary shall develop an  
11 electronic filing system for all documents and information  
12 required to be filed with the department under this act. The  
13 system shall be operational no later than January 1, 2015.

14 Section 2. The act is amended by adding a section to read:

15 Section 19.1. Solicitation of Funds for Charitable Purposes  
16 Account.

17 (a) Establishment.--The Solicitation of Funds for Charitable  
18 Purposes Account is established as a restricted account within  
19 the General Fund.

20 (b) Purpose.--The purpose of the account is to fund the  
21 regulatory actions under this act.

22 (c) Source.--The following are the sources of the account:

23 (1) Appropriations.

24 (2) The following fees:

25 (i) Annual registration for charitable organizations  
26 under section 5(p).

27 (ii) Late filing for charitable organizations under  
28 section 5(q).

29 (iii) Annual registration for professional  
30 fundraising counsels under section 8(b).

1           (iv) Annual registration for professional solicitors  
2           under section 9(b).

3           (v) Contract filing for professional solicitors  
4           under section 9(e).

5           (3) Return on money in the account.

6           (d) Administration.--The department shall administer the  
7           account.

8           (e) Nonlapse.--Money in the account is continuously  
9           appropriated into the account. This appropriation shall not  
10          lapse at the end of any fiscal year.

11          Section 2. This act shall take effect in 60 days.