

Subd. 5. The ~~passenger~~ motor vehicles in the central motor pool or any branch thereof shall be available for official state business only. Each state department and agency requiring the services of a ~~passenger~~ motor vehicle shall ~~requisition it from the central motor pool or any branch thereof on either a temporary or permanent basis.~~ No privately owned motor vehicle shall be used for official state business except when authorized by the commissioner of administration.

Sec. 5. Minnesota Statutes 1967, Section 16.75, Subdivision 7, is amended to read:

Subd. 7. The commissioner of administration shall establish all rules and regulations necessary for the efficient and economical operation, maintenance, repair, and replacement of state-owned ~~passenger~~ motor vehicles in the central motor pool or any branch thereof. ~~The regulations shall include the requirements for keeping records and reports and all schedules used as a basis for charging departments and agencies for the services furnished. They shall also provide for periodic reimbursements by the department or agency using the motor pool services. The commissioner of administration by rule or regulation shall also provide for the uniform marking and coloring of all such motor vehicles. The provisions of the Administrative Procedures Act shall not apply to such rules and regulations.~~

Approved April 9, 1969.

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CHAPTER 112—H. F. No. 1206

[Coded in Part]

*An act relating to charities; providing penalties for violations; amending Minnesota Statutes 1967, Sections 309.50, by adding a subdivision; 309.51, Subdivision 2; 309.52, Subdivisions 1 and 5, and by adding subdivisions; 309.53, Subdivisions 1 and 3, and by adding subdivisions; 309.54, Subdivisions 1 and 3; 309.555; and Chapter 309, by adding sections; and repealing Minnesota Statutes 1967, Section 309.50, Subdivision 7.*

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

Section 1. Minnesota Statutes 1967, Section 309.50, is amended by adding a subdivision to read:

*Subd. 6a. Charities; solicitation of funds; regulation. "Ac-*

*Changes or additions indicated by italics, deletions by ~~strikeout~~.*

*counting year" means the 12 month period on which a charitable organization keeps its financial records.*

Sec. 2. Minnesota Statutes 1967, Section 309.51, Subdivision 2, is amended to read:

Subd. 2. In addition to the exemption granted by subdivision 1, the following charitable organizations may, but need not, file registration statements or annual reports with the ~~department~~ *secretary of state*:

(a) The University of Minnesota and any other educational institution which is under the general supervision of the state board of education, the state college board, *the state junior college board*, or is accredited by the University of Minnesota or the North Central Association of Colleges and Secondary Schools, or by any other national or regional accrediting association.

(b) A fraternal, patriotic, social, educational, alumni, professional, trade or learned society which limits solicitation of contributions to persons who either have, or shall have upon making a contribution, the right to vote as a member.

~~(c) A charitable organization which does not employ a professional fund raiser and which does not plan to solicit from the public within or outside this state gross contributions in excess of \$10,000 during any 12 months period ending June 30th of any year. If gross contributions received by such charitable organization during any 12 months period ending June 30th is in excess of \$10,000, it shall within 30 days after the date it shall have received total contributions in excess of \$10,000 file a registration statement as provided in section 309.52. A charitable organization shall be deemed to receive in addition to such contributions as are solicited from the public by it, such contributions as are solicited from the public by any other person and transferred to it. Any organization constituted for a charitable purpose receiving an allocation from a community chest, united fund or similar organization shall be deemed to have solicited that allocation from the public.~~

*(c) A charitable organization soliciting contributions for any person specified by name at the time of the solicitation if all of the contributions received are transferred to the person named with no restrictions on his expenditure of it and with no deductions whatsoever.*

*(d) A charitable organization:*

*(1) Which did not receive total contributions in excess of*

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\$2,000 from the public within or without this state during the accounting year last ended,

(2) Which does not plan to receive total contributions in excess of such amount from the public within or without this state during any accounting year,

(3) Whose functions and activities, including fund raising, are performed wholly by persons who are unpaid for their services; and

(4) None of whose assets or income inure to the benefit of or are paid to any officer.

For purposes of this chapter, a charitable organization shall be deemed to receive in addition to such contributions as are solicited from the public by it, such contributions as are solicited from the public by any other person and transferred to it. Any organization constituted for a charitable purpose receiving an allocation from a community chest, united fund or similar organization shall be deemed to have solicited that allocation from the public.

Sec. 3. Minnesota Statutes 1967, Section 309.52, Subdivision 1, is amended to read:

**309.52 Registration statement.** Subdivision 1. Every charitable organization, except as otherwise provided in section 309.51, which solicits contributions from persons in this state by any means whatsoever shall, prior to any solicitation, file with the ~~department~~ *secretary of state* upon forms provided by ~~it~~ *the secretary of state*, a registration statement which shall include the following information:

- (a) Legally established name.
- (b) Name or names under which it solicits contributions.
- (c) Form of organization.
- (d) Date and place of incorporation, if any.
- (e) Address of principal office in this state, or, if none, the name and address of the person having custody of books and records within this state.
- (f) Names and addresses of officers, directors, trustees, and chief executive officer.
- (g) Federal and state tax exempt status.
- (h) Denial at any time by any governmental agency or court of the right to solicit contributions.

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(i) Date on which accounting year of the charitable organization ends.

(j) General purposes for which organized.

(k) General purposes for which contributions to be solicited will be used.

(l) Methods by which solicitation will be made.

(m) Copies of contracts between charitable organization and professional fund raisers relating to financial compensation or profit to be derived by the professional fund raisers. Where any such contract is executed after filing of the registration statement, a copy thereof shall be filed within seven days of the date of execution.

(n) Board, group or individual having final discretion as to the distribution and use of contributions received.

(o) *The amount of total contributions received during the accounting year last ended.*

Sec. 4. Minnesota Statutes 1967, Section 309.52, is amended by adding a subdivision to read:

*Subd. 1a. A charitable organization whose total contributions received during any accounting year are in excess of \$2,000 shall file a registration statement with the secretary of state within 30 days after the date on which the organization's total contributions exceeded \$2,000. This subdivision shall not apply to a charitable organization which had filed a registration statement pursuant to this section for the accounting year last ended or to organizations described in section 309.51, subdivision 1 (a) or in subdivision 2 (a), (b), (c) or (d).*

Sec. 5. Minnesota Statutes 1967, Section 309.52, Subdivision 5, is amended to read:

*Subd. 5. For filing each registration statement the ~~department~~ secretary of state shall receive a fee of \$10 to be paid at the time of filing, which fee shall be deposited in the state treasury.*

Sec. 6. Minnesota Statutes 1967, Section 309.52, is amended by adding a subdivision to read:

*Subd. 8. Each charitable organization required to file a registration statement pursuant to this section shall file a copy or a duplicate thereof with the attorney general. The copy or duplicate shall be filed no later than the date by which the registration statement must be filed with the secretary of state.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Sec. 7. Minnesota Statutes 1967, Section 309.53; Subdivision 1, is amended to read:

**309.53 Annual report.** Subdivision 1. *Except as otherwise provided in subdivision 1a of this section, every charitable organization required to file a registration statement pursuant to section 309.52 shall file an annual report with the ~~department~~ secretary of state upon forms provided by the ~~department~~ secretary of state or on forms identical thereto on or before June 30 of each year if its books are kept on a calendar year basis, or within six months after the close of its fiscal year if its books are kept on a fiscal year basis. For cause shown the ~~department~~ attorney general may extend the time for filing the annual report for a period ~~of~~ not to exceed ~~an additional~~ three months. The annual report shall be accompanied by a filing fee of \$5 which shall be deposited in the state treasury.*

Sec. 8. Minnesota Statutes 1967, Section 309.53, is amended by adding a subdivision to read:

*Subd. 1a. A charitable organization may, but need not, file an annual report pursuant to this section if the organization:*

*(a) Did not receive total contributions in excess of \$10,000 from the public within or without this state during the accounting year last ended.*

*(b) Does not plan to receive total contributions in excess of \$10,000 from the public within or without this state during any accounting year, and*

*(c) Does not employ a professional fund raiser.*

Sec. 9. Minnesota Statutes 1967, Section 309.53, Subdivision 3 is amended to read:

Subd. 3. Such financial statement shall include a balance sheet and statement of income and expense, shall be consistent with forms furnished by the ~~department~~ secretary of state, and shall be prepared so as to make a full disclosure of the following, including necessary allocations between each item and the basis of such allocations:

*(a) ~~Gross~~ Total receipts and ~~gross~~ total income from all sources, broken down into total receipts and income from each separate solicitation project or source;*

*(b) Cost of administration;*

*(c) Cost of solicitation;*

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(d) Cost of programs designed to inform or educate the public;

(e) Funds or properties transferred out of state, with explanation as to recipient and purpose;

(f) Total net amount disbursed or dedicated within this state, broken down into total amounts disbursed or dedicated for each major purpose, charitable or otherwise;

(g) Names of professional fund raisers used during the ~~12 months period~~ *accounting year* and the financial compensation or profit resulting to each professional fund raiser.

A financial statement of a charitable organization which has solicited from the public within or outside this state ~~gross total~~ contributions in excess of \$25,000 for the 12 months of operation covered by the statement shall be accompanied by an opinion signed by a certified public accountant that such statement fairly represents the financial operations of the charitable organization in sufficient detail to permit public evaluation of its operations. In giving such opinion the certified public accountant shall take into consideration capital, endowment or other reserve funds, if any, controlled by the charitable organization. *The opinion need not conform to the wording of the opinion form of the annual report forms provided by the secretary of state.*

Sec. 10. Minnesota Statutes 1967, Section 309.53, is amended by adding a subdivision to read:

*Subd. 5. Each charitable organization required to file an annual report pursuant to this section shall file a copy or a duplicate thereof with the attorney general. The copy or duplicate shall be filed no later than the date by which the annual report must be filed with the secretary of state.*

Sec. 11. Minnesota Statutes 1967, Section 309.54, Subdivision 1, is amended to read:

**309.54 Public record.** Subdivision 1. Registration statements, annual reports, and other documents required to be filed shall become public records in the office of the ~~department~~ *secretary of state.*

Sec. 12. Minnesota Statutes 1967, Section 309.54, Subdivision 3, is amended to read:

Subd. 3. Every charitable organization which is required to file a ~~registration statement~~ *an annual report* under section ~~309.52~~

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309.53 shall keep and maintain within Minnesota, at the place designated in its registration statement, the original books and records, or true copies thereof, pertaining to all money or other property collected from residents of this state and to the disbursement of such money or property. Such books and records shall be preserved for a period of not less than 10 years from the date of preparation thereof.

Sec. 13. Minnesota Statutes 1967, Section 309.555, is amended to read:

**309.555 Professional fund raisers.** No charitable organization shall ~~disburse pay or agree to pay~~ to any professional fund raiser ~~or fund raising organization for the cost of solicitation during any 12 month period as compensation for his services or as reimbursement for expenses; or both, more than 40~~ an amount in excess of 30 per cent of its gross receipts from all sources during the 12 month period ~~the total amount of moneys, funds, pledges or other property raised or received by such professional fund raiser in the name of the charitable organization. Compensation paid or agreed to be paid to a professional fund raiser shall include the reasonable cost of any expense, whether in money or in kind, incurred by a charitable organization pursuant to an agreement or contract with a professional fund raiser for the solicitation of charitable contributions. The 40 percent of gross receipts shall apply to the 12 month period selected by the charitable organization. The cost of solicitation shall be reflected in the financial statement of the charitable organization submitted under Minnesota Statutes 1965, Sections 309.51 and 309.53. The attorney general may apply for and the district court may grant relief for the violation of this section in accordance with the provisions of sections 309.50 to 309.61. A charitable organization shall be deemed to have paid or agreed to pay any portion of such moneys, funds, pledges or other properties retained by the professional fund raiser pursuant to a contract with the charitable organization.~~

Sec. 14. Minnesota Statutes 1967, Chapter 309, is amended by adding a section to read:

**[309.581] Violations; penalties.** *Any person who wilfully and knowingly violates any provision of sections 309.50 to 309.61, or who wilfully and knowingly gives false information to the secretary of state or attorney general in statements, reports or contracts required to be filed with the secretary of state by sections 309.50 to 309.61 shall be guilty of a misdemeanor.*

Sec. 15. Minnesota Statutes 1967, Chapter 309, is amended by adding a section to read:

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[309.582]. **Consultants.** *The attorney general may retain as consultants such accountants or other experts as the administration of this chapter may require.*

Sec. 16. [309.583] **Lists of contributors, sale.** *No charitable organization shall sell a list of its contributors to any other party.*

Sec. 17. *Minnesota Statutes 1967, Section 309.50, Subdivision 7, is hereby repealed.*

Approved April 9, 1969.

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CHAPTER 113—H. F. No. 1220

[Not Coded]

*An act relating to police meter maids in the city of Rochester.*

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

Section 1. **Rochester, city of; meter maids.** Notwithstanding the provisions of any other law to the contrary, the city of Rochester may employ police meter maids to be under the control and direction of the chief of police but who shall not be subject to the rules and regulations of the police civil service commission or be eligible to be members in or to receive benefits from the policemen's relief association.

Sec. 2. This act takes effect when approved by the governing body of the city of Rochester, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 9, 1969.

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CHAPTER 114—H. F. No. 1299

[Not Coded]

*An act relating to moneys appropriated for state colleges including moneys appropriated for state college buildings; and reappropriation of certain moneys; amending Laws 1969, Chapter 22; by adding a section.*

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