

By: Senator(s) King, Carmichael

To: Finance

SENATE BILL NO. 2262

1 AN ACT TO AMEND SECTION 79-11-505, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PATRIOTIC ORGANIZATIONS MAY UTILIZE NONMEMBERS TO
3 ASSIST DESIGNATED SUPERVISORS IN THE CONDUCT OF BINGO UNDER THE
4 CHARITABLE BINGO LAW AND BE EXEMPT FROM REQUIREMENTS OF SECTIONS
5 79-11-501 THROUGH 75-11-529, MISSISSIPPI CODE OF 1972, WHICH
6 REQUIRE REGISTRATION WITH THE SECRETARY OF STATE TO SOLICIT
7 CONTRIBUTIONS, IF THE ORGANIZATIONS OTHERWISE MEET THE
8 REQUIREMENTS FOR THE EXEMPTION; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 79-11-505, Mississippi Code of 1972, is
11 amended as follows:

12 79-11-505. (1) The provisions of Sections 79-11-501 through
13 79-11-529 shall not apply to the following organizations:

14 (a) All educational institutions that are recognized by
15 the State Board of Education or that are accredited by a regional
16 accrediting association or by an organization affiliated with the
17 National Commission on Accrediting, any foundation having an
18 established identity with any of the aforementioned educational
19 institutions, any other educational institution which makes the
20 solicitation of contributions solely by its student body, alumni,
21 faculty and trustees and their families or a library established
22 under the laws of this state.

23 (b) Fraternal, patriotic, social, educational, alumni
24 organizations and historical societies when solicitation of
25 contributions is made solely by their membership; however,
26 patriotic organizations may utilize nonmembers to assist
27 designated supervisors in the conduct of bingo under the
28 Charitable Bingo Law and qualify for this exemption. This
29 exemption shall be extended to any subsidiary of a parent or

30 superior organization if such solicitation is made solely by the
31 membership of the subsidiary, parent or superior organization.

32 (c) Persons requesting any contributions for the relief
33 or benefit of any individual, specified by name at the time of the
34 solicitation, if the contributions collected are turned over to
35 the named beneficiary, first deducting reasonable expenses for
36 costs of banquets or social gatherings, if any, provided all
37 fund-raising functions are carried on by persons who are unpaid,
38 directly or indirectly, for such services.

39 (d) Any charitable organization which does not intend
40 to solicit and receive and does not actually receive contributions
41 in excess of Four Thousand Dollars (\$4,000.00) during any
42 twelve-month period ending June 30 of any year, provided all of
43 its fund-raising functions are carried on by persons who are
44 unpaid for such services. However, if the gross contributions
45 received by such charitable organization during any twelve-month
46 period ending June 30 of any year shall be in excess of Four
47 Thousand Dollars (\$4,000.00) it shall, within thirty (30) days
48 after the date it shall have received total contributions in
49 excess of Four Thousand Dollars (\$4,000.00), register with and
50 report to the Secretary of State as required by this chapter.

51 (e) Any charitable organization receiving an allocation
52 from an incorporated community chest or united fund, provided such
53 chest or fund is complying with the provisions of Sections
54 79-11-501 through 79-11-529 relating to registration and filing of
55 annual reports with the Secretary of State, and provided such
56 organization does not actually receive, in addition to such
57 allocation, contributions in excess of Four Thousand Dollars
58 (\$4,000.00) during any twelve-month period ending June 30 of any
59 year, and provided further, that all the fund-raising functions of
60 such organization are carried on by persons who are unpaid for
61 such services. However, if the gross contributions other than
62 such allocation received by such charitable organization during

63 any twelve-month period ending June 30 of any year shall be in
64 excess of Four Thousand Dollars (\$4,000.00), it shall, within
65 thirty (30) days after the date it shall have received such
66 contributions in excess of Four Thousand Dollars (\$4,000.00),
67 register with and report to the Secretary of State as required by
68 this chapter.

69 (f) All volunteer fire departments or rescue units,
70 rural or otherwise, chartered under the laws and statutes of the
71 State of Mississippi as nonprofit corporations.

72 (g) Any humane society organized under the laws of
73 Mississippi which contracts with counties or municipalities for
74 the care and keeping of estrays.

75 (h) Any other organization which the Secretary of State
76 by rule or order exempts from the registration requirements of
77 this chapter upon finding that (i) such registration is neither
78 necessary in the public interest nor for the protection of
79 contributors, or (ii) such exemption shall further the objectives
80 of compatibility with uniformity among the states.

81 (2) Prior to any solicitations for contributions, each
82 charitable organization claiming to be exempt shall file a Notice
83 of Exemption on the forms prescribed by the Secretary of State.
84 In any proceeding under this chapter, the burden of proving an
85 exemption, or an exception from a definition, is upon the person
86 claiming it.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after its passage.