

By: Representative Wilson

To: Judiciary A

HOUSE BILL NO. 809

1 AN ACT TO AMEND SECTION 79-11-505, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE CRITERIA FOR HUMANE SOCIETIES TO BE EXEMPT FROM THE
3 REGISTRATION AND REPORTING REQUIREMENTS FOR CHARITABLE
4 ORGANIZATIONS; AND FOR RELATED PURPOSES.

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

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

8 79-11-505. (1) The registration provisions of Section
9 79-11-503 and the reporting provisions of Section 79-11-507 shall
10 not apply to the following organizations:

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



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

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

37 (d) Any charitable organization which does not intend
38 to solicit and receive and does not actually receive contributions
39 in excess of Twenty-five Thousand Dollars (\$25,000.00) during any
40 twelve-month period ending June 30 of any year or on such other
41 date as prescribed by rule, provided all of its fund-raising
42 functions are carried on by persons who are unpaid for such
43 services. However, if the gross contributions received by such
44 charitable organization during any twelve-month period ending June



45 30 of any year or other date as prescribed by rule shall be in
46 excess of Twenty-five Thousand Dollars (\$25,000.00) it shall,
47 within thirty (30) days after the date it shall have received
48 total contributions in excess of Twenty-five Thousand Dollars
49 (\$25,000.00), register with and report to the Secretary of State
50 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 Twenty-five Thousand
58 Dollars (\$25,000.00) during any twelve-month period ending June 30
59 of any year or such other date as prescribed by rule, and provided
60 further, that all the fund-raising functions of such organization
61 are carried on by persons who are unpaid for such services.
62 However, if the gross contributions other than such allocation
63 received by such charitable organization during any twelve-month
64 period ending June 30 of any year or on such other date as
65 prescribed by rule shall be in excess of Twenty-five Thousand
66 Dollars (\$25,000.00), it shall, within thirty (30) days after the
67 date it shall have received such contributions in excess of
68 Twenty-five Thousand Dollars (\$25,000.00), register with and
69 report to the Secretary of State as required by this chapter.



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

73 (g) Any humane society organized under the laws of
74 Mississippi * * * that receives fifty percent (50%) or more of its
75 funds from contracts with counties or municipalities for the care
76 and keeping of estrays.

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

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

89 **SECTION 2.** This act shall take effect and be in force from
90 and after July 1, 2018.

