

By: Senator(s) Blackwell

To: Judiciary, Division A

SENATE BILL NO. 2310

1 AN ACT TO AMEND SECTION 79-11-505, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE EXEMPTION FROM REGISTRATION FOR SOLICITATION AS A
3 CHARITABLE ENTITY FOR HUMANE SOCIETIES; AND FOR RELATED PURPOSES.

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

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

7 79-11-505. (1) The registration provisions of Section
8 79-11-503 and the reporting provisions of Section 79-11-507 shall
9 not apply to the following organizations:

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



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

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

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



44 30 of any year or other date as prescribed by rule shall be in
45 excess of Twenty-five Thousand Dollars (\$25,000.00) it shall,
46 within thirty (30) days after the date it shall have received
47 total contributions in excess of Twenty-five Thousand Dollars
48 (\$25,000.00), register with and report to the Secretary of State
49 as required by this chapter.

50 (e) Any charitable organization receiving an allocation
51 from an incorporated community chest or united fund, provided such
52 chest or fund is complying with the provisions of Sections
53 79-11-501 through 79-11-529 relating to registration and filing of
54 annual reports with the Secretary of State, and provided such
55 organization does not actually receive, in addition to such
56 allocation, contributions in excess of Twenty-five Thousand
57 Dollars (\$25,000.00) during any twelve-month period ending June 30
58 of any year or such other date as prescribed by rule, and provided
59 further, that all the fundraising functions of such organization
60 are carried on by persons who are unpaid for such services.
61 However, if the gross contributions other than such allocation
62 received by such charitable organization during any twelve-month
63 period ending June 30 of any year or on such other date as
64 prescribed by rule shall be in excess of Twenty-five Thousand
65 Dollars (\$25,000.00), it shall, within thirty (30) days after the
66 date it shall have received such contributions in excess of
67 Twenty-five Thousand Dollars (\$25,000.00), register with and
68 report to the Secretary of State as required by 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 receives not less than fifty percent (50%) of
74 its annual funding from contracts with counties or municipalities
75 for the care and keeping of estrays.

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

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

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

