

By: Senator(s) King, Carmichael, Albritton, Dawkins, Dearing, Fillingane, Gollott, Gordon, Hewes, Jackson (11th), Lee (47th), Mettetal, Posey, Robertson

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2262

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

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

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

13 79-11-505. (1) The provisions of Sections 79-11-501 through
14 79-11-529 shall not apply to the following organizations:

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

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

31 to any subsidiary of a parent or superior organization if such
32 solicitation is made solely by the membership of the subsidiary,
33 parent or superior organization.

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

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

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

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

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

74 (g) Any humane society organized under the laws of
75 Mississippi which contracts with counties or municipalities for
76 the care 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 its passage.