**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3828**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Duncan

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Introduced in the House on March 31, 2009

Currently residing in the House Committee on **Education and Public Works**

Summary: Community Schools Investment Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/31/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-31-09.docx)‑66

3/31/2009 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2009\03-31-09.docx)‑66

**VERSIONS OF THIS BILL**

[3/31/2009](file:///p:\pprever\2009-10\3828_20090331.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “COMMUNITY SCHOOLS INVESTMENT ACT” BY ADDING SECTION 59‑17‑160 SO AS TO ALLOW EACH SCHOOL DISTRICT OF THE STATE TO CREATE A 501(c)(3) NONPROFIT FOUNDATION TO ACCEPT MONEY, PROPERTY, AND OTHER GIFTS DONATED TO THE DISTRICT AND TO RAISE FUNDS AND ACQUIRE REAL AND PERSONAL PROPERTY ON BEHALF OF THE DISTRICT; TO PROVIDE FOR THE COMPOSITION OF THE FOUNDATION; TO PROVIDE THAT CONTRIBUTIONS AND FUNDS RAISED ON BEHALF OF THE DISTRICT MAY BE USED ONLY FOR NONOPERATIONAL PURPOSES; TO PROVIDE FOR THE NAMING OF BUILDINGS AND OTHER SPECIAL PROJECTS UNDERTAKEN WITH FUNDS PROVIDED BY THE FOUNDATION AFTER BENEFACTORS OF THE FOUNDATION UPON CERTAIN CONDITIONS; AND TO PROVIDE THAT CONTRIBUTIONS RECEIVED BY THE FOUNDATION ARE TAX DEDUCTIBLE CHARITABLE OR BENEVOLENT CONTRIBUTIONS FOR INCOME TAX PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59‑17‑160. (A) This section may be cited as the ‘Community Schools Investment Act’.

(B) Each school district of the State may establish a 501(c)(3) nonprofit foundation to accept, receive, and hold money and other property, real or personal, that may be given, conveyed, bequeathed, or devised to the district and to raise funds and acquire real and personal property on behalf of the district for the benefit of the district. In the case where money or property is received charged with a trust, the money or property must be held and used strictly in accordance with the trust; however, where the terms of the trust would require something to be done other than merely to administer the trust no obligation in receiving the trust over and above merely its administration must be binding upon the foundation or the district except as accepted by the General Assembly.

(C) The foundation must be composed of seven members, appointed by the local legislative delegation of the county in which the school district is substantially located, and shall include members with expertise in school funding and professional fundraising. Foundation members must reside within the district and must have lived within the district for at least three years prior to their appointment. Members serve at the pleasure of the district.

(D) The foundation shall direct how money and property received by the foundation must be used by the district, but in no event may any resources be used for operational purposes.

(E) Provided that legal title has not passed from the foundation to the district, the foundation may name buildings and other special projects after benefactors of the foundation. In all other cases, the foundation may recommend that the district name buildings and other special projects undertaken with funds provided by the foundation after benefactors of the foundation.

(F) Contributions received by the foundation pursuant to this section must be treated as tax deductible charitable or benevolent contributions for income tax purposes.”

SECTION 2. This act takes effect upon approval by the Governor.

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