**South Carolina General Assembly**

120th Session, 2013-2014

**A43, R50, S250**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cromer and Ford

Document Path: l:\s-res\rwc\010char.kmm.rwc.docx

Companion/Similar bill(s): 3398

Introduced in the Senate on January 16, 2013

Introduced in the House on May 14, 2013

Last Amended on May 7, 2013

Passed by the General Assembly on May 17, 2013

Governor's Action: June 7, 2013, Signed

Summary: Charitable funds

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2013 Senate Introduced and read first time ([Senate Journal‑page 15](file:///h:\SJ%20Archive\2013\01-16-13.docx))

1/16/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 15](file:///h:\SJ%20Archive\2013\01-16-13.docx))

2/15/2013 Senate Referred to Subcommittee: Rankin (ch), Hutto, Bennett

4/17/2013 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\04-17-13.docx))

4/18/2013 Scrivener's error corrected

5/7/2013 Senate Committee Amendment Adopted ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\05-07-13.docx))

5/7/2013 Senate Read second time ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\05-07-13.docx))

5/7/2013 Senate Roll call Ayes‑39 Nays‑1 ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\05-07-13.docx))

5/8/2013 Scrivener's error corrected

5/8/2013 Senate Read third time and sent to House ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2013\05-08-13.docx))

5/14/2013 House Introduced and read first time ([House Journal‑page 18](file:///h:\HJ%20Archive\2013\05-14-13.docx))

5/14/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 18](file:///h:\HJ%20Archive\2013\05-14-13.docx))

5/14/2013 House Recalled from Committee on **Judiciary** ([House Journal‑page 34](file:///h:\HJ%20Archive\2013\05-14-13.docx))

5/16/2013 House Read second time ([House Journal‑page 21](file:///h:\HJ%20Archive\2013\05-16-13.docx))

5/16/2013 House Roll call Yeas‑94 Nays‑0 ([House Journal‑page 21](file:///h:\HJ%20Archive\2013\05-16-13.docx))

5/16/2013 House Unanimous consent for third reading on next legislative day ([House Journal‑page 22](file:///h:\HJ%20Archive\2013\05-16-13.docx))

5/17/2013 House Read third time and enrolled ([House Journal‑page 2](file:///h:\HJ%20Archive\2013\05-17-13.docx))

6/4/2013 Ratified R 50

6/7/2013 Signed By Governor

6/18/2013 Effective date 06/07/13

6/18/2013 Act No. 43

**VERSIONS OF THIS BILL**

[1/16/2013](file:///p:\pprever\2013-14\250_20130116.docx)

[4/17/2013](file:///p:\pprever\2013-14\250_20130417.docx)

[4/18/2013](file:///p:\pprever\2013-14\250_20130418.docx)

[5/7/2013](file:///p:\pprever\2013-14\250_20130507.docx)

[5/8/2013](file:///p:\pprever\2013-14\250_20130508.docx)

[5/14/2013](file:///p:\pprever\2013-14\250_20130514.docx)

(A43, R50, S250)

**AN ACT TO AMEND SECTION 33‑56‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ORGANIZATIONS EXEMPT FROM FILING REGISTRATION STATEMENTS TO SOLICIT CHARITABLE CONTRIBUTIONS, SO AS TO ADD PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS AS ORGANIZATIONS EXEMPT FROM THE FILING REQUIREMENT.**

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

**Organizations exempt from filing registration statements, public school districts and public schools**

SECTION 1. Section 33‑56‑50 of the 1976 Code, as last amended by Act 69 of 2007, is further amended to read:

“Section 33‑56‑50. (A) The following are not required to file registration statements with the Secretary of State if their fundraising activities are not conducted by professional solicitors, professional fundraising counsel, or commercial coventurers:

(1) an educational institution which solicits contributions from only its students and their families, alumni, faculty, friends, and other constituencies, trustees, corporations, foundations, and individuals who are interested in and supportive of the programs of the institution;

(2) a person requesting contributions for the relief of an individual specified by name at the time of the solicitation when all of the contributions collected, without deductions of any kind, are turned over to the named beneficiary for his use, as long as the person soliciting the contributions is not a named beneficiary;

(3) a charitable organization which (a) does not intend to solicit or receive contributions from the public in excess of twenty thousand dollars in a calendar year and (b) has received a letter of tax exemption from the Internal Revenue Service, if all functions, including fundraising activities, of the organization exempted pursuant to this item are conducted by persons who are compensated no more than five hundred dollars in a year for their services and no part of their assets or income inures to the benefit of or is paid to an officer or a member. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, within thirty days after the date the contributions exceed these amounts, the organization must register with and report to the Secretary of State as required by this chapter;

(4) an organization which solicits exclusively from its membership, including a utility cooperative;

(5) a veterans’ organization which has a congressional charter; and

(6) the State, its political subdivisions, and an agency or a department of the State which are subject to the disclosure provisions of the Freedom of Information Act.

(B) The following are not required to file registration statements with the Secretary of State regardless of whether or not their fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial coventurers:

(1) a public school district located in the State and any public school teaching pre‑K through grade twelve located within the public school district. For purposes of this chapter, the term ‘public school’ includes any student organization within the school that does not maintain separate financial accounts or a separate federal Employer’s Identification Number (EIN) from the school and whose fundraising revenues are deposited in the school’s student activity fund; and

(2) a charitable organization that does not intend to solicit or receive contributions from the public in excess of seven thousand five hundred dollars during a calendar year. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, the organization shall register and report to the Secretary of State as required by this chapter within thirty days after the date the contributions exceed these amounts.

(C) A charitable organization claiming to be exempt from the registration provisions of this chapter and which solicits charitable contributions must submit annually to the Secretary of State, on forms prescribed by the Secretary of State, the name, address, and purpose of the organization and a statement setting forth the reason for the claim for exemption. If appropriate, the Secretary of State or his appropriate division shall issue a letter of exemption that may be exhibited to the public. A filing fee is not required of an exempt organization.

(D) A professional solicitor, professional fundraising counsel, or commercial coventurer conducting fundraising activities on behalf of an exempt organization must comply with the registration and filing requirements of this chapter.”

**Time effective**

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

Ratified the 4th day of June, 2013.

Approved the 7th day of June, 2013.

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