~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 6, 2013

**H. 3398**

Introduced by Rep. Bales

S. Printed 3/6/13--H.

Read the first time January 23, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3398) to amend Section 33-56-30, as amended, Code of Laws of South Carolina, 1976, relating to the solicitation of charitable funds and the requirement that charitable, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ 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 co‑venturers:

(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) ~~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 is not required to file registration statements with the Secretary of State without regard to the fact that their fundraising activities are or are not conducted by professional solicitors, professional fundraising counsel, or commercial co‑venturers~~ The following are not required to file registration statements with the Secretary of State regardless if their fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial co‑venturers:

(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, 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.

(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 co‑venturer conducting fundraising activities on behalf of an exempt organization must comply with the registration and filing requirements of this chapter.” /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 33-56-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOLICITATION OF CHARITABLE FUNDS AND THE REQUIREMENT THAT CHARITABLE ORGANIZATIONS WHICH SOLICIT FUNDS PAY A FILING FEE TO THE SECRETARY OF STATE, SO AS TO EXEMPT CERTAIN PUBLIC SCHOOLS FROM THE PAYMENT OF THIS FEE.

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

SECTION 1. Section 33-56-30 of the 1976 Code, as last amended by Act 69 of 2007, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The filing fee required in subsection (A) is not applicable to a public kindergarten, elementary school, middle school, secondary school, junior high school, or high school as defined in Sections 59-1-20 and 59-1-150. The schools identified in this subsection are exempt from the payment of this fee.”

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

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