

HB3668



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3668

by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

225 ILCS 460/3

from Ch. 23, par. 5103

Amends the Solicitation for Charity Act. Exempts any non-profit organization committed to ensuring the safety, welfare, and well-being of animals that spends at least 80% of its annual solicited contributions on animal shelters and activities directly ensuring the safety, welfare, and well-being of animals within the State, which does not include promoting or opposing legislation by any legislative body or administrative costs of the organization, from registering and filing reports with the Attorney General.

LRB100 11427 SMS 21850 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Solicitation for Charity Act is amended by
5 changing Section 3 as follows:

6 (225 ILCS 460/3) (from Ch. 23, par. 5103)

7 Sec. 3. Exemptions.

8 (a) Upon initial filing of a registration statement
9 pursuant to Section 2 of this Act and notification by the
10 Attorney General of his determination that the organizational
11 purposes or circumstances specified in this paragraph for
12 exemption are actual and genuine, the following entities shall
13 be exempt from all the report filing provisions of this Act,
14 except for the requirements set forth in Section 2 of this Act:

15 1. A corporation sole or other religious corporation,
16 trust or organization incorporated or established for
17 religious purposes, nor to any agency or organization
18 incorporated or established for charitable, hospital or
19 educational purposes and engaged in effectuating one or
20 more of such purposes, that is affiliated with, operated
21 by, or supervised or controlled by a corporation sole or
22 other religious corporation, trust or organization
23 incorporated or established for religious purposes, nor to

1 other religious agencies or organizations which serve
2 religion by the preservation of religious rights and
3 freedom from persecution or prejudice or by fostering
4 religion, including the moral and ethical aspects of a
5 particular religious faith.

6 2. Any charitable organization which does not intend to
7 solicit and receive and does not actually receive
8 contributions in excess of \$15,000 during any 12 month
9 period ending December 31 of any year. However, if the
10 gross contributions received by such charitable
11 organization during any 12 month period ending December 31
12 of any year shall be in excess of \$15,000, it shall file
13 reports as required under this Act and the provisions of
14 this Act shall apply.

15 (b) The following persons shall not be required to register
16 with the Attorney General:

17 1. The University of Illinois, Southern Illinois
18 University, Eastern Illinois University, Illinois State
19 Normal University, Northern Illinois University, Western
20 Illinois University, all educational institutions that are
21 recognized by the State Board of Education or that are
22 accredited by a regional accrediting association or by an
23 organization affiliated with the National Commission on
24 Accrediting, any foundation having an established identity
25 with any of the aforementioned educational institutions,
26 any other educational institution confining its

1 solicitation of contributions to its student body, alumni,
2 faculty and trustees, and their families, or a library
3 established under the laws of this State, provided that the
4 annual financial report of such institution or library
5 shall be filed with the State Board of Education, Governor,
6 Illinois State Library, County Library Board or County
7 Board, as provided by law.

8 2. Fraternal, patriotic, social, educational, alumni
9 organizations and historical societies when solicitation
10 of contributions is confined to their membership. This
11 exemption shall be extended to any subsidiary of a parent
12 or superior organization exempted by Sub-paragraph 2 of
13 Paragraph (b) of Section 3 of this Act where such
14 solicitation is confined to the membership of the
15 subsidiary, parent or superior organization.

16 3. Persons requesting any contributions for the relief
17 or benefit of any individual, specified by name at the time
18 of the solicitation, if the contributions collected are
19 turned over to the named beneficiary, first deducting
20 reasonable expenses for costs of banquets, or social
21 gatherings, if any, provided all fund raising functions are
22 carried on by persons who are unpaid, directly or
23 indirectly, for such services.

24 4. Any bona fide union, bona fide political
25 organization or bona fide political action committee,
26 which does not solicit funds for a charitable purpose.

1 5. Any charitable organization receiving an allocation
2 from an incorporated community chest or united fund,
3 provided such chest or fund is complying with the
4 provisions of this Act relating to registration and filing
5 of annual reports with the Attorney General, and provided
6 such organization does not actually receive, in addition to
7 such allocation, contributions in excess of \$4,000 during
8 any 12 month period ending June 30th of any year, and
9 provided further that all the fund raising functions of
10 such organization are carried on by persons who are unpaid
11 for such services. However, if the gross contributions
12 other than such allocation received by such charitable
13 organization during any 12 month period ending June 30th of
14 any year shall be in excess of \$4,000, it shall within 30
15 days after the date it shall have received such
16 contributions in excess of \$4,000 register with the
17 Attorney General as required by Section 2.

18 6. A bona fide organization of volunteer firemen, or a
19 bona fide auxiliary or affiliate of such organization,
20 provided all its fund raising activities are carried on by
21 members of such an organization or an affiliate thereof and
22 such members receive no compensation, directly or
23 indirectly, therefor.

24 7. Any charitable organization operating a nursery for
25 infants awaiting adoption providing that all its fund
26 raising activities are carried on by members of such an

1 organization or an affiliate thereof and such members
2 receive no compensation, directly or indirectly therefor.

3 8. Any corporation established by the Federal Congress
4 that is required by federal law to submit annual reports of
5 its activities to Congress containing itemized accounts of
6 all receipts and expenditures after being duly audited.

7 9. Any boys' club which is affiliated with the Boys'
8 Club of America, a corporation chartered by Congress;
9 provided, however, that such an affiliate properly files
10 the reports required by the Boys' Club of America and that
11 the Boys' Club of America files with the Government of the
12 United States the reports required by its federal charter.

13 10. Any veterans organization chartered or
14 incorporated under federal law and any veterans
15 organization which is affiliated with, and recognized in
16 the bylaws of, a congressionally chartered or incorporated
17 veterans organization; provided, however, that the
18 affiliate properly files the reports required by the
19 congressionally chartered or incorporated veterans
20 organization, that the congressionally chartered or
21 incorporated veterans organization files with the
22 government of the United States the reports required by its
23 federal charter, and that copies of such federally required
24 reports are filed with the Attorney General.

25 11. Any parent-teacher organization that is controlled
26 by teachers and parents of children attending a particular

1 public or private school for which the organization is
2 named and solicits contributions for the benefit of that
3 particular school; provided that:

4 (i) the school is specified by name at the time the
5 solicitation is made;

6 (ii) all of the contributions are turned over to
7 the school, after first deducting reasonable expenses
8 for fundraising and parent-teacher activities;

9 (iii) all fundraising functions are carried on by
10 persons who are not paid, either directly or
11 indirectly, for their fundraising services;

12 (iv) the total contributions, less reasonable
13 fundraising expenses, do not exceed \$50,000 in any
14 calendar year;

15 (v) the organization provides the school at least
16 annually with a complete accounting of all
17 contributions received; and

18 (vi) the governing board of the school certifies to
19 the Attorney General, if the Attorney General makes a
20 request for certification, that the parent-teacher
21 organization has provided the school with a full
22 accounting and that the organization has provided
23 benefits and contributions to the school.

24 12. Any non-profit organization committed to ensuring
25 the safety, welfare, and well-being of animals that spends
26 at least 80% of its annual solicited contributions on

1 animal shelters and activities directly ensuring the
2 safety, welfare, and well-being of animals within the
3 State. For the purposes of this paragraph 12, activities
4 directly ensuring the safety, welfare, and well-being of
5 animals do not include promoting or opposing legislation by
6 any legislative body or administrative costs of the
7 organization.

8 (Source: P.A. 90-469, eff. 8-17-97; 91-444, eff. 8-6-99.)