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COMMITTEE REPORT

January 26, 2011

**H. 3295**

Introduced by Rep. Herbkersman

S. Printed 1/26/11--H.

Read the first time January 12, 2011.

**THE COMMITTEE ON**

**INVITATIONS AND MEMORIAL RESOLUTIONS**

To whom was referred a Bill (H. 3295) to amend Section 61‑6‑1820, Code of Laws of South Carolina, 1976, relating to the criteria for a nonprofit organization to obtain a license to sell alcoholic, etc., respectfully

**REPORT:**

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

LISTON D. BARFIELD for Committee.

**A** **BILL**

TO AMEND SECTION 61‑6‑1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNER’S ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

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

SECTION 1. Section 61‑6‑1820(1) of the 1976 Code is amended to read:

“(1) The applicant is a bona fide nonprofit organization or the applicant conducts a business bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging. A homeowner’s association, chartered as a nonprofit organization by the Secretary of State, whose membership is limited to individuals who own property in the residential community and whose affairs are governed by a board of directors elected by the membership, is eligible for a license under this section. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Upon dissolution of the homeowner’s association, the remaining assets, if any, may be distributed to its members.”

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

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