~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 17, 2010

**S. 1014**

Introduced by Senators Jackson, Rose and Ford

S. Printed 3/17/10--S.

Read the first time January 12, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1014) to amend Section 33‑31‑1402, Code of Laws of South Carolina, 1976, relating to dissolution of nonprofit corporations by directors, members, and third persons, 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, page 1, by striking lines 32-34 in their entirety and inserting the following:

/ “(f) Before the Secretary of State may accept for filing articles of dissolution of an existing nonprofit organization executed by a person authorized by this section to /

Amend the bill further, as and if amended, by adding an unnumbered SECTION after page 1, line 39, to read as follows:

/ SECTION \_\_\_. Section 33-31-1403(a) of the 1976 Code is amended to read:

“(a) A ~~public benefit or religious corporation~~ nonprofit organization shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution. The nonprofit organization shall submit to the Secretary of State copies of all documents provided to the Attorney General at the time of the filing of the articles of dissolution.” /

Renumber sections to conform.

Amend title to conform.

PAUL G. CAMPBELL, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Secretary of State’s Office reports this bill will have no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 33‑31‑1402, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISSOLUTION OF NONPROFIT CORPORATIONS BY DIRECTORS, MEMBERS, AND THIRD PERSONS, SO AS TO PROVIDE THAT BEFORE THE SECRETARY OF STATE MAY ACCEPT FOR FILING ARTICLES OF DISSOLUTION OF AN EXISTING NONPROFIT RELIGIOUS OR CHARITABLE ORGANIZATION EXECUTED BY A PERSON AUTHORIZED BY THIS SECTION TO TAKE SUCH ACTION, THE SECRETARY OF STATE SHALL REQUIRE THIS PERSON TO ATTACH AN AFFIDAVIT TO THE FILING WHERE THE PERSON UNDER OATH SUBJECT TO A PENALTY OF PERJURY CERTIFIES THAT HE HOLDS THE REQUISITE AUTHORITY TO TAKE SUCH ACTION.

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

SECTION 1. Section 33‑31‑1402 of the 1976 Code is amended by adding:

“(f) Before the Secretary of State may accept for filing articles of dissolution of an existing nonprofit religious or charitable organization executed by a person authorized by this section to take such action either in his own right under appropriate authority or on behalf of the board or other entity or group, the Secretary of State shall require this person to attach an affidavit to the filing when the person under oath subject to a penalty of perjury certifies that he holds the requisite authority to take such action.”

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

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