**South Carolina General Assembly**

118th Session, 2009-2010

**A220, R288, S1014**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Jackson, Rose and Ford

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Introduced in the Senate on January 12, 2010

Introduced in the House on March 25, 2010

Passed by the General Assembly on May 26, 2010

Governor's Action: June 8, 2010, Signed

Summary: Nonprofit organizations

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2009 Senate Prefiled

 12/9/2009 Senate Referred to Committee on **Judiciary**

 1/12/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-12-10.docx)‑56

 1/12/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-12-10.docx)‑56

 1/12/2010 Senate Referred to Subcommittee: Campbell (ch), Cleary, Williams, Mulvaney, Nicholson

 3/17/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-17-10.docx)‑9

 3/18/2010 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-18-10.docx)‑16

 3/18/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-18-10.docx)‑16

 3/24/2010 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-24-10.docx)‑24

 3/25/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-25-10.docx)‑22

 3/25/2010 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-25-10.docx)‑23

 5/19/2010 House Recalled from Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-19-10.docx)‑48

 5/25/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-25-10.docx)‑37

 5/26/2010 House Read third time and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-26-10.docx)‑10

 6/2/2010 Ratified R 288

 6/8/2010 Signed By Governor

 6/15/2010 Effective date 06/08/10

 6/17/2010 Act No. 220

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p%3A%5Cpprever%5C2009-10%5C1014_20091209.docx)

[3/17/2010](file:///p%3A%5Cpprever%5C2009-10%5C1014_20100317.docx)

[3/18/2010](file:///p%3A%5Cpprever%5C2009-10%5C1014_20100318.docx)

[5/19/2010](file:///p%3A%5Cpprever%5C2009-10%5C1014_20100519.docx)

(A220, R288, S1014)

**AN ACT 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 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; AND TO AMEND SECTION 33‑31‑1403, RELATING TO NOTICES TO THE ATTORNEY GENERAL IN REGARD TO THE DISSOLUTION OF SPECIFIED NONPROFIT CORPORATIONS, SO AS TO REVISE CERTAIN REFERENCES AND PROVIDE THAT 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.**

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

**Affidavit required**

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 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.”

**Copies to Secretary of State**

SECTION 2. Section 33‑31‑1403(a) of the 1976 Code is amended to read:

 “(a) A 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.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2010.

Approved the 8th day of June, 2010.

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