

7776 Lebray



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

May 25, 2004

The Honorable William C. Mescher
Senator, District No. 44
303 Gressette Building
Columbia, South Carolina 29211

Dear Senator Mescher:

In a letter to this office you indicated that the Goose Creek High School Band Booster Club is registered as a nonprofit corporation of the State of South Carolina having filed its charter with the South Carolina Secretary of State's office in 1989. Referencing such, you have asked whether the Booster Club is obligated to operate under the South Carolina Nonprofit Corporation Act of 1994 which is codified as S.C. Code Ann. Sections 33-31-101 et seq. (Supp. 2003). The Act was effective May 10, 1994.

Section 33-31-1701 provides that the Nonprofit Corporation Act "...applies to all domestic corporations which on this chapter's effective date were governed by Title 33, Chapter 31 of the 1976 Code." Those provisions pertained to nonprofit corporations generally. I contacted Neil Rashley with the Secretary of State's office and he indicated that consistent with such provision, the Nonprofit Corporation Act of 1994 would be applicable to the Goose Creek High School Band Booster Club.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General