

1 SB38
2 115198-1
3 By Senator Mitchem
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 12-JAN-10
6 PFD: 11/24/2009

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8 SYNOPSIS: This bill would allow the Secretary of
9 State to administratively dissolve a corporation
10 when the corporation has been convicted of
11 violating federal law regarding employment of
12 unauthorized aliens.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to corporations; to require the Secretary
19 of State to administratively dissolve a corporation when the
20 corporation has been convicted of violating certain federal
21 laws relating to the employment of unauthorized aliens.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) The Secretary of State shall commence
24 a proceeding to administratively dissolve a corporation if the
25 corporation has been convicted of violating Title 8, United
26 States Code Section 1324a(f), as amended, for actions of its

1 officers and directors constituting a pattern or practice of
2 employing unauthorized aliens in this state.

3 (b) Upon dissolution, the properties and affairs of
4 the corporation shall proceed the same as under the corporate
5 laws of this state.

6 (c) A corporation that is administratively dissolved
7 pursuant to this act shall not be eligible for reinstatement
8 for a period of not less than one year.

9 (d) Any corporation convicted under Title 8, United
10 States Code Section 1324a(f), as amended, shall immediately
11 report the conviction to the Secretary of State and file with
12 the Secretary of State an authenticated copy of the judgment
13 or record of the conviction.

14 (e) Before entering an order to administratively
15 dissolve a corporation pursuant to this act, the Secretary of
16 State shall issue a notice to the corporation giving it an
17 opportunity to be heard and show cause why the order to
18 administratively dissolve the corporation should not be
19 entered.

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.