**South Carolina General Assembly**

119th Session, 2011-2012

**A229, R267, S947**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Malloy and Williams

Document Path: l:\s-jud\bills\malloy\jud0120.pb.docx

Introduced in the Senate on June 1, 2011

Introduced in the House on April 25, 2012

Last Amended on June 6, 2012

Passed by the General Assembly on June 7, 2012

Governor's Action: June 18, 2012, Signed

Summary: Lake Paul A. Wallace Authority

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

6/1/2011 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj%20archive\2011\06-01-11.docx))

6/1/2011 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 8](file:///h:\sj%20archive\2011\06-01-11.docx))

4/18/2012 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\04-18-12.docx))

4/19/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 44](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Read second time ([Senate Journal‑page 44](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Roll call Ayes‑32 Nays‑3 ([Senate Journal‑page 44](file:///h:\sj%20archive\2012\04-19-12.docx))

4/20/2012 Scrivener's error corrected

4/24/2012 Senate Read third time and sent to House ([Senate Journal‑page 19](file:///h:\sj%20archive\2012\04-24-12.docx))

4/25/2012 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 3](file:///h:\hj%20archive\2012\04-25-12.docx))

4/26/2012 House Amended ([House Journal‑page 123](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 House Read second time ([House Journal‑page 123](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 House Roll call Yeas‑77 Nays‑0 ([House Journal‑page 125](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 House Unanimous consent for third reading on next legislative day ([House Journal‑page 127](file:///h:\hj%20archive\2012\04-26-12.docx))

4/27/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 5](file:///h:\hj%20archive\2012\04-27-12.docx))

6/6/2012 Senate House amendment amended ([Senate Journal‑page 92](file:///h:\sj%20archive\2012\06-06-12.docx))

6/6/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 92](file:///h:\sj%20archive\2012\06-06-12.docx))

6/6/2012 Senate Returned to House with amendments ([Senate Journal‑page 92](file:///h:\sj%20archive\2012\06-06-12.docx))

6/7/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 42](file:///h:\hj%20archive\2012\06-07-12.docx))

6/7/2012 House Roll call Yeas‑92 Nays‑0 ([House Journal‑page 43](file:///h:\hj%20archive\2012\06-07-12.docx))

6/12/2012 Ratified R 267

6/18/2012 Signed By Governor

6/20/2012 Effective date 07/01/12

6/26/2012 Act No. 229

**VERSIONS OF THIS BILL**

[6/1/2011](file:///p:\pprever\2011-12\947_20110601.docx)

[4/18/2012](file:///p:\pprever\2011-12\947_20120418.docx)

[4/19/2012](file:///p:\pprever\2011-12\947_20120419.docx)

[4/20/2012](file:///p:\pprever\2011-12\947_20120420.docx)

[4/25/2012](file:///p:\pprever\2011-12\947_20120425.docx)

[4/26/2012](file:///p:\pprever\2011-12\947_20120426.docx)

[6/6/2012](file:///p:\pprever\2011-12\947_20120606.docx)

(A229, R267, S947)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 49 SO AS TO ESTABLISH THE LAKE PAUL A. WALLACE AUTHORITY TO MANAGE, MAINTAIN, AND OPERATE THE LAKE, TO PROVIDE FOR THE MEMBERSHIP OF THE GOVERNING BODY OF THE AUTHORITY, TO PROVIDE FOR THEIR POWERS AND DUTIES, AND TO PROVIDE FOR RELATED MATTERS.**

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

**Lake Paul A. Wallace Authority**

SECTION 1. Title 49 of the 1976 Code is amended by adding:

“CHAPTER 33

Lake Paul A. Wallace Authority

Section 49‑33‑10. As used in this chapter, unless the context otherwise requires:

(1) ‘Authority’ means the Lake Paul A. Wallace Authority, a body corporate and politic created to receive, manage, maintain, and operate the property known as Lake Paul A. Wallace located in Marlboro County.

(2) ‘Department’ means the Department of Natural Resources.

(3) ‘Lake’ means Lake Paul A. Wallace.

Section 49‑33‑20. (A) There is hereby created a body corporate and politic to be known as the ‘Lake Paul A. Wallace Authority’.

(B) The function of the authority is to:

(1) be the body politic and corporate to manage, maintain, and operate the Lake Paul A. Wallace;

(2) ensure that the primary purpose of the lake is for public fishing and recreation in compliance with the federal law under which the lake was established; and

(3) provide that the wildlife habitat remain a protected area as long as this function does not contravene with the provisions contained in item (1) of this subsection.

Section 49‑33‑30. (A) The authority shall be composed of seven members appointed by the Marlboro County Legislative Delegation, as follows:

(1) two members nominated by the city council of Bennettsville;

(2) two members nominated by the county council of Marlboro County; and

(3) three members at large who reside near or have a demonstrable history of recreational use of Lake Paul A. Wallace.

(B) The members shall serve for terms of four years, except that of the members first appointed, one nominated by city council, one nominated by county council, and one at‑large member will serve for terms of two years for their initial appointment.

(C) One of the at‑large members must be designated by the Marlboro County Legislative Delegation to serve as the chairman of the authority.

(D) A vacancy must be filled in the same manner as the appointment for the vacant position is made, and the successor appointed to fill the vacancy shall hold office for the remainder of the unexpired term.

(E) The following shall serve ex officio as a nonvoting member: the Director of the Department of Natural Resources or his designee.

Section 49‑33‑40. (A) The members of the authority, at the discretion of the city, county, or authority may receive such per diem and mileage as is provided by law for members of boards, commissions, and committees.

(B) The city council of Bennettsville, the county council of Marlboro, and the authority may provide the per diem, mileage, and staff for the authority.

Section 49‑33‑50. The authority shall convene upon the call of the chairman and organize by electing a vice chairman, a secretary, and a treasurer, whose terms of office shall be for such period as the authority shall determine in its bylaws.

Section 49‑33‑60. The secretary of the authority shall file in the offices of the clerk of court for Marlboro County and the Secretary of State appropriate certificates, showing the personnel of the authority and the duration of the terms of the respective members.

Section 49‑33‑70. The authority has the following powers to:

(1) have perpetual succession;

(2) sue and be sued;

(3) adopt, use, and alter a corporate seal;

(4) define a quorum for its meetings;

(5) maintain a principal office, which shall be located in Bennettsville;

(6) make bylaws for the management and regulation of its affairs;

(7) acquire, hold, and manage real estate;

(8) make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the authority; and

(9) do all other acts and things necessary or convenient to carry out any function or power committed or granted to the authority.

Section 49‑33‑80. The authority is empowered to receive and spend any funding available through (1) the department, (2) the municipal, county, state, or federal government, or (3) any other source in order to finance the management, maintenance, and operation of the lake that is in compliance with federal and state law.”

**Severability clause**

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 3. This act shall take effect July 1, 2012.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

\_\_\_\_\_\_\_\_\_\_