COMMITTEE REPORT

April 18, 2012

**S. 947**

Introduced by Senators Malloy and Williams

S. Printed 4/18/12--S.

Read the first time June 1, 2011.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 947) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 33 to Title 49, so as to create the Lake Paul A. Wallace, 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, by striking all after the enacting words and inserting:

/ 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; and

(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 in compliance with the federal law under which the lake was established; and

(3) as long as the following functions do not contravene the function in item (2):

(a) provide that the wildlife habitat remain a protected area; and

(b) contract to sell water from the lake, provided that the proceeds from the sale must be used to manage, maintain, and operate Lake Paul A. Wallace.

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 non‑voting 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) sell water from the lake, as provided in Section 49‑33‑20(B)(3)(6);

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

(10) 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.”

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.

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

Renumber sections to conform.

Amend title to conform.

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 49, SO AS TO CREATE THE LAKE PAUL A. WALLACE AUTHORITY.

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

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; and

(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 receive, manage, maintain, and operate the Lake Paul A. Wallace property transferred from the Department of Natural Resources;

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

(3) as long as the following functions do not contravene the function in item (2):

(a) provide that the wildlife habitat remain a protected area; and

(b) contract to sell water from the lake.

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 non-voting member: the Director of the Department of Natural Resources or his designee.

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

(B) The city council of Bennettsville and the county council of Marlboro shall 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.

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

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(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) sell water from the lake;

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

(10) 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 operation of the lake.”

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.

SECTION 3. This act shall take effect July 1, 2011.

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