

Session 115 - (2003-2004)

H 4792 General Bill, By Harrison

Summary: Judicial Review of Administrative Decisions

A BILL TO AMEND SECTIONS 1-23-380, 1-23-390, 1-23-600, ALL AS AMENDED, AND 1-23-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS, SO AS TO PROVIDE THAT JUDICIAL REVIEW OF AN ADMINISTRATIVE DECISION MUST BE MADE BY AN ADMINISTRATIVE LAW JUDGE AND THAT DECISION MAY BE APPEALED TO THE SOUTH CAROLINA COURT OF APPEALS; TO AMEND SECTION 14-8-200, AS AMENDED, RELATING TO THE JURISDICTION OF THE COURT OF APPEALS, SO AS TO ADD THAT THE COURT OF APPEALS HAS JURISDICTION OVER ANY CASE IN WHICH AN APPEAL IS TAKEN FROM A FINAL DECISION OF AN AGENCY AND A FINAL DECISION OF AN ADMINISTRATIVE LAW JUDGE; TO AMEND SECTION 8-13-320, RELATING TO AN ORDER OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE FOR APPEAL FROM A FINAL DECISION OF THE COMMISSION TO THE SOUTH CAROLINA COURT OF APPEALS AS PROVIDED IN THE SOUTH CAROLINA APPELLATE COURT RULES; TO AMEND SECTION 41-35-750, AS AMENDED, RELATING TO A DECISION OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE FOR APPEAL WITHIN THIRTY DAYS OF A FINAL DECISION BY THE COMMISSION TO THE SOUTH CAROLINA COURT OF APPEALS AS PROVIDED IN THE SOUTH CAROLINA APPELLATE COURT RULES; TO AMEND SECTION 42-17-60, AS AMENDED, RELATING TO A DECISION OF THE WORKERS' COMPENSATION COMMISSION, SO AS TO PROVIDE FOR APPEAL FROM A FINAL DECISION OF THE COMMISSION TO THE SOUTH CAROLINA COURT OF APPEALS AS PROVIDED IN THE SOUTH CAROLINA APPELLATE COURT RULES; TO AMEND SECTIONS 58-5-330, 58-5-340, 58-5-990, 58-9-1410, AND 58-27-2310, ALL RELATING TO AN ORDER OR DECISION BY THE PUBLIC SERVICE COMMISSION, SO AS TO PROVIDE FOR APPEAL FROM A FINAL DECISION OF THE COMMISSION TO THE SOUTH CAROLINA SUPREME COURT OR COURT OF APPEALS AS PROVIDED BY STATUTE OR THE SOUTH CAROLINA APPELLATE COURT RULES; TO AMEND SECTION 1-13-90, RELATING TO AN ORDER OF THE STATE HUMAN AFFAIRS COMMISSION, SECTION 8-17-340, AS AMENDED, RELATING TO A DECISION OF THE STATE EMPLOYEE GRIEVANCE COMMITTEE, SECTION 11-35-4410, AS AMENDED, RELATING TO A DECISION OF THE PROCUREMENT REVIEW PANEL, SECTION 31-21-130, RELATING TO A DECISION OF THE HUMAN AFFAIRS COMMISSION, SECTION 33-56-140, AS AMENDED, RELATING TO THE SECRETARY OF STATE BRINGING AN ACTION TO ENJOIN A CHARITY FROM CONTINUING A VIOLATION OF THE SOLICITATION OF CHARITABLE FUNDS ACT, SECTIONS 35-1-1310, 35-1-1320, AND 35-1-1330, ALL AS AMENDED, ALL RELATING TO AN ORDER BY THE SECURITIES COMMISSIONER, SECTIONS 37-6-108, AS AMENDED, 37-6-402, AND 37-6-414, ALL RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SECTION 39-37-100, AS AMENDED, RELATING TO A DECISION OF THE DEPARTMENT OF AGRICULTURE, SECTION 43-25-90, RELATING TO A DECISION OF THE COMMISSION FOR THE BLIND, SECTION 44-1-50, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 44-7-220, RELATING TO A FINAL BOARD DECISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 45-9-75, RELATING TO A DETERMINATION BY A PANEL OF THE STATE HUMAN AFFAIRS COMMISSION, SECTION 46-3-220, RELATING TO AN ORDER OR DECISION BY THE COMMISSIONER OF AGRICULTURE, SECTIONS 47-17-50 AND 47-19-60, BOTH RELATING TO A DETERMINATION BY THE DIRECTOR OF THE LIVESTOCK-POULTRY HEALTH DEPARTMENT OF CLEMSON UNIVERSITY, SECTIONS 48-20-160, 48-20-190, BOTH AS AMENDED, AND 48-20-200, ALL RELATING TO A DECISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 48-39-150, AS AMENDED, RELATING TO THE APPROVAL OR DENIAL OF A PERMIT BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 54-3-470, RELATING TO AN ORDER OF THE STATE PORTS AUTHORITY, SECTIONS 55-5-230, 55-5-240, 55-5-250, ALL AS AMENDED, AND 55-8-20, ALL RELATING TO AN ORDER OF THE DIVISION OF AERONAUTICS, SECTIONS 59-25-260, 59-25-830, AND 59-40-90, ALL AS AMENDED, ALL RELATING TO DECISIONS BY THE STATE BOARD OF EDUCATION, SECTION 59-58-120, AS AMENDED, RELATING TO A DECISION OF THE COMMISSION ON HIGHER EDUCATION, ALL SO AS TO PROVIDE FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE DECISION BY AN ADMINISTRATIVE LAW JUDGE AND THAT DECISION APPEALED TO THE SOUTH CAROLINA COURT OF APPEALS; AND TO REPEAL SECTIONS 58-5-350, 58-5-360, 58-9-1420, 58-9-1440, 58-9-1460, 58-9-1470, 58-9-1480, AND 58-27-2330, ALL RELATING TO JUDICIAL REVIEW OF A DECISION BY THE PUBLIC SERVICE COMMISSION.

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