~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 2, 2012

**H. 5026**

Introduced by Rep. J.E. Smith

S. Printed 5/2/12--S.

Read the first time March 27, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 5026) to amend Section 1‑23‑600, as amended, Code of Laws of South Carolina, 1976, relating to hearings and proceedings before the Administrative Law Court, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LUKE A. RANKIN for Committee.

**A** **BILL**

TO AMEND SECTION 1‑23‑600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT.

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

SECTION 1. Section 1‑23‑600 of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:

“(D) An administrative law judge also shall preside over all appeals from final decisions of contested cases pursuant to the Administrative Procedures Act, Article I, Section 22, Constitution of the State of South Carolina, 1895, or another law, except that an appeal from a final order of the Public Service Commission and the State Ethics Commission is to the Supreme Court or the court of appeals as provided in the South Carolina Appellate Court Rules, an appeal from the Procurement Review Panel is to the circuit court as provided in Section 11‑35‑4410, and an appeal from the Workers’ Compensation Commission is to the court of appeals as provided in Section 42‑17‑60~~, and an appeal from the Department of Employment and Workforce is to the circuit court as provided in Section 41‑35‑750~~. An administrative law judge shall not hear an appeal from an inmate in the custody of the Department of Corrections involving the loss of the opportunity to earn sentence‑related credits pursuant to Section 24‑13‑210(A) or Section 24‑13‑230(A) or an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services.”

SECTION 2. This act takes effect upon approval by the Governor.

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