

Session 114 - (2001-2002)

H 3999 General Bill, By Harrison

Summary: Administrative procedures, Freedom of Information; request for public records; Courts, Administrative Law Judge

A BILL TO AMEND SECTION 1-23-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ADMINISTRATIVE PROCEDURES ACT, SO AS TO REVISE THE DEFINITIONS FOR "AGENCY" AND "CONTESTED CASE" TO INCLUDE A PERSON CHALLENGING THE DENIAL BY A PUBLIC BODY OF THE RELEASE OF A PUBLIC RECORD UNDER THE FREEDOM OF INFORMATION ACT; TO AMEND SECTION 1-23-600, AS AMENDED, RELATING TO THE JURISDICTION OF THE ADMINISTRATIVE LAW JUDGE DIVISION, SO AS TO ADD JURISDICTION TO HEAR PROCEEDINGS BROUGHT WHEN A PERSON CHALLENGES THE DENIAL OF A REQUEST TO RELEASE PUBLIC RECORDS; TO AMEND SECTION 30-4-30, AS AMENDED, RELATING TO THE FREEDOM OF INFORMATION ACT AND THE PUBLIC'S RIGHT TO INSPECT OR COPY PUBLIC RECORDS, SO AS TO PROVIDE A SHORTER TIME FRAME FOR REQUESTS TO BE ANSWERED, TO PROVIDE THAT THE FAILURE TO RESPOND BARS THE ASSERTION OF A CLAIM OF EXEMPTION FROM DISCLOSURE EXCEPT IN LIMITED CIRCUMSTANCES, TO PROVIDE THAT WHEN A REQUEST IS GRANTED THE DOCUMENTS MUST BE MADE AVAILABLE IMMEDIATELY, AND TO PROVIDE THAT A REQUESTER WHOSE REQUEST FOR RECORDS IS DENIED MAY FILE A CONTESTED CASE PROCEEDING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION AND, IF THE JUDGE RULES THE REQUEST MUST BE GRANTED, BE AWARDED ATTORNEY'S FEES AND COSTS FOR THE PROCEEDING BEFORE THE DIVISION; AND TO AMEND SECTION 30-4-100, RELATING TO THE COURT'S JURISDICTION UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO ADD JURISDICTION OF THE ADMINISTRATIVE LAW JUDGE DIVISION TO HEAR CERTAIN CASES.

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| 04/24/01 | House | Introduced and read first time HJ-89 |
| 04/24/01 | House | Referred to Committee on Judiciary HJ-90 |
| 04/02/02 | House | Committee report: Favorable with amendment Judiciary HJ-10 |
| 04/04/02 | House | Amended HJ-34 |
| 04/04/02 | House | Read second time HJ-35 |
| 04/04/02 | House | Unanimous consent for third reading on next legislative day HJ-35 |
| 04/05/02 | House | Read third time and sent to Senate HJ-4 |
| 04/09/02 | Senate | Introduced and read first time SJ-8 |
| 04/09/02 | Senate | Referred to Committee on Judiciary SJ-8 |