Session 110 - (1993-1994)

H*4794 (Rat #0605, Act #0452 of 1994) General Bill, By J.H. Hodges, Harrison, T.E. Huff, Jennings, L.M. Martin, Sheheen and J.B. Wilder

A Bill to amend Section 1-23-600, Code of Laws of South Carolina, 1976, relating to hearings and proceedings of the Administrative Law Judge Division, so as to provide that contested cases initiated before May 1, 1994, to which an administrative law judge would be assigned shall be heard and decided by a special hearing officer and cases initiated on or after May 1, 1994, shall be heard and decided by an administrative law judge; and to exempt those matters from the division which are otherwise provided for in Title 56, or those other cases or hearings which are prescribed for or mandated by federal law or regulation, unless specifically assigned to the Administrative Law Judge Division; Section 1-23-650, relating to rules governing the internal administration and operation of the Administrative Law Judge Division, so as to provide that these rules shall be proposed by the Chief Judge of the Division and adopted by a majority of the Judges of the Division, or proposed by any Judge of the Division and adopted by seventy-five percent of the Judges of the Division, so as to provide that each Administrative Law Judge may appoint, hire, contract and supervise the support staff he is individually allotted, so as to provide that rules governing practice and procedure before the Division which are consistent with the rules of procedure governing civil actions in courts of common pleas and not otherwise expressed in Chapter 23 of Title 1 of the 1976 Code shall upon approval by a majority of the Judges of the Division be promulgated by the Division, and shall be subject to review as are rules of procedure promulgated by the Supreme Court under Article V of the Constitution, and so as to provide that the Division shall adopt the South Carolina Rules of Civil Procedure as its temporary rules of procedure to remain in effect until permanent rules are promulgated; Section 61-1-10, as amended, relating to the appointment of attorneys to act as Alcoholic Beverage Control Hearing Officers, so as to provide that Hearing Officers shall be appointed for these cases initiated before May 1, 1994; Section 61-1-55, relating to the transfer of the duties and responsibilities of Alcoholic Beverage Control Hearing Officers to the Administrative Law Judge Division, so as to provide that alcoholic beverage cases initiated before May 1, 1994, to which an Administrative Law Judge would be assigned shall be heard and decided by a hearing officer and cases initiated on or after May 1, 1994, shall be heard and decided by an Administrative Law Judge, and to delay from March 1, 1994, to May 1, 1994, the repeal of certain provisions of law relating to the appointment of these hearing officers; Section 1-23-640, as amended, relating to the location where the Administrative Law Judge Division shall hear contested cases, so as to provide that the Division shall hear cases at its offices or at other locations as determined by the Chief Judge; Section 8-11-260, relating to the state employee personnel administration system, so as to exempt the judges, officers, and employees of the Administrative Law Judge Division; Section 8-17-370, relating to state employee grievance procedures, so as to exempt the judges, officers, and employees of the Administrative Law Judge Division; and Section 1-23-500, as amended, relating to the creation of the Administrative Law Judge Division, so as to direct the Judicial Council to study the feasibility and constitutionality of making the Administrative Law Judge Division a part of the Unified Judicial System, and to report its findings to the General Assembly and the Chief Justice of the Supreme Court by January 15, 1995.-amended title

02/22/94	**House**	**Introduced, read first time, placed on calendar without reference HJ-6**
03/24/94	**House**	**Amended HJ-38**
03/24/94	**House**	**Read second time HJ-40**
03/29/94	**House**	**Read third time and sent to Senate HJ-11**
03/30/94	**Senate**	**Introduced and read first time SJ-15**
03/30/94	**Senate**	**Referred to Committee on Judiciary SJ-15**
04/21/94	**Senate**	**Committee report: Favorable with amendment Judiciary SJ-35**
04/26/94	**Senate**	**Amended SJ-59**
04/26/94	**Senate**	**Read second time SJ-60**
04/27/94	**Senate**	**Amended SJ-39**
04/27/94	**Senate**	**Read third time and returned to House with amendments SJ-39**
05/10/94	**House**	**Debate adjourned on Senate amendments until Tuesday, May 17, 1994 HJ-129**
05/18/94	**House**	**Non-concurrence in Senate amendment HJ-40**
05/19/94	**Senate**	**Senate insists upon amendment and conference committee appointed Sens. Moore, Stilwell & Washington SJ-10**
05/24/94	**House**	**Conference committee appointed Jennings, Martin & Harrison HJ-3**
05/25/94	**House**	**Rep. Hodges appointed in lieu of Rep. Harrison HJ-9**
06/02/94	**House**	**Free conference powers granted HJ-59**
06/02/94	**House**	**Free conference committee appointed Rep. Jennings, Martin & Hodges HJ-61**
06/02/94	**House**	**Free conference report received and adopted HJ-61**

06/02/94	**Senate**	**Free conference powers granted SJ-109**
06/02/94	**Senate**	**Free conference committee appointed Sens. Stilwell, Moore, Washington SJ-110**
06/02/94	**Senate**	**Free conference report received and adopted SJ-110**
06/02/94	**House**	**Ordered enrolled for ratification HJ-103**
06/02/94		**Ratified R 605**
06/16/94		**Signed By Governor**
06/16/94		**Effective date 06/16/94**
06/28/94		**Act No. 452**
06/28/94		**Copies available**