~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 26, 2014

**S. 405**

Introduced by Senator L. Martin

S. Printed 2/26/14--S.

Read the first time February 20, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 405) to amend Section 1‑23‑560, as amended, Code of Laws of South Carolina, 1976, relating to the application of the Code of Judicial Conduct to Administrative Law Judges, 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 SECTIONS 2-3, page 2, lines 7-33, in their entirety.

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

**A** **BILL**

TO AMEND SECTION 1‑23‑560, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE CODE OF JUDICIAL CONDUCT TO ADMINISTRATIVE LAW JUDGES AND THE ENFORCEMENT AND ADMINISTRATION OF THESE RULES BY THE STATE ETHICS COMMISSION, SO AS TO PROVIDE INSTEAD THAT THE JUDICIAL DEPARTMENT SHALL HANDLE COMPLAINTS AGAINST ADMINISTRATIVE LAW JUDGES FOR POSSIBLE VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT IN THE SAME MANNER AS COMPLAINTS AGAINST OTHER JUDGES.

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

SECTION 1. Section 1‑23‑560 of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:

“Section 1‑23‑560. Administrative law judges are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules. The sole grounds for discipline and sanctions for administrative law judges are those contained in the Code of Judicial Conduct in Rule 502, Rule 7 of the South Carolina Appellate Court Rules. ~~The State Ethics Commission, which is responsible for enforcement and administration of those rules shall use the procedure contained in Section 8‑13‑320.~~ The Commission on Judicial Conduct, under the authority of the Supreme Court, shall handle complaints against administrative law judges for possible violations of the Code of Judicial Conduct in the same manner as complaints against other judges. Notwithstanding another provision of law, an administrative law judge and the judge’s spouse or guest may accept an invitation to attend a judicial‑related or bar‑related function, or an activity devoted to the improvement of the law, legal system, or the administration of justice.”

SECTION 2. Article 1, Chapter 23, Title 1 of the 1976 Code is amended by adding:

“Section 1‑23‑138. A regulation promulgated under this article expires five years from the date on which it becomes effective.”

SECTION 3. Section 1‑23‑120(J) of the 1976 Code is amended to read:

“~~(J)~~ ~~Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, 1997, and every five years thereafter, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in subsection (H) are not subject to this review. Upon completion of the review, the agency shall submit to the Code Commissioner a report which identifies those regulations:~~

~~(1)~~ ~~for which the agency intends to begin the process of repeal in accordance with this article;~~

~~(2)~~ ~~for which the agency intends to begin the process of amendment in accordance with this article; and~~

~~(3)~~ ~~which do not require repeal or amendment.~~

~~Nothing in this subsection may be construed to prevent an agency from repealing or amending a regulation in accordance with this article before or after it is identified in the report to the Code Commissioner.~~”

SECTION 4. This act takes effect upon approval by the Governor.

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