

## Session 115 - (2003-2004)

### **S 1109 General Bill, By McConnell**

#### **Summary:** Oyster Beds

A BILL TO AMEND SECTION 3-5-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVIEW AND APPEAL OF DETERMINATIONS OF DAMAGE TO OYSTER BEDS OR OYSTERS, SO AS TO PROVIDE THAT AN APPEAL OF A DECISION OF AN ADMINISTRATIVE LAW JUDGE MAY BE TAKEN TO THE CIRCUIT COURT; TO AMEND SECTION 44-1-50, RELATING TO POWERS AND DUTIES OF THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE THE REFERENCE TO THE COASTAL ZONE MANAGEMENT APPELLATE PANEL; TO AMEND SECTION 48-39-150, RELATING TO APPEALS OF A DECISION OF AN ADMINISTRATIVE LAW JUDGE DENYING OR GRANTING A PERMIT FOR USE IN A CRITICAL AREA, SO AS TO PROVIDE THAT AN APPEAL OF A DECISION OF AN ADMINISTRATIVE LAW JUDGE MAY BE TAKEN TO THE CIRCUIT COURT; TO AMEND SECTION 48-39-180, RELATING TO JUDICIAL REVIEW OF PERMIT DETERMINATIONS, SO AS TO PROVIDE THAT AN APPEAL OF A DECISION OF AN ADMINISTRATIVE LAW JUDGE MAY BE TAKEN TO THE CIRCUIT COURT; TO AMEND SECTION 48-39-280, RELATING TO A 40-YEAR POLICY OF RETREAT FROM THE SHORELINE, SO AS TO PROVIDE THAT AN APPEAL OF A DECISION OF AN ADMINISTRATIVE LAW JUDGE MAY BE TAKEN CIRCUIT COURT AND THAT A REQUEST FOR REVIEW OF THE FINAL OR REVISED SETBACK LINE, BASELINE, OR EROSION RATE ESTABLISHED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST BE FORWARDED TO THE ADMINISTRATIVE LAW JUDGE DIVISION AND AN APPEAL OF A DECISION OF AN ADMINISTRATIVE LAW JUDGE MAY BE TAKEN TO THE CIRCUIT COURT; TO AMEND SECTION 48-39-290, RELATING TO RESTRICTIONS ON CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SETBACK, SO AS TO PROVIDE THAT A PARTY AGGRIEVED BY A DECISION OF MAY APPLY TO THE ADMINISTRATIVE LAW JUDGE DIVISION TO REVIEW THE DETERMINATION AND MAY APPEAL THE DECISION OF AN ADMINISTRATIVE LAW JUDGE TO THE CIRCUIT COURT; AND TO REPEAL SECTION 48-39-40, RELATING TO THE CREATION OF THE COASTAL ZONE MANAGEMENT APPELLATE PANEL.

**03/31/04 Senate Introduced and read first time SJ-7**

**03/31/04 Senate Referred to Committee on Judiciary SJ-7**