**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3895**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Herbkersman

Document Path: l:\council\bills\agm\19956ab13.docx

Introduced in the House on April 9, 2013

Currently residing in the House Committee on **Judiciary**

Summary: Administrative Law Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/9/2013 House Introduced and read first time ([House Journal‑page 21](file:///h:\HJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 21](file:///h:\HJ%20Archive\2013\04-09-13.docx))

**VERSIONS OF THIS BILL**

[4/9/2013](file:///p:\pprever\2013-14\3895_20130409.docx)

**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 PROVIDE A PARTY MAY MOVE FOR THE COURT TO LIFT OR MODIFY A STAY IMPOSED BY THE COURT, AND TO PROVIDE FACTORS THAT THE COURT MUST CONSIDER WHEN DETERMINING WHETHER A PARTY HAS SHOWN GOOD CAUSE TO LIFT A STAY, TO PROVIDE FACTORS THE COURT MUST CONSIDER WHEN LIFTING A STAY, AND TO PROVIDE THAT NOTHING IN THIS SECTION MAY BE CONSTRUED AS A PREFERENCE TOWARD PRESERVING, MODIFYING, OR LIFTING A STAY.

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

SECTION 1. Section 1‑23‑600(H)(4) of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:

“(4) After a contested case is initiated before the Administrative Law Court, a party may move before the presiding administrative law judge to lift or modify the stay imposed pursuant to this subsection. Upon motion by any party, the court shall lift or modify the stay for good cause shown or if no irreparable harm will occur, then the stay shall be lifted. The court shall balance the needs and interests of all parties, as well as public policy, when seeking to determine whether good cause has been shown. In deciding whether to lift the stay, the court must be guided by the impact of lifting the stay on public health, safety, and welfare; environmental and cultural resources; and job creation and retention. A hearing must be held within thirty days after the motion is filed with the court and served upon the parties to lift the automatic stay or for a determination of the applicability of the automatic stay. The judge must issue an order no later than fifteen business days after the hearing is concluded. Nothing may be construed as a preference, as matter of state law, for either preserving, modifying, or lifting the stay provided for in this section.”

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

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