



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0105 Signed by Governor on March 12, 2018
Author: Rankin
Subject: Automatic Stay, Contested Cases in the Administrative Law Court
Requestor: Senate
RFA Analyst(s): Gardner
Impact Date: June 20, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill, which modifies the procedures of the Administrative Law Court, will have no expenditure impact on the General Fund, Federal Funds, or Other Funds, since the bill does not affect the number of hearings or materially impact the proceedings of the court.

Explanation of Fiscal Impact

Signed by Governor on March 12, 2018

State Expenditure

This bill relates to hearings and proceedings in contested cases in the Administrative Law Court (ALC). The bill requires that a party may, after ninety days of the filing of a request for a contested case, move before the presiding Administrative Law Judge (ALJ) to lift the stay or to make a determination on the applicability of the stay. The ALC must hold a hearing within thirty days after the filing date and service of the motion upon the affected parties. The ALC will lift the stay unless the party requesting the contested case hearing provides that irreparable harm will occur with the lifting of the stay; there is a substantial likelihood that the party requesting the contested case and stay will succeed on the merits of the case; the balance of equities is favorable to the continuance of the stay; or continuing the stay serves the public interest. The ALJ must issue an order no later than fifteen business days after the hearing is concluded.

In the case a stay is lifted, any action by the permittee or licensee is not considered an adjudication of the issues raised by the request for the contested case hearing. The process for lifting a stay does not apply to a contested case related to a permit or license involving hazardous waste; stays in these cases must not be lifted until the contested case is concluded and the ALC

issues its final order on the matter. The ALC must file a final decision on the merits of the case no later than twelve months after the contested case is filed with the Clerk of the ALC unless all affected parties agree to an extension or the Court finds substantial cause otherwise. Additionally, should the presiding ALJ determine at the conclusion of the case that the contested case hearing was filed frivolously or taken solely for the purpose of delay, he may impose sanctions, including those authorized in the Frivolous Civil Proceedings Sanctions Act.

Administrative Law Court. The Administrative Law Court indicates that there will be no expenditure impact on the General Fund, Federal Funds, or Other Funds, since the bill does not affect the number of hearings or materially impact the proceedings of the court.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director