**A** **BILL**

TO AMEND SECTION 1-23-110(A)(3) OF THE 1976 CODE, RELATING TO PUBLIC HEARINGS CONCERNING PROPOSED REGULATIONS, TO REQUIRE PUBLIC MEETINGS PRIOR TO AN AGENCY PROMULGATING, AMENDING, OR REPEALING A REGULATION; AND TO AMEND SECTION 1-23-110(C) TO PROVIDE THAT ALL WRITTEN AND ORAL SUBMISSIONS FROM THE PUBLIC CONCERNING A REGULATION MUST BE TRANSMITTED TO THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE.

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

SECTION 1. Section 1-23-110(A)(3) of the 1976 Code is amended to read:

“(3) ~~give notice of~~ hold a public hearing at which the agency will receive data, views, or arguments, orally and in writing, from interested persons on proposed regulations. Notice of the public hearing must be provided in the manner required by subsection (B) and by publication ~~of a notice~~ in the State Register ~~if requested by twenty‑five persons, by a governmental subdivision or agency, or by an association having not less than twenty‑five members~~. The notice must include:

(a) the address to which written comments must be sent and the time period of not less than thirty days for submitting these comments;

(b) the date, time, and place of the public hearing which must not be held sooner than thirty days from the date the notice is published in the State Register;

(c) a narrative preamble and the text of the proposed regulation. The preamble shall include a section‑by‑section discussion of the proposed regulation and a justification for any provision not required to maintain compliance with federal law including, but not limited to, grant programs;

(d) the statutory authority for its promulgation;

(e) a preliminary fiscal impact statement prepared by the agency reflecting estimates of costs to be incurred by the State and its political subdivisions in complying with the proposed regulation. A preliminary fiscal impact statement is not required for those regulations which are not subject to General Assembly review under Section 1‑23‑120;

(f) a summary of the preliminary assessment report submitted by the agency to the division and notice that copies of the preliminary report are available from the agency. The agency may charge a reasonable fee to cover the costs associated with this distribution requirement. A regulation that does not require an assessment report because it does not have a substantial economic impact, must include a statement to that effect. A regulation exempt from filing an assessment report pursuant to Section 1‑23‑115(E) must include an explanation of the exemption;

(g) statement of the need and reasonableness of the regulation as determined by the agency based on an analysis of the factors listed in Section 1‑23‑115(C)(1) through (11). At no time is an agency required to include items (4) through (8) in the reasonableness and need determination. However, comments related to items (4) through (8) received by the agency during the public comment periods must be made part of the official record of the proposed regulations.

(h) the location where a person may obtain from the agency a copy of the detailed statement of rationale as required by this item. For new regulations and significant amendments to existing regulations, an agency shall prepare and make available to the public upon request a detailed statement of rationale which shall state the basis for the regulation, including the scientific or technical basis, if any, and shall identify any studies, reports, policies, or statements of professional judgment or administrative need relied upon in developing the regulation. This subitem does not apply to regulations which are not subject to General Assembly review under Section 1‑23‑120.”

SECTION 2. Section 1-23-110(C) of the 1976 Code is amended to read:

“(C)(1) The agency shall consider fully all written and oral submissions respecting the proposed regulation. All of the written submissions, and transcripts or recordings of oral submissions, must be provided to the Small Business Regulatory Review Committee.

(2) Following the public hearing and consideration of all submissions, an agency must not submit a regulation to the General Assembly for review if the regulation contains a substantive change in the content of regulation as proposed pursuant to subsection (A)(3) and the substantive change was not raised, considered, or discussed by public comment received pursuant to this section. The agency shall refile such a regulation for publication in the State Register as a proposed regulation pursuant to subsection (A)(3).”

SECTION 3. This act takes effect upon approval by the Governor.

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