



SPONSOR: Rep. Spiegelman & Sen. Buckson
Reps. Morris, Yearick; Sens. Hocker, Huxtable, Lawson,
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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 20

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LEGISLATIVE OVERSIGHT OF AGENCY REGULATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 10405, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 10405. Transmission of notice of proposed regulation to General Assembly standing committees; comments [For
4 application of this section, see 80 Del. Laws, c. 112, § 7].

5 (a) ~~Upon~~ On receipt of a notice from an agency ~~pursuant to~~ under § 10115 of this title that includes an agency
6 regulatory statement, the Registrar of Regulations shall forthwith do all of the following:

7 (1) ~~transmit such~~ Transmit the notice and agency regulatory statement ~~to, and obtain the comments, if any, of,~~
8 to each member of the appropriate standing committees of the General Assembly with oversight responsibilities for
9 legislation affecting that ~~agency~~ agency.

10 (2) ~~with respect to~~ Obtain the comments of any member of a standing committee under paragraph (a)(1) of
11 this section regarding the potential impact of ~~such~~ the proposed regulation ~~upon~~ noticed under § 10115 of this title on
12 individuals ~~and/or~~ or small businesses.

13 (3) Convey any comments obtained under paragraph (a)(2) of this section to the agency.

14 (b) Nothing in this section ~~shall require any~~ requires a standing committee of the General Assembly to meet, ~~to~~
15 consider ~~any a~~ notice hereunder, transmitted under paragraph (a)(1) of this section, or ~~to~~ provide any comments ~~in~~
16 ~~connection herewith,~~ under paragraph (a)(2) of this section.

17 Section 2. Amend § 910, Title 29 of the Delaware Code by making deletions as shown by strike through and
18 insertions as shown by underline as follows:

19 § 910. Consideration of agency ~~rules during legislative interim.~~ rules.

20 (a)(1) When an agency adopts a rule or regulation, or makes a substantive amendment to a rule or regulation of the
21 ~~agency during the legislative interim between July 1 and the second Tuesday in January,~~ agency, and the chair of a standing
22 committee of either ~~house~~ House of the General Assembly believes in good faith that the rule, regulation, or amendment to

23 the rule or regulation impacts or is within the subject-matter jurisdiction of the committee, the chair may schedule a
24 meeting of the committee to consider the rule, regulation, or amendment to the rule or regulation.

25 (2) When an agency adopts a rule or regulation, or makes a substantive amendment to a rule or regulation of
26 the agency, and a majority of the members of a standing committee of either House of the General Assembly believe in
27 good faith that the rule, regulation, or amendment to a rule or regulation impacts or is within the subject-matter
28 jurisdiction of the committee and the committee should meet to consider the rule, regulation, or amendment to a rule or
29 regulation, the chair shall schedule a meeting of the committee to consider the rule, regulation, or amendment to the
30 rule or regulation.

31 (b) When more than 1 standing committee wishes to hold a meeting to consider the same rule, regulation, or
32 amendment to the rule or regulation, the standing committees shall become a joint committee and shall remain as a joint
33 committee for that purpose until ~~the first day of the next following General Assembly session, or until~~ the adjournment of
34 the joint ~~committee, whichever comes first.~~ committee. A standing committee may withdraw from the joint committee at
35 any time. Each joint committee consisting of standing committees from both Houses of the General Assembly must be co-
36 chaired by a House standing committee chair and a Senate standing committee chair.

37 (c)(1) ~~Each A standing committee or joint committee shall have the power, (“committee”) shall,~~ by a majority vote
38 of its members, do one of the following:

39 ~~a. to draft~~ Draft a committee report setting forth its the committee’s suggestions and recommendations,
40 recommendations regarding the rule, regulation, or amendment to the rule or regulation.

41 b. Draft legislation to propose action by the General Assembly related to the committee’s report under
42 paragraph (c)(1)a. of this section.

43 ~~(2) and to request~~ If the regular session of the General Assembly has ended, a standing committee or joint
44 committee may request the President Pro Tempore of the Senate or the Speaker of the House of Representatives to call
45 a special session or call from recess of a special session to consider ~~committee recommendations.~~ the committee’s
46 report under paragraph (c)(1)a. of this section or legislation under (c)(1)b. of this section.

47 ~~(3) Each A standing committee or joint committee shall provide its committee~~ the committee’s report under
48 paragraph (c)(1)a. of this section or legislation under (c)(1)b. of this section to the Joint Legislative Oversight and
49 Sunset Committee.

SYNOPSIS

This Act enhances the General Assembly’s oversight of regulations adopted by state agencies by doing all of the following:

(1) Making clear that the Registrar of Regulations is required to provide notice of each regulation proposed by a state agency to each member of the appropriate standing committee of each House of the General Assembly and to provide any comments collected from members of the standing committee to the state agency.

(2) Making clear that the Chair of a standing committee may also schedule a committee meeting during the regular session of the General Assembly to consider a rule, regulation, or amendment to a rule or regulation that impacts or is within the subject-matter jurisdiction of the committee.

(3) Requiring the Chair of a standing committee to hold a committee meeting when a majority of the members of a standing committee of either House of the General Assembly believe in good faith that the rule, regulation, or amendment to a rule or regulation impacts or is within the subject-matter jurisdiction of the committee and the committee should meet to consider the rule, regulation, or amendment to a rule or regulation.

(4) Making clear that a standing committee or joint committee may draft legislation to propose action by the General Assembly related to recommendations made by the committee.

(5) Making clear that a standing committee or joint committee may request the President Pro Tempore of the Senate or Speaker of the House of Representatives to call from recess of a special session the Senate, the House of Representatives, or the General Assembly, as the case may be.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.