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Sen. Pettyjohn

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 328
AS AMENDED BY
HOUSE AMENDMENT NO. 2

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

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

Section 1. Amend Subchapter III, Chapter 11, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter III. Agency ~~Regulations~~. Regulations and the Registrar of Regulations.

Section 2. Amend § 1131, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1131. Legislative findings.

The General Assembly has conferred on boards, commissions, ~~departments~~ departments, and other agencies of the Executive Branch of State Government the authority to adopt regulations. The General Assembly has found that this delegation of authority has resulted in regulations being promulgated without effective review or oversight and conformity to legislative intent. The General Assembly finds that ~~they~~ it must provide a procedure of oversight and review of regulations ~~pursuant to~~ under this delegation of legislative power to curtail excessive regulations and to establish a system of accountability. ~~It is the~~ The intent of this subchapter is to establish an effective method of ongoing review, ~~accountability~~ accountability, and oversight of regulations. ~~It is further the~~ Further intent of this subchapter is to provide review by requiring a comment period following the proposal of regulations and requiring the agency to review any comments submitted.

Section 3. Amend § 1132, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1132. Definitions.

As used in this subchapter:

(1) "Agency" means as defined in § 10102 of this title.

(2) "Division" means the Division of Legislative Services as established ~~pursuant to~~ under this chapter.

(3) "Official regulation" means a regulation in its final form as adopted by an order as defined in § 10118 of this title and filed with the Registrar of Regulations.

(4) "Register of Regulations" means a publication authorized and recognized by law published for public information purposes, providing public notice of changes in agency regulations, whether new, ~~modified~~ modified, or repealed, together with supplemental information as ~~deemed appropriate by the Registrar.~~ the Registrar deems appropriate.

(5) "Registrar" means an employee of the Division charged with the responsibility of compiling, ~~maintaining~~ maintaining, and publishing the Register of Regulations.

(6) "Regulation" means as defined in § 10102 of this title.

Section 4. Amend § 1133, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1133. Register of Regulations.

The Division shall establish, ~~maintain~~ maintain, and publish an official Register of ~~Regulations at the Division.~~ Regulations. The Register of Regulations shall provide public notice of ~~all~~ each proposed regulation ~~or regulations~~ to be adopted, ~~amended~~ amended, or repealed, indexed by agency and subject ~~matter with:~~ matter, with all of the following:

(1) Text or summary of the proposed regulation ~~or regulations~~ to be adopted, ~~amended~~ amended, or ~~repealed,~~ repealed; nature of the proceedings including a synopsis of the subject, substance, ~~issues~~ issues, and possible terms of the agency ~~action~~ action; and a reference to the legal authority of the agency to ~~aet;~~ act.

(2) A statement of the manner in which persons may present their ~~views:~~ comments, as follows:

a. If in writing, ~~of the place to which~~ to whom, in what manner, and the final date by which ~~such the~~ views may be submitted; submitted.

b. If at a public hearing, the date, ~~time~~ time, and place of the ~~hearing;~~ hearing.

(3) The place ~~or places~~ where the proposed regulations to be adopted, ~~amended~~ amended, or repealed may be inspected or ~~copied;~~ copied.

(4) The fee or other requirements for obtaining copies of ~~same.~~ the proposed regulation.

Section 5. Amend § 1134, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1134. Powers and duties of the Registrar in preparation and maintenance of the Register of Regulations.

(a) The ~~Registrar~~ Registrar, in the course of compiling and maintaining the Register of ~~Regulations~~ Regulations, ~~shall:~~ shall do all of the following:

(1) ~~In writing, notify all agencies~~ Notify each agency authorized to make regulations that ~~they are~~ the agency is to submit to the Division copies of all each proposed ~~regulations as well as all~~ regulation and each subsequent ~~amendments, repeals, additions or new or proposed regulations as they are proposed and statements~~ amendment, repeal, or addition, and a statement of purpose thereof; of each.

(2) ~~Advise agencies~~ Direct each agency as to the form and style of the ~~regulations, as well as,~~ regulations and, to the extent practicable, the classification thereof into categories of substance, ~~procedure~~ procedure, and ~~organization;~~ organization.

(3) ~~Have the authority to make~~ Make, as needed, revisions to both proposed and existing regulations that do not alter the sense, ~~meaning~~ meaning, or effect of ~~such~~ the regulations, ~~including, but not limited to:~~ including all of the following:

- a. Renumbering and rearranging sections or parts of ~~sections;~~ sections.
- b. Transferring of sections or dividing of sections so as to give to distinct subject matters a separate section number, but without changing the ~~meaning;~~ meaning.
- c. Inserting or changing the wording of ~~headnotes;~~ headnotes.
- d. ~~Change~~ Changing reference numbers to agree with renumbered ~~regulations or sections thereof;~~ regulations or renumbered sections or subsections of regulations.
- e. Substituting the proper section or regulation number for the terms “this regulation”, “the preceding section” section”, and the like; like.
- f. Striking out figures where ~~they~~ the figures are merely a repetition of written words ~~and or vice versa;~~ versa.
- g. Changing capitalization for the purpose of ~~uniformity;~~ uniformity.
- h. Applying gender silent language when there is no ambiguity regarding the noun which a pronoun is meant to replace.
- h. Correcting of manifest typographical and grammatical ~~errors; and~~ errors.
- i. Making ~~any~~ other purely formal or clerical changes in keeping with the purpose of the revision.

(4) ~~Have the authority to promulgate~~ Adopt rules and ~~regulations;~~ regulations.

(5) ~~Have authority to publish~~ Publish the full text or a summary of each proposed, ~~final~~ final, or emergency ~~regulations; and~~ regulation.

(6) Publish ~~the following~~ the 15th of the month all ~~proposed~~ a Register of Regulations containing the regulations received by the ~~15th of the~~ 1st of that month ~~preceeding~~ that comply with Chapters 101 and 104 of this title and rules or regulations that the Registrar adopts under this section.

(b) The Registrar may include in the Register of Regulations ~~such~~ other governmental information as the Registrar deems appropriate.

Section 6. Amend § 1135, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1135. Duties of state agencies.

~~Each~~ (a) On the Registrar's request, each agency shall submit to the ~~Division~~ Registrar a general description of its ~~organization, its~~ the agency's organization; the agency's methods of operation, operation; the agency's name, ~~address~~ address, and telephone number of a contact person ~~or persons that will be~~ is responsible for submitting ~~proposed, adopted to~~ the Registrar adopted regulations, proposed regulations, or regulations to be repealed to the Registrar, repealed; and a current copy of existing regulations.

(b) The contact person ~~shall~~ under subsection (a) of this section must have a general working knowledge of the agency's functions, ~~responsibilities~~ responsibilities, and internal procedures and familiarity with the Administrative Procedures Act.

(c) The submission ~~shall~~ under section (a) of this section must include a brief statement of the nature and requirements of all ~~rules~~ each rule of practice and the procedure ~~used by~~ that the agency uses to exercise its the agency's statutory authority ~~of promulgating to adopt~~ regulations.

Section 7. Amend § 1136, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1136. Public distribution of the register.

(a) The Division shall ~~cause the register to be published~~ publish the Register of Regulations for public distribution on the ~~first day of each calendar month.~~ date required under § 1134(a)(6) of this title.

(b) The ~~register shall~~ Register of Regulations must be made available in print to the public for inspection and ~~copies~~ a copy provided to ~~any~~ each person ~~so~~ requesting ~~same~~ a copy. The copy must be provided for a nominal fee ~~to be set by the Registrar.~~ that the Registrar sets. The amount ~~to be charged for copies of the register shall~~ a copy of the Register of Regulations must approximate and reasonably reflect ~~all~~ costs necessary to defray the expenses of the ~~register as well as~~ Register of Regulations and the proportional expenses ~~incurred by~~ that the Division incurs in carrying out the responsibilities of this subchapter.

(c) ~~In addition, copies of the register shall be provided gratis~~ On request, printed copies of the Register of Regulations must be provided to the each law libraries library located within each county, to all each public libraries library in each county, to the 2 state daily newspapers and to the Director of the Division of Libraries. Copies must be provided gratis to the 2 state daily newspapers.

(d) ~~Any additions and~~ Additions or corrections to the register shall likewise Register of Regulations must be made available as soon as practicable.

Section 8. Section 1134(a)(6), Title 29 in Section 5 of this Act takes effect July 1, 2027.