

TITLE 29
State Government
The General Assembly
CHAPTER 11. LEGISLATIVE COUNCIL
Subchapter III. Agency Regulations

§ 1131. Legislative findings.

The General Assembly has conferred on boards, commissions, 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 must provide a procedure of oversight and review of regulations pursuant to this delegation of legislative power to curtail excessive regulations and to establish a system of accountability. It is the intent of this subchapter to establish an effective method of ongoing review, accountability and oversight of regulations. It is further the intent of this subchapter to provide review by requiring a comment period following the proposal of regulations and requiring the agency to review any comments submitted.

69 Del. Laws, c. 107, § 4; [71 Del. Laws, c. 48, § 1.](#);

§ 1132. Definitions.

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

(2) "Division" means the Division of Research of Legislative Council as established pursuant to this chapter.

(3) "Official regulation" means a regulation in its final form as adopted by an order as defined in Section 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for public information purposes, providing public notice of changes in agency regulations, whether new, modified or repealed, together with supplemental information as deemed appropriate by the Registrar.

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

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

69 Del. Laws, c. 107, § 4; [71 Del. Laws, c. 48, § 2](#); [72 Del. Laws, c. 88, § 1.](#);

§ 1133. Register of Regulations.

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 The Register of Regulations shall provide public notice of all proposed regulation(s) to be adopted, amended or repealed, indexed by agency and subject matter with:

(1) Text or summary of the proposed regulation(s) to be adopted, amended or repealed, nature of the proceedings including a synopsis of the subject, substance, issues and possible terms of the agency action and a reference to the legal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

(2) A statement of the manner in which persons may present their views:

- a. If in writing, of the place to which and the final date by which such views may be submitted;
- b. If at a public hearing, the date, time and place of the hearing;

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

(4) The fee or other requirements for obtaining copies of same.

69 Del. Laws, c. 107, § 4; [71 Del. Laws, c. 48, § 3](#); [72 Del. Laws, c. 88, § 2](#);

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

(a) The Registrar in the course of compiling and maintaining the Register of Regulations shall:

(1) In writing, notify all agencies authorized to make regulations that they are to submit to the Division copies of all proposed regulations as well as all subsequent amendments, repeals, additions or new or proposed regulations as they are proposed and statements of purpose thereof;

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

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

a. Renumbering and rearranging sections or parts of 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;

c. Inserting or changing the wording of headnotes;

d. Change reference numbers to agree with renumbered regulations or sections thereof;

e. Substituting the proper section or regulation number for the terms "this regulation", "the preceding section" and the like;

f. Striking out figures where they are merely a repetition of written words and vice versa;

g. Changing capitalization for the purpose of uniformity;

h. Correcting of manifest typographical and grammatical errors; and

i. Making any other purely formal or clerical changes in keeping with the purpose of the revision.

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

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

(6) Publish the following month all proposed regulations received by the 15th of the month preceding.

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

69 Del. Laws, c. 107, § 4; 70 Del. Laws, c. 186, § 1; [71 Del. Laws, c. 48, §§ 4, 12](#); [72 Del. Laws, c. 88, § 3](#);

§ 1135. Duties of state agencies.

Each agency shall submit to the Division a general description of its organization, its methods of operation, the name, address and telephone number of a contact person or persons that will be responsible for submitting proposed, adopted or regulations to be repealed to the Registrar, and a current copy of existing regulations. The contact person shall have a general working knowledge of the agency's functions, responsibilities and internal procedures and familiarity with the Administrative Procedures Act.

The submission shall include a brief statement of the nature and requirements of all rules of practice and the procedure used by the agency to exercise its statutory authority of promulgating regulations.

69 Del. Laws, c. 107, § 4; 69 Del. Laws, c. 181, § 2; [71 Del. Laws, c. 48, §§ 5, 6](#);

§ 1136. Public distribution of the register.

The Division shall cause the register to be published for public distribution on the first day of each calendar month. The register shall be made available to the public for inspection and copies provided to any person so requesting same for a nominal fee to be set by the Registrar. The amount to be charged for copies of the register shall approximate and reasonably reflect all costs necessary to defray the expenses of the register as well as the proportional expenses incurred by the Division in carrying out the responsibilities of this subchapter. In addition, copies of the register shall be provided gratis to the law libraries located within each county, to all public libraries in each county, to the two state daily newspapers and the Director of the Division of Libraries. Any additions and corrections to the register shall likewise be made available as soon as practicable.

69 Del. Laws, c. 107, § 4.;