

DEPARTMENT OF AGRICULTURE

PLANT INDUSTRIES SECTION

803 Rules and Regulations for the Control and Suppression of the White Pine Blister Rust PUBLIC NOTICE

The Delaware Department of Agriculture proposes these amended regulations in accordance with the General Assembly's mandate to enforce Chapter 11 of Title 3 of the Delaware Code and to specify the means by which citizens of the State of Delaware may cultivate plants of the genus *Ribes* within the state.

Any comments concerning these proposed amended regulations should be submitted to the Plant Industries Administrator, Faith Kuehn, at the Delaware Department of Agriculture, 2320 S. Dupont Highway, Dover, DE 19901 on or before June 30, 2011. Copies of the proposed amended regulations are available on request.

THOROUGHBRED RACING COMMISSION

1002 Delaware Jockeys' Health and Welfare Benefit Board Regulations PUBLIC NOTICE

The Delaware Jockey's Health and Welfare Benefit Board, in accordance with 3 Del.C. §10103(c) has proposed changes to its rules and regulations. The proposed changes for Rule 2.1.2.2 amend retired member eligibility, eliminating the minimum number of career mounts. The proposed changes for Rule 2.1.3.1 amend eligibility defined for permanently disabled members, by removing the existing language and replacing it with new language.

A public hearing will be held on June 21, 2011, beginning at 9:00 AM, in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804, where members of the public may offer comments. Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804. Persons wishing to submit written comments may forward these to the attention of John F. Wayne, Executive Director, at the above address. The final date to receive comments will be June 21, 2011, during the public hearing. Copies are also published online at the *Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

DEPARTMENT OF EDUCATION

PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, June 16, 2011 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

DSSM 11002.9, Definition and Explanation of Terms PUBLIC NOTICE

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Definition and Explanation of Terms*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by June 30, 2011.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DIVISION OF SOCIAL SERVICES

DSSM 11006.5.1 Terminating Teachers PUBLIC NOTICE

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Terminating Providers*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by June 30, 2011.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF JUSTICE
DIVISION OF SECURITIES
Delaware Securities Act
PUBLIC NOTICE

In compliance with the State's Administrative Procedures Act (APA Title 29, Chapter 101 of the **Delaware Code**) and section 7325(b) of Title 6 of the **Delaware Code**, the Division of Securities of the Delaware Department of Justice hereby publishes notice of a proposed revision to the Rules and Regulations Pursuant to the Delaware Securities Act. The Division hereby proposes numerous changes to the rules and regulations governing administrative proceedings before the Securities Commissioner for the State of Delaware.

Persons wishing to comment on the proposed revision may submit their comments in writing to:

Peter O. Jamison, III
Securities Commissioner
Department of Justice
State Office Building, 5th Floor
820 N. French Street
Wilmington, DE 19801

The comment period on the proposed revision will be held open for a period of thirty days from the date of the publication of this notice in the *Delaware Register of Regulations*.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF THE SECRETARY
Regulations Governing the Statewide Authorized Tamper Resistant Prescription Forms
PUBLIC NOTICE

The Delaware Department of Homeland Security is promulgating rules and regulations pursuant to 16 Del. C. § 4797(c) of the Delaware Code affecting professionals licensed or registered under Title 24 and Title 16 of the Delaware Code having prescriptive authority. The proposed rules and regulations establish security requirements for a blank prescription form used by a prescriber or practitioner in this State. The primary objective of these rules and regulations is to reduce prescription fraud by decreasing the potential for forgery or alteration of a prescription form. The regulations shall be known as "Regulations Governing the Statewide Authorized Tamper Resistant Prescription Forms".

A public hearing will be held on July 13, 2011 at 9:00 a.m. in the second floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover before James L. Collins, Director of the Division of Professional Regulation, where members of the public can offer comments. The Director will also receive and consider input in writing from any person concerning the proposed regulations. Written comments should be submitted to James Collins, Director, Division of Professional Regulation, at the above address. The final date to submit written comments shall be at the public hearing. Anyone wishing to obtain a copy of the proposed regulations or to make comments at the public hearing should contact Shauna Slaughter, Administrative Specialist, at the above address or by calling (302) 744-4502.

The Department through the Director may consider promulgating the proposed regulations immediately following the public hearing.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1700 Board of Medical Licensure and Discipline
PUBLIC NOTICE

The Delaware Board of Medical Licensure and Discipline in accordance with 24 **Del.C.** §1713(a)(12) has proposed changes to its rules and regulations as mandated by SB 233 (codified at 24 **Del.C.** §1713(f)). The proposal creates new Regulation 31 - Disciplinary Guidelines establishing guidelines for the imposition of disciplinary sanctions against persons certified or licensed to practice medicine or other professions or occupations regulated under the Medical Practice Act.

The Board held a public hearing on May 3, 2011 at 3:00 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public offered comments. As a result of those comments, the Board made substantive changes to proposed regulations 31.7.1, 31.7.2, 31.7.3.1 and deleted 31.7.8 as previously published in the register of Regulations on April 1, 2011. The Board has also added a clarifying provision at 31.16 that these regulations apply to all practitioners regulated under the Medical Practice Act. Finally, the Board made several technical corrections to the numbering within the document.

The Board will hold a second public hearing on July 19, 2011 at 3:00 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public may offer comments on the regulations as republished. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Medical Licensure and Discipline, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover DE 19904. Persons wishing to submit written comments may forward the written comments to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed regulations at its regularly scheduled meeting following the public hearing.

DIVISION OF PROFESSIONAL REGULATION
2930 Council on Real Estate Appraisers
PUBLIC NOTICE

The Delaware Council on Real Estate Appraisers, pursuant to 24 **Del.C.** §4006(a)(1), proposes to revise their rules and regulations. The proposed revisions to the rules are an attempt to develop standards in cooperation with the Delaware Association of Counties and the Executive Director of the League of Local Governments for licensing and training of assessors in order for municipal and county assessment departments to be in compliance within 3 years of the development and adoption of said standards pursuant to 24 **Del.C.** §4019(e).

The Board will hold a public hearing on the proposed rule change on July 19, 2011 at 10:00 a.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Nicole Williams, Administrator of the Delaware Council on Real Estate Appraisers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904.

DIVISION OF PROFESSIONAL REGULATION
5100 Board of Cosmetology and Barbering
PUBLIC NOTICE

Pursuant to 24 **Del.C.** §5106(a)(1), the Board of Cosmetology and Barbering has proposed revisions to its rules and regulations.

A public hearing on proposed revisions published on November 1, 2010 in the *Register of Regulations*, Volume 14, Issue 5 was held on November 29, 2010. The Board of Cosmetology and Barbering decided to make further revisions to the rules and regulations.

A public hearing to address these proposed revisions will be held on June 27, 2011 at 9:15 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Board will consider promulgating the proposed rules and regulations at its regularly scheduled meeting following the public hearing.

DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING AND POLICY

2309 Standards and Regulations for Subdivision Streets and State Highway Access
PUBLIC NOTICE

The Delaware Department of Transportation, through its Division of Planning, seeks to adopt amendments to its existing regulations regarding subdivision streets and state highway access, with respect to the current provisions concerning the scope of work for Traffic Impact Studies and Traffic Operational Analyses.

As detailed in the current Manual, the Department has broad statutory authority to regulate the process of determining whether and under what conditions property developers may gain access to the state highway system. These authorities include Sections 131, 141, 146, 507, and 508 of Title 17, Delaware Code; Chapter 41 of Title 21, Delaware Code; Section 6103 of Title 29, Delaware Code; and certain provisions in Title 9 of the Delaware Code.

The Department previously entered into agreements with county governments regarding traffic impact studies and traffic operational analyses. For New Castle County, for example, the agreement calls for the Department, as part of its scoping of the study areas for TIS work, to assure that the study looks at a minimum number of intersections from the proposed site entrance(s). However, what is considered an intersection for this purpose may be subject to differing interpretations, and may risk unduly limiting or unduly expanding the TIS study area.

The draft regulations are intended to provide sufficient guidance to the state, local governments, the development community, and those interested in development matters in this regard. The Department wishes to assure that the study areas selected match well with what intersections the Department reasonably expects to be significantly affected by the traffic from the subject property, given its proposed uses.

The Department will take written comments on the proposed Amendment to its Standards and Regulations for Subdivision Streets and State Highway Access from June 1, 2011 through June 30, 2011.

Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Cleon L. Cauley, Sr., Acting Secretary
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
(302) 760-2303 (telephone)
(302) 739-2895 (fax)
cleon.cauley@state.de.us

DIVISION OF PLANNING

2313 Policies and Procedures for Acquisition of Certain Real Property Interests
PUBLIC NOTICE

Background

The Delaware Department of Transportation, through its Division of Planning, seeks to adopt regulations to ensure that its policies and procedures for the acquisition of real property are transparent, consistent, cost effective and fair.

The regulations will implement specific recommendations for advanced acquisitions set forth in the Report of the Governor's Chief of Staff to Governor Markell dated January 7, 2011 (the "Report"). Specifically, the regulations will (1) require that the Committee review not only advanced acquisitions, but reservation agreements as well; (2) provide a process for the Committee to review the merits of advanced acquisitions and reservation agreements; (3) require the Department to obtain independent appraisal for advanced acquisitions and reservations; (4) require that advanced acquisitions and reservations be reviewed by legal counsel; and (5) require that the terms of advanced acquisitions and reservations be reflected in an agreement signed by the Department and the property owner. In addition, the regulations also set out the process for the Committee to conduct its consistency review of certain real property acquisitions proposed by the Department, as contemplated by 17 **Del.C.** §137(a)(2).

The Department previously accepted written comments on the proposed Regulations Establishing Policies and Procedures for Advanced Acquisition of Real Property from February 1, 2011 through March 5, 2011. Based on those comments and other suggestions, the Department drafted additional changes to these proposed regulations. This second draft, submitted for further public comment, incorporates the provisions described above, and further require the Advanced Acquisition Committee to review "Special Property Acquisitions, as defined below."

The Department will take written comments on the proposed Regulations Establishing Policies and Procedures for Acquisition of Certain Real Property Interests from June 1, 2011 through June 30, 2011. The proposed Regulations appear below.

Any requests for copies of the proposed Regulations, or any questions or comments regarding this document should be directed to:

Cleon L. Cauley, Sr., Acting Secretary
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
(302) 760-2303 (telephone)
(302) 739-2895 (fax)
cleon.cauley@state.de.us

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