
PROPOSED REGULATIONS

DEPARTMENT OF FINANCE

OFFICE OF UNCLAIMED PROPERTY, STATE ESCHEATOR

Statutory Authority: 12 Delaware Code, Section 1132 (12 Del.C. §1132)

12 DE Admin. Code 100, 101, 102 & 103

PUBLIC NOTICE

- 100 Regulation on Practices and Procedures for Appeals of Determinations of the Audit Manager**
101 Regulation on Practice and Procedure for Establishing Running of the Full Period of Dormancy for Certain Securities and Related Property
102 Regulation on Practices and Procedures for Records Examinations by the State Escheator
103 Abandoned or Unclaimed Property Examination Guidelines

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 12 Del.C. §1132, the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, proposes to revise and replace its regulations related to its Abandoned or Unclaimed Property Law.

In accordance with 29 Del.C. §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

David M. Gregor
State Escheator
Department of Finance
820 N. French St.
Wilmington, DE 19801

Notice may also be directed via electronic mail to david.gregor@state.de.us. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Department of Finance no later than **4:30 p.m. EST, Wednesday, May 3, 2017**.

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that the Delaware Department of Finance's Office of Unclaimed Property, State Escheator ("DOF"), proposes to repeal all existing regulations related to State of Delaware's Abandoned or Unclaimed Property program. The DOF, in consultation with the Secretary of State, proposes to promulgate new, revised regulations (contained in a separate, concurrent proposal) to replace the regulations with new regulations presented in a more orderly and comprehensive manner.

These Regulations propose to repeal the following existing provisions in the Delaware Administrative Code:

12 DE Admin. Code 100, *Regulation on Practices and Procedures for Appeals of Determinations of the Audit Manager*

12 DE Admin. Code 101, *Regulation on Practice and Procedure for Establishing Running of the Full Period of Dormancy for Certain Securities and Related Property*

12 DE Admin. Code 102, *Regulation on Practices and Procedures for Records Examinations by the State Escheator*

12 DE Admin. Code 103, *Abandoned or Unclaimed Property Examination Guidelines*

These Regulations propose to repeal the following existing Regulations:

Abandoned or Unclaimed Property Voluntary Disclosure Agreement and Audit Program, 9 DE Reg. 771 (11/01/

05). *Abandoned or Unclaimed Property Voluntary Disclosure Agreement Program*, 10 **DE Reg.** 699 (10/01/06) (Final). *Regulation on Practices and Procedures for Appeals of Determinations of the Audit Manager*, 15 **DE Reg.** 1323 (03/01/12) (Final).

Regulation on Practice and Procedure for Establishing Running of the Full Period of Dormancy for Certain Securities and Related Property, 15 **DE Reg.** 1330 (03/01/12).

Regulation on Practices and Procedures for Records Examinations by the State Escheator, 16 **DE Reg.** 530 (11/01/12) (Final).

Abandoned or Unclaimed Property Audit Examination Guidelines, 16 **DE Reg.** 630 (12/01/12) (Final).

Statutory Authority

Delaware Code, Title 12 §1132

Background

On January 29, 2015, the Governor of Delaware signed into law Senate Bill 11 of the 148th General Assembly, which directed the Delaware Secretary of Finance to complete the development of a detailed manual containing procedural guidelines for the conduct of Delaware unclaimed property examinations.

On February 2, 2017, the Governor of Delaware signed into law Senate Bill 13 of the 149th General Assembly, which revised and updated the Delaware Abandoned and Unclaimed Property Law. Section 1176(b) directed the Secretary of Finance, in consultation with the Secretary of State, to promulgate regulations to create consistency in any examination or voluntary disclosure.

The Delaware Secretary of Finance seeks to repeal its existing regulations related to the Delaware Abandoned and Unclaimed Property Law, to replace them with detailed regulations, in order to comply with the above direction.

***Please Note:**

(1) **The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

[http://regulations.delaware.gov/register/april2017/proposed/20 DE Reg 764RFA 04-01-17.pdf](http://regulations.delaware.gov/register/april2017/proposed/20%20DE%20Reg%20764RFA%2004-01-17.pdf)

(2) **Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:**

[Regulations 100, 101, 102, and 103](#)

OFFICE OF UNCLAIMED PROPERTY, STATE ESCHEATOR

Statutory Authority: 12 Delaware Code, Section 1132 (12 **Del.C.** §1132)

PUBLIC NOTICE**Department of Finance Abandoned or Unclaimed Property Reporting and Examination Manual**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 12 **Del.C.** §1132, the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, proposes to revise and replace its regulations related to its Abandoned or Unclaimed Property Law.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed regulations should direct them to the following address:

David M. Gregor
State Escheator
Department of Finance
820 N. French St.
Wilmington, DE 19801

PROPOSED REGULATIONS

Notice may also be directed via electronic mail to david.gregor@state.de.us. Any written submission in response to this notice and relevant to the proposed regulations must be received by the Department of Finance no later than **4:30 p.m. EST, Wednesday, May 3, 2017**.

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that the Delaware Department of Finance's Office of Unclaimed Property, State Escheator, in consultation with the Secretary of State, proposes to promulgate rules and regulations to establish instructions and guidelines for the administration of the State of Delaware's Abandoned or Unclaimed Property program. These regulations provide a framework to ensure that Holders of unclaimed property have a basic understanding of the processes available to them as well as the State's expectations. The regulations contained herein are to be implemented consistently, so as to ensure fair and uniform treatment of Holders of unclaimed property.

Statutory Authority

Delaware Code, Title 12 §1132

Background

On January 29, 2015, the Governor of Delaware signed into law Senate Bill 11 of the 148th General Assembly, which directed the Delaware Secretary of Finance to complete the development of a detailed manual containing procedural guidelines for the conduct of Delaware unclaimed property examinations.

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*Please Note:

(1) **The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

[http://regulations.delaware.gov/register/april2017/proposed/20 DE Reg 765RFA 04-01-17.pdf](http://regulations.delaware.gov/register/april2017/proposed/20%20DE%20Reg%20765RFA%2004-01-17.pdf)

(2) **Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:**

[Department of Finance Abandoned or Unclaimed Property Reporting and Examination Manual](#)

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF LONG TERM CARE RESIDENTS PROTECTION

Statutory Authority: 16 Delaware Code, Section 1101 (16 Del.C. §1101)

16 DE Admin. Code 3310

PUBLIC NOTICE

3310 Neighborhood Homes for Persons with Developmental Disabilities

The Division of Long Term Care Residents Protection (DLTCRP) is proposing a full revision of Regulation 3310 Neighborhood Homes for Individuals with Intellectual and/or Developmental Disabilities. The proposed regulations will replace the existing Regulation.

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