



SPONSOR: Sen. Lopez & Rep. Smyk
Sen. Hansen; Reps. Miro, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 248

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ARCHAEOLOGICAL RESOURCES IN THIS STATE.

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

Section 1. Amend Subchapter I, Chapter 53, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5302A. Required submission of studies or reports on archaeological resources.

(a) For purposes of this section:

(1) The definitions under § 5304 of this title apply.

(2) "Rezoning" means a modification of zoning classification of property based on local zoning codes adopted as provided in Title 9 or 22.

(3) "Subdivision" means the division of land into 2 or more lots.

(b) If a person proposes or plans to subdivide or rezone privately owned land and a pre-application review of the subdivision or rezoning is required under § 9203 of Title 29, the person must submit to the Director any proposed or existing study or report on archaeological resources that are on the privately owned land.

(c) Upon receipt of a study or report required under subsection (c) of this section, the Director shall review the study or report and provide comment relating to the protection or preservation of archaeological resources on the privately owned land before the initiation of the pre-application review process under § 9203 of Title 29, unless the Director waives the application of this subsection.

SYNOPSIS

Section 5301(3) of Title 7 provides that it is the Department of State's ("Department") duty "to protect and encourage the preservation of archaeological resources located on privately owned lands in this State."

This Act enables the Department to better fulfill this duty by requiring both of the following:

(1) A person who proposes or plans to subdivide or rezone privately owned land subject to pre-application review under § 9203 of Title 29 to submit to the Director the Division of Historical and Cultural Affairs ("Director") any proposed or existing study or report on archaeological resources on the privately owned land.

(2) The Director to review the study or report submitted and provide comment relating to the protection or preservation of archaeological resources on the privately owned land.

Author: Senator Lopez