

CHAPTER 322  
FORMERLY  
SENATE BILL NO. 229

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO IMPOSE A REQUIREMENT THAT INFORMED CONSENT BE OBTAINED PRIOR TO THE COLLECTION OF NATURAL RESOURCE DATA ON PRIVATE PROPERTY.

WHEREAS, employees of the Department of Natural Resources and Environmental Control had entered private lands within the State of Delaware without the consent of the property owner to collect natural resource data; and

WHEREAS, the Department addressed this issue in 2016 by instituting policies that reiterated that written permission is required before entering private property to collect natural resource data, and developed a form that employees responsible for collecting this data must sign to affirmatively agree to these requirements, and a standard permission form was developed for the property owner to sign to grant permission; and

WHEREAS, the General Assembly desires to codify the Department's current policies and practices to ensure private property owners within the State of Delaware are protected in the future.

NOW, THEREFORE:

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

Section 1. Add new Section to Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8031. Prohibition of Collecting Natural Resource Data without the Informed Written Consent of the Property Owner.

(a) The following words, terms, and phrases, when used in this section, shall have the meaning ascribed in this subsection:

1. "Department" means the Department of Natural Resources and Environmental Control.

2. "Natural Resource Data" means all the information collected from private property within the State of Delaware, that was collected by physically being present on private property, that relates to or concerns:

a. The presence of rare or endangered species.

b. The presence and conditions of historic or cultural resources.

(b) From [the effective date of this Act] forward, the Department shall not enter physically onto private property to collect Natural Resource Data without the informed written consent of the property owner. The informed written consent must contain the method of collection, date of collection, and how the information will be shared.

Approved July 11, 2018