



SPONSOR: Rep. Carson & Sen. Huxtable
Rep. K. Johnson; Sens. Wilson, Hocker

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 446
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO AGRICULTURE AND STATE FORESTRY.

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

Section 1. Amend § 1001, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1001. ~~State agency to cooperate~~ Powers and duties; cooperation with individuals, public agencies, and United States government.

(a) The Department of Agriculture has direction of all forest interests and all matters pertaining to forestry and woodlands within the State. The Department of Agriculture must do the following:

- (1) Execute all matters pertaining to forestry within the jurisdiction of the State.
- (2) Devise and promulgate rules and regulations for the enforcement of the state forestry laws and for the protection of forest lands, and impose fines and civil penalties in accordance with this chapter, Chapter 26 of this title, Chapter 91 of this title, or any laws enacted for the protection of forest lands.
- (3) Direct the improvement of publicly-owned forest lands.
- (4) Collect data relative to forest conditions.
- (5) Become familiar with and inquire into the locations of all timberland and cutover lands, and prepare maps showing the locations and areas of state forests and privately owned forests so far as available funds will permit.
- (6) Take such action as is authorized by law to prevent and suppress forest, brush, and grass fires.
- (7) Enforce all laws pertaining to forest and brush covered lands and assist in the State prosecution of violations of those laws.
- (8) Cooperate with landowners, counties, and others in forest production and reforestation.
- (9) Publish information on forestry to promote the objectives of Chapters 10, 26, and 91 of this title.

(b) The Department of Agriculture is the agency of the State assigned plenary authority and responsibility in public forestry functions, in the conduct of which it may cooperate with individuals and public agencies including agencies of the United States in programs concerned with:

(1) The protection of forest lands from fire, ~~disease-disease,~~ and insect damage, including the application of control measures ~~therefor;~~ therefor.

(2) Establishing forest growth on denuded or nonforested ~~lands;~~ lands.

(3) Aiding private forest landowners, ~~operators-operators,~~ and processors of primary forest products in applying desirable woodland improvement, ~~management-management,~~ and harvesting ~~practices;~~ practices.

(4) Forest resource research, ~~education-education,~~ and ~~surveys;~~ and surveys.

(5) Public recreation.

(c) As used in this chapter, "forest" means an area at least 1 acre in size and 120 feet wide that is at least 10% covered by live trees of any size, including land that formerly had such cover and will be naturally or artificially regenerated.

Section 2. Amend § 1011, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1011. ~~Powers and duties of Department generally.~~

~~The Department of Agriculture shall have direction of all forest interests and all matters pertaining to forestry and woodlands within the State. The Department of Agriculture shall execute all matters pertaining to forestry within the jurisdiction of the State; devise and promulgate rules and regulations for the enforcement of the state forestry laws and for the protection of forest lands, and impose fines in furtherance thereof; direct the improvement of state forest lands; collect data relative to forest conditions, become familiar with and inquire into the locations of all timberland and cutover lands, and prepare maps showing the locations and areas of state forests and privately owned forests so far as available funds will permit; take such action as is authorized by law to prevent and suppress forest, brush and grass fires; enforce all laws pertaining to forest and brush covered lands and assist in the prosecution, in the name of the State, of violations of those laws; cooperate with landowners, counties and others in forest production and reforestation; and publish information on forestry as seems conducive to promoting the objectives of Chapters 10, 26 and 91 of this title. [Moved to § 1001(a) of this title.]~~

Section 3. Amend § 1032, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1032. Definitions.

As used in this subchapter:

(1) “Comprehensive community forestry plan” ~~is~~ means a document that describes how a government or other organization will manage the tree resources located on publicly owned lands within its jurisdiction. ~~This plan should be based on an accurate inventory of both tree and other resources, such as existing roads and infrastructure, include a map of the publicly owned areas and the mission and objectives for these lands, and define the strategies and budget needed to achieve these objectives.~~

(2) “Department” ~~shall mean~~ means the Department of Agriculture.

(3) “Local government” ~~shall mean~~ means a municipality, ~~county~~ county, or other political subdivision of the State or any agency thereof.

(4) “Secretary” ~~shall mean~~ means the Secretary of Agriculture.

(5) “Tree resources” ~~are~~ means those trees located in street right-of-ways, ~~parks~~ parks, and other publicly owned lands.

(6) “Urban and community forestry” ~~shall mean~~ means the planting, protection, ~~care~~ care, and management of trees and other related natural resources located on publicly owned lands within a city, ~~town~~ town, or municipality.

(7) “Urban forestry” means the planned management of trees, forests, and green spaces within cities, suburbs, and towns to enhance environmental, social, and economic well-being.

(8) “Urban forest” means the sum of all woody and associated vegetation in and around dense human settlements, ranging from small communities in rural settings to metropolitan regions.

(9) “Urban Tree Canopy” or “UTC” means the layer of leaves, branches, and stems of trees that covers the ground when viewed from above, encompassing all trees within a designated area such as a city, town, municipality, or outlying area where homes or businesses are located.