

CHAPTER 358  
FORMERLY  
HOUSE BILL NO. 405

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE  
DEPARTMENT OF AGRICULTURE.

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

Section 1. Amend § 1302(c) Chapter 13, Title 3 of the Delaware Code by deleting the language therein in its entirety and substituting in lieu thereof:

“The aforementioned person(s) are required to renew their nursery industry license each year that they remain in operation. Nursery industry licenses issued by the Department shall be valid for a period of one year, beginning January 1 and ending December 31 of the same year.”.

Section 2. Amend § 1302(d)(5) Chapter 13, Title 3 of the Delaware Code by inserting the following at the end: “Upon request of the Department an updated list and/or invoices must be provided for the current year.”.

Section 3. Amend § 1303(c) Chapter 13, Title 3 of the Delaware Code by inserting before “to any business licensed under § 1302” the following: “of inspection”.

Section 4. Amend § 1303(d) Chapter 13, Title 3 of the Delaware Code by deleting the language therein in its entirety and substituting in lieu thereof:

“The nursery stock certificate of inspection issued by the Department shall be valid for a period of one year, beginning January 1 and ending December 31 of the same year.”

Section 5. Amend § 1311(a) Chapter 13, Title 3 of the Delaware Code by deleting the language therein in its entirety and inserting in lieu thereof “No civil penalty shall be imposed until an administrative hearing is held before the Secretary of Agriculture and his or her designee. No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in accordance with Chapter 101 of Title 29. The Secretary or the Secretary’s designee shall mail a written decision to the alleged violator within 30 days of the conclusion of the administrative hearing.”.

Approved July 12, 2010