

CHAPTER 361
FORMERLY
HOUSE BILL NO. 421
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT AMENDING TITLE 17 OF THE DELAWARE CODE RELATING TO
REFORESTATION ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION.

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

Section 1. Amend § 202(3)b., Title 17 of the Delaware Code by deleting the phrase “or turning lanes” appearing therein.

Section 2. Amend § 209(b), Title 17 of the Delaware Code by inserting the phrase “constructs or” between the word “Transportation” and the word “widens” appearing in the first sentence thereof, and further by deleting the phrase “, constructs or reconstructs” appearing after the word “widens” appearing in that same sentence.

Section 3. Amend § 209(d), Title 17 of the Delaware Code by deleting the word “or” appearing between the word “improvements” and the number “10” appearing in the first sentence thereof, and inserting in lieu thereof the word “of”.

Section 4. Amend § 210(a), Title 17 of the Delaware Code by inserting the phrase “(1) state-owned” between the word “other” and the word “rights-of-way” appearing in the first sentence thereof, and further by deleting the phrase “it owns or controls, beginning with rights-of-way” appearing in that same sentence, and further by inserting the following between the word “part” and the period “.” ending that sentence: “or (2) within conservation easements approved and maintained by the Department of Natural Resources and Environmental Control that are within the same or an adjacent watershed.”

Section 5. Amend § 211(a), Title 17 of the Delaware Code by deleting the phrase “signed and sealed” appearing in the first sentence thereof, and further by deleting the language “approved by the Department of Transportation” appearing after the word “professional” appearing in the same sentence, and inserting the following between the word “professional” and the language “, and must” appearing therein: “or by the Delaware Department of Transportation”.

Section 6. Amend § 211(a), Title 17 of the Delaware Code by deleting the word “and” appearing at the end of paragraph (3) thereof, and further by deleting the period “.” at the end of paragraph (4) and inserting the language “; and” at the end of paragraph (4).

Section 7. Amend § 211(a), Title 17 of the Delaware Code by inserting a new paragraph (5) to read as follows:

“(5) To be maintainable with resources available to the Department at the time of planting, to include any permanent agreements entered into relating to maintenance.”.

Section 8. Amend § 211(b), Title 17 of the Delaware Code by deleting the phrase “signed and sealed” appearing in the first sentence thereof, and further by inserting the following between the word “prepared” and the phrase “for use” appearing therein: “by a Delaware-licensed and registered landscape design professional or by the Delaware Department of Transportation”.

Approved July 12, 2010