



SPONSOR: Sen. Walsh & Rep. Bolden
Sens. Hansen, Sokola, Pettyjohn, Richardson; Reps.
Bennett, Brady, Dukes, Spiegelman

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 74

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DELAWARE AGRICULTURAL
LANDS PRESERVATION ACT.

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

1 Section 1. Amend § 903, Title 3 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 903. Delaware Agricultural Lands Preservation Foundation.

4 (h) A Trustee may be removed by the Trustee's appointing authority at any time for gross inefficiency, neglect of
5 duty, malfeasance, misfeasance, or nonfeasance in office.

6 (1) A Trustee is deemed in neglect of duty if the Trustee is absent from 3 consecutive Foundation meetings
7 without good cause or attends less than 50% of Foundation meetings in a calendar year.

8 (2) A Trustee who is deemed in neglect of duty is considered to have resigned and, upon appointment of a
9 successor, is no longer a Trustee.

10 Section 2. Amend § 917, Title 3 of the Delaware Code by making deletions as shown by strike through and
11 insertions as shown by underline as follows:

12 § 917. Termination of easement.

13 (b) Request for review. — ~~At any time after 25 years from the date of acquisition of a preservation easement~~ For a
14 preservation easement acquired before [the date of enactment of this Act], the owner may may, any time after 25 years from
15 the date of acquisition of the easement, request that the easement be reviewed for possible termination of the easement.
16 Section 917 of this title does not apply to preservation easements acquired after [the date of enactment of this Act].
17 Preservation easements acquired after [the date of enactment of this Act] may not be terminated under § 917 of this title.

18 Section 3. Amend § 945, Title 3 of the Delaware Code by making deletions as shown by strike through and
19 insertions as shown by underline as follows:

20 § 945. Loan requirements and approval.

21 (a) The following requirements and conditions ~~shall~~ apply to loans provided by the Foundation:

22 (5) Loans ~~shall be~~ are limited to the purchase of farmland and farmland improvements only. Portions of the
23 property subject to purchase which are used or proposed for use for residential purposes ~~shall not be~~ are not eligible for
24 loans, provided further nonetheless, that those lands used or intended for use for residential purposes ~~shall be~~ are
25 subject to the limitations set forth in ~~§ 904(a)(4)a. and b. [sic]~~ § 909(a)(4)a. and b. of this title.

SYNOPSIS

This Act fulfills recommendations made by the Joint Legislative Oversight and Sunset Committee. First, this Act adds language to establish the circumstances under which Trustees of the Delaware Agricultural Lands Preservation Foundation may be removed, using language standard to boards and commissions in this State. Second, this Act limits review of a preservation easement after 25 years of the easement's acquisition to only easements that were acquired before the enactment of this Act. Preservation easements acquired after the enactment of this Act are not subject to termination under § 917 of Title 3. Third, this Act corrects an internal reference, and makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator John Walsh