

LAWS OF DELAWARE
VOLUME 84
CHAPTER 134
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 219

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAX CREDITS FOR CREATION OF EMPLOYMENT AND QUALIFIED INVESTMENT IN BUSINESS FACILITIES.

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

Section 1. Amend § 2010, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 2010. Definitions.

As used in this subchapter and in subchapters III, V and VIII of this chapter:

(3) “Qualified activity” is:

d. The administration, management or support operations, including marketing, of any activity described in paragraphs (3)a. through ~~j-k~~ of this section;

k. The year-round operation of a building or other permanent structures on the same parcel of land consisting, in the aggregate, of no less than 400,000 square feet of enclosed, climate-controlled space used for growing fruits or vegetables.

kl. Any combination of the activities described in paragraphs (3)a. through ~~(3)j-(3)k~~ of this section.

Section 2. Amend § 2011, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) Any taxpayer (other than a public utility as defined in Chapter 1 of Title 26, unless such public utility is a provider of telecommunications services as described in § 2010(3)i. of this title) that:

(1) During any consecutive 12-month period has placed in service a qualified facility in which such taxpayer has during such period made a qualified investment in an amount equal to or exceeding \$200,000; except that, in the case of a new or expanded facility placed in service to conduct the qualified activity described in § 2010(3)k. of this title, the qualified investment during such period must be in an amount equal to or exceeding \$40 million;

Approved August 3, 2023