SPONSOR: Sen. Hoffner & Rep. Carson
Sens. Hansen, Hocker, Huxtable, Sokola, Wilson; Reps. Berry, Harris

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 254
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE STATE FARMLAND VALUATION ADVISORY COMMITTEE.

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

Section 1. Amend Chapter 83, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8337. State Farmland Evaluation Advisory Committee.

~~(a) There is created a State Farmland Evaluation Advisory Committee, consisting of 3 members. One member shall be the Dean of the College of Agricultural Sciences of the University of Delaware; 1 member shall be appointed by the Governor from a list of 3 eligible citizens, which list shall be supplied the Governor by the Executive Committee of the Delaware State Grange; and 1 member shall be appointed by the Governor from a list of 3 eligible citizens, which list shall be supplied the Governor by the Executive Committee of the Delaware Farm Bureau. No more than 2 members of the Committee shall be of the same political party. Each member shall be a citizen of this State and shall be appointed for a term of 3 years beginning on the 1st day of July in the year of appointment. Vacancies for any cause other than the expiration of term shall be filled by the Governor for the unexpired term.~~

~~(b) The Committee shall meet from time to time on the call of the Dean of the College of Agricultural Sciences and annually determine and publish a range of values for each of the several classifications of land in agricultural, horticultural or forest use in the various areas of the State. The primary objective of the Committee shall be the determination of the ranges in fair value of such land based upon its productive capabilities when devoted to agricultural, horticultural or forest uses. In making these annual determinations of value, the Committee shall consider available evidence of agricultural, horticultural or forest capability derived from the soil survey and such other evidence of value of land devoted exclusively to agricultural, horticultural or forest uses as it may in its judgment deem pertinent. On or before February 1 of each year, the Committee shall make these ranges of fair value available to the assessing authority in each of the taxing districts in which land in agricultural, horticultural and forest use is located. The Committee shall review at least~~

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~~every 2 years the formula, method or system being utilized to determine the ranges of fair values for agricultural, horticultural and forestry land and make such changes and revisions as are required to insure that the objectives of this section are met. The formula used by the Committee shall be based on not less than the preceding 20 years of land values.~~

(a) There is hereby established a State Farmland Evaluation Advisory Committee.

(b) The Committee shall consist of 8 voting members:

(1) The Secretary of the Department of Finance, who shall serve as chair.

(2) 1 member, who shall be appointed by the Governor, from a list of 3 individuals provided to the Governor by the Executive Committee of the Delaware State Grange.

(3) 1 member, who shall be appointed by the Governor, from a list of 3 individuals provided to the Governor by the Executive Committee of the Delaware Farm Bureau.

(4) 1 member, who shall be appointed by the Governor, with real-world knowledge and an experiential understanding of agricultural financing.

(5) 1 member, who shall be appointed by the Governor, with real-world knowledge and an experiential understanding of farmland valuation.

(6) The Secretary of the Delaware Department of Agriculture or their designee.

(7) The Dean of the College of Agriculture at the University of Delaware or their designee.

(8) 1 member, who shall be appointed by the Governor, from a list of 3 Delaware poultry growers provided to the Governor by the Executive Director of the Delmarva Chicken Association.

(c) No more than 4 voting members of the Committee shall be of the same political party.

(d) In addition to voting members, the Committee shall include 3 non-voting members:

(1) 1 non-voting member shall be an official from the Assessment Division of the Office of Finance of New Castle County.

(2) 1 non-voting member shall be an official from the Assessment Division of the Department of Finance of Kent County Levy Court.

(3) 1 non-voting member shall be an official from the Assessment Department of Sussex County.

(e) Each member of the Committee shall be a resident of this State.

(f) Each member of the Committee shall be appointed for a term of 4 years beginning on the 1st day of July in the year of appointment. Each member may serve 2 additional terms. A member remains eligible to participate in the Committee proceedings until the Governor replaces that member. Vacancies for any cause other than the expiration of term shall be filled by the Governor for the unexpired term.

(g) A member of the Committee shall receive no compensation for the member's service on the Committee.

(h) The Governor may remove a member for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office.

(1) A member is deemed in neglect of duty if the member is absent from 3 consecutive Committee meetings without good cause.

(2) A member who is deemed in neglect of duty is considered to have resigned.

(i) The Committee shall meet at least once every 6 months. The meetings of the Committee are public.

(j) The Department of Finance, through the Secretary, shall provide reasonable staff support to assist the Committee in performing its duties.

(k) The Committee shall determine a range of values for each classification of land based upon its productive capabilities when devoted to agricultural, horticultural, or forest uses across the State. The Committee shall consider available evidence of agricultural, horticultural, or forest capability derived from the soil survey and such other evidence of value of land devoted exclusively to agricultural, horticultural, or forest uses as it may in its judgment deem pertinent.

(l) The Committee shall, at least once every 2 years, review its valuation formula and methodology utilized to determine the ranges of fair values for agricultural, horticultural, forestry land, and qualified farm structures and make such changes and revisions as are required to ensure that the objectives of this section are met. The formula used by the Committee shall be based on not less than the preceding 20 years of land values.

(m) The Committee shall publish its determinations and any review of its valuation formula and methodology in its annual report. The Committee shall submit this report to the Governor, the General Assembly, the Director and the Librarian of the Division of Legislative Services, and to the assessing authority of each county not later February 1 of each year.