



SPONSOR: Rep. Dorsey Walker & Sen. Pinkney
Reps. Baumbach, K. Johnson, Minor-Brown, Morrison;
Sens. Ennis, Hansen

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 297

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE CREATION OF THE
AGRICULTURAL OPPORTUNITIES ACT.

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

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

3 Chapter 8. Agricultural Opportunities Act.

4 § 801. Definitions.

5 For purposes of this chapter:

6 (1) “Agricultural land” means land subject to agricultural use.

7 (2) “Agricultural use” means all forms of farming, including agriculture, horticulture, aquaculture,
8 silviculture, and activities devoted to the production for sale of food and other products useful to humans which are
9 grown, raised, or harvested on lands and waters.

10 (3) “Beginning farmer” means an individual who meets all of the following:

11 a. Does not own or lease agricultural land or has owned or leased agricultural land for 10 years or less.

12 b. Other criteria established by the Secretary of the Department by regulation.

13 (4) “Department” means the Department of Agriculture.

14 (5) “Military veteran farmer” means an individual who has served in the United States Armed Forces and
15 meets all of the following:

16 a. Does not own or lease agricultural land or has owned or leased agricultural land for 10 years or less.

17 b. Other criteria established by the Secretary of the Department by regulation.

18 (6) “Socially disadvantaged farmer” means an individual who owns or leases agricultural land and who is a
19 member of a socially disadvantaged group.

20 (7) “Socially disadvantaged group” means a group whose members have been subject to racial, ethnic, sex, or
21 immigration status prejudice because of the members’ identity as members of the group without regard to the
22 members’ individual qualities.

23 (8)a. "State" means the State of Delaware.

24 b. "State" includes a state agency.

25 (9)a. "State agency" means an office, department, board, commission, committee, court, school district, board
26 of education, and a public body existing by virtue of an act of the General Assembly or of the Constitution of this State.

27 b. "State agency" does not include a political subdivision of the State or a political subdivision's
28 agencies.

29 § 802. Regulatory authority.

30 The Secretary of the Department may adopt regulations to implement and enforce this chapter.

31 § 803. Annual report.

32 (a) The Secretary of the Department shall submit a report on November 1 of each year that includes all of the
33 following:

34 (1) The Secretary's findings and recommendations, including any proposed legislation, on the following:

35 a. How to better serve and include all of the following:

36 1. Socially disadvantaged farmers.

37 2. Beginning farmers.

38 3. Military veteran farmers.

39 b. Including socially disadvantaged farmers on boards, commissions, committees, advisory groups, or
40 other public bodies related to agriculture in this State.

41 (2) The data the Department is required to compile under the following:

42 a. Section 804(4) of this title.

43 b. Section 805(d) of this title.

44 c. Section 806(c) of this title.

45 (b) The report required under subsection (a) of this section must be provided to all of the following:

46 (1) The Governor.

47 (2) The President Pro Tempore of the Senate.

48 (3) The Speaker of the House of Representatives.

49 (4) The Chair of the Senate Agriculture Committee.

50 (5) The Chair of the House Agriculture Committee.

51 (6) The Controller General.

52 (7) The Director of the Division of Research.

53 (c) The Department may use information from the United States Department of Agriculture, the Natural Resources
54 Conservation Service, and the Cooperative Extension programs at the Delaware State University and the University of
55 Delaware in compiling the report required under subsection (a) of this section.

56 § 804. Inclusion and outreach to socially disadvantaged farmers.

57 The Department shall do all of the following:

58 (1) Ensure the inclusion of socially disadvantaged farmers in the development, adoption, implementation, and
59 enforcement of agricultural laws, rules, policies, and programs.

60 (2) Consult with federal and state agencies and members of the public and private sectors in this State on
61 opportunities for socially disadvantaged farmers and to coordinate state programs to maximize inclusion of socially
62 disadvantaged farmers.

63 (3) Evaluate boards, commissions, committees, advisory groups, or other public bodies related to agriculture
64 in this State for opportunities for inclusion of socially disadvantaged farmers.

65 (4) Compile data on the recipients of agricultural program funding administered by the Department and the
66 Delaware Agricultural Lands Preservation Foundation, and how these resources are being allocated to socially
67 disadvantaged farmers.

68 (5) Disseminate to socially disadvantaged farmers information regarding agricultural related opportunities and
69 funding provided by the Department and other State agencies and the United States Department of Agriculture, United
70 States Environmental Protection Agency, United States General Accounting Office, United States Office of
71 Management and Budget, or other federal agencies.

72 § 805. Agricultural training program.

73 (a) The Department, in collaboration with the Cooperative Extension programs at the Delaware State University
74 and the University of Delaware, shall establish an agricultural training program to encourage and assist a socially
75 disadvantaged farmer, beginning farmer, or military veteran farmer in the ownership or operation of agricultural land in this
76 State.

77 (b) The agricultural training program must do all of the following:

78 (1) Provide a socially disadvantaged farmer, military veteran farmer, or beginning farmer with the basic skills
79 to operate agricultural land profitably with a primary focus on regenerating the soil, ecosystem, and local community.

80 (2) Provide a course of study that is equivalent to no less than 30 academic credit hours of study, which may
81 be provided as direct in-field instruction.

82 (3) Focus on low capital-intensive techniques and technologies.

- 83 (4) Focus on local and regional food systems and the market opportunities those systems present.
- 84 (c) The agricultural training program may include programs or services relating to any of the following:
- 85 (1) Basic livestock, forest management, and crop farming practices.
- 86 (2) Innovative agricultural land transfer and succession strategies.
- 87 (3) Entrepreneurship and business training.
- 88 (4) Technical assistance to assist socially disadvantaged farmers, military veteran farmers, and beginning
- 89 farmers acquire land from retiring farmers.
- 90 (5) Financial and risk management training, including the acquisition and management of agricultural credit.
- 91 (6) Natural resource management and planning.
- 92 (7) Diversification and marketing strategies.
- 93 (8) Mentoring, apprenticeship, and internship opportunities.
- 94 (9) Instruction on available resources and referrals.
- 95 (10) Safety and awareness information.
- 96 (11) Food safety and recordkeeping.
- 97 (12) Other similar subject areas of value to socially disadvantaged farmers, military veteran farmers, or
- 98 beginning farmers.

99 (d) The Department shall compile data on individuals who participate in the agricultural training program under

100 this section.

101 § 806. Agricultural land lease program.

102 (a) The Department shall establish an agricultural land lease program. As part of the program, the Department

103 shall do all of the following:

- 104 (1) Identify land owned by this State that is suitable for agricultural use.
- 105 (2) Publicize information on land owned by this State that is suitable for agricultural use, including if the land
- 106 is available for lease.
- 107 (3) Develop a form to be completed by an individual seeking to lease land owned by this State that is suitable
- 108 for agricultural purposes.

109 (b) A state agency shall do all of the following:

- 110 (1) Notify the Department of all of the following:
- 111 a. That land owned by this State is leased by the state agency to a person for agricultural purposes.

112 b. That land owned by this State that has been leased by the state agency to a person for agricultural
113 purposes is available to be leased.

114 c. When land owned by this State that is leased by the state agency for agricultural purposes is leased to
115 one of the following:

116 1. A socially disadvantaged farmer.

117 2. A military veteran farmer.

118 3. A beginning farmer.

119 4. A person that is not one of the individuals under paragraphs (b)(1)c.1. through (b)(1)c.3. of this
120 section.

121 (2) Give priority in awarding a lease for land owned by this State that is leased by the state agency for
122 agricultural purposes to the following:

123 a. A socially disadvantaged farmer.

124 b. A military veteran farmer.

125 c. A beginning farmer.

126 (3) Lease land under paragraph (b)(2) of this section at fair market value.

127 (c) The Department shall compile data based on the information provided to the Department under subsection
128 (b)(1)c. of this section.

129 (d)(1) Moneys received as rent for the leasing of land owned by this State for agricultural purposes is to be paid to
130 a special fund known as the "Agricultural Land Lease Program Fund" ("Fund").

131 (2) Except as provided under paragraph (d)(4) of this section, the Fund is not part of the General Fund.

132 (3) The Department may expend moneys in the Fund to pay all of the following costs:

133 a. Administering the agricultural land lease program under this section.

134 b. Operating a farmer incubator program under § 807 of this title.

135 (4) Moneys in the Fund that are unencumbered at the end of a fiscal year revert to the General Fund.

136 § 807. Farmer incubator program.

137 The Department, in collaboration with the Cooperative Extension programs at the Delaware State University and
138 the University of Delaware, shall do all of the following not later than [one year following enactment of this Act]:

139 (1) Develop a farmer incubator program that provides a military veteran farmer and beginning farmer with the
140 opportunity to receive the training provided under § 805 of this title on a plot of land at an incubator site operated by
141 the Department.

- 142 (2) Identify a location suitable for the farmer incubator program.
- 143 (3) Identify the initial and annual costs necessary to implement the farmer incubator program.
- 144 (4) Report to the individuals under § 803(b) of this title the information required under paragraphs (1) through
- 145 (3) of this section.

SYNOPSIS

This Act does all of the following:

(1) Requires the Department of Agriculture (“Department”) to take certain actions to include socially disadvantaged farmers in the agricultural decision-making process in this State and provide outreach to socially disadvantaged farmers to make them aware of programs to assist them.

(2) Establishes an agricultural training program in the Department to encourage and assist a socially disadvantaged farmer, military veteran farmer, or beginning farmer in the ownership or operation of agricultural land in this State. The Department is to collaborate with the Cooperative Extension programs at the Delaware State University and the University of Delaware.

(3) Establishes an agricultural land lease program in the Department to identify land owned by this State that is suitable for agricultural use and give priority for leases to socially disadvantaged farmers, military veteran farmers, and beginning farmers.

(4) Requires the Department, in collaboration with the Cooperative Extension programs at the Delaware State University and the University of Delaware, to develop a farmer incubator program that provides a military veteran farmer and beginning farmer with the opportunity to receive training on a plot of land at an incubator site operated by the Department, identify the initial and annual costs of and a location for the program, and report the Department’s findings.

(5) Requires the Secretary of the Department to issue an annual report on activities required under this Act.