

# SENATE, No. 428

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Senators Cruz-Perez and Durr**

**SYNOPSIS**

Extends Right to Farm Act protections to certain aquaculture activities.

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth Committee with technical review.



**(Sponsorship Updated As Of: 6/27/2022)**

1 AN ACT concerning Right to Farm Act protections for aquaculture,  
2 and amending and supplementing P.L.1983, c.31.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read as  
8 follows:

9 3. As used in P.L.1983, c.31 (C.4:1C-1 et seq.):

10 “Aquaculture” means the same as the term is defined in section 3  
11 of P.L.1997, c.236 (C.4:27-3).

12 “Aquaculture management unit” means an area used specifically  
13 for an aquaculture operation, including all leased, riparian, nursery,  
14 or hatchery property listed in an approved aquatic farmers license  
15 issued by the New Jersey Department of Agriculture or a shellfish  
16 aquaculture permit issued by the Bureau of Marine Water  
17 Monitoring in the Department of Environmental Protection, and  
18 including all storage, processing, or retail facilities associated with  
19 an aquaculture operation that may be located on separate parcels of  
20 terrestrial land, regardless of whether that land is zoned for  
21 agricultural or horticultural use.

22 “Aquatic organism” means the same as the term is defined in  
23 section 3 of P.L.1997, c.236 (C.4:27-3).

24 “Board” or “county board” means a county agriculture  
25 development board established pursuant to section 7 of P.L.1983,  
26 c.32 (C.4:1C-14).

27 “Commercial farm” means (1) a farm management unit of no less  
28 than five acres producing agricultural or horticultural products  
29 worth \$2,500 or more annually, and satisfying the eligibility criteria  
30 for differential property taxation pursuant to the “Farmland  
31 Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.), (2)  
32 a farm management unit less than five acres, producing agricultural  
33 or horticultural products worth \$50,000 or more annually and  
34 otherwise satisfying the eligibility criteria for differential property  
35 taxation pursuant to the “Farmland Assessment Act of 1964,”  
36 P.L.1964, c.48 (C.54:4-23.1 et seq.), **[or]** (3) a farm management  
37 unit that is a beekeeping operation producing honey or other  
38 agricultural or horticultural apiary-related products, or providing  
39 crop pollination services, worth \$10,000 or more annually , or (4) a  
40 farm management unit or aquaculture management unit engaging in  
41 aquaculture and producing, or likely to produce within three years  
42 of commencing aquaculture, aquatic organisms worth \$40,000 or  
43 more annually .

44 “Committee” means the State Agriculture Development  
45 Committee established pursuant to section 4 of P.L.1983, c.31  
46 (C.4:1C-4).

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       “Farm management unit” means a parcel or parcels of land,  
2 whether contiguous or noncontiguous, together with agricultural or  
3 horticultural buildings, structures and facilities, producing  
4 agricultural or horticultural products, and operated as a single  
5 enterprise.

6       “Farm market” means a facility used for the wholesale or retail  
7 marketing of the agricultural output of a commercial farm, and  
8 products that contribute to farm income, except that if a farm  
9 market is used for retail marketing at least 51 **【%】** percent of the  
10 annual gross sales of the retail farm market shall be generated from  
11 sales of agricultural output of the commercial farm, or at least 51  
12 **【%】** percent of the sales area shall be devoted to the sale of  
13 agricultural output of the commercial farm, and except that if a  
14 retail farm market is located on land less than five acres in area, the  
15 land on which the farm market is located shall produce annually  
16 agricultural or horticultural products worth at least \$2,500.

17       “Full-time, year-round equine-related farm employee” means any  
18 person employed by the owner or operator of a commercial farm on  
19 a full-time, year-round basis to provide proper care and ensure the  
20 safety of horses on the commercial farm, including, but not limited  
21 to, a groom or other employee working in a stable. “Full-time,  
22 year-round equine-related farm employee” shall not include a  
23 migrant, seasonal, or temporary employee.

24 (cf: P.L.2020, c.154, s.1)

25

26       2. (New section) Notwithstanding the provisions of section 3  
27 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted  
28 pursuant thereto, to the contrary, a farm management unit or  
29 aquaculture management unit that qualifies as a commercial farm  
30 for the purposes of P.L.1983, c.31 (C.4:1C-1 et al.) because it is an  
31 aquaculture operation producing, or likely to produce within three  
32 years of commencing the aquaculture operation, aquatic organisms  
33 worth \$40,000 or more annually shall be entitled to the protections  
34 provided to any other commercial farm pursuant to P.L.1983, c.31  
35 (C.4:1C-1 et al.), but not for agricultural or horticultural activities  
36 that are not aquaculture-related unless the farm management unit  
37 also qualifies as a commercial farm pursuant to section 3 of  
38 P.L.1983, c.31 (C.4:1C-3) for reasons other than aquaculture.

39

40       3. This act shall take effect immediately.