

ASSEMBLY, No. 5077

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 7, 2020

Sponsored by:

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

SYNOPSIS

Appropriates \$29,886,172 to State Agriculture Development Committee for farmland preservation purposes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT appropriating \$29,886,172 from various farmland
2 preservation funds to the State Agriculture Development
3 Committee for farmland preservation purposes.

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

7
8 1. a. There is appropriated to the State Agriculture
9 Development Committee the sum of \$23,298,172 in the following
10 subtotal amounts, listed in paragraphs (1) through (5) of this
11 subsection, to pay the cost of acquisition by the committee of
12 development easements on, or fee simple titles to, farmland, to
13 provide grants to counties and municipalities for up to 80 percent of
14 the cost of acquisition of fee simple titles to farmland, to provide
15 grants to qualifying tax-exempt non-profit organizations for up to
16 50 percent of the cost of acquisition of fee simple titles to farmland,
17 for farmland preservation purposes for projects approved as eligible
18 for such funding pursuant to the "Agricultural Retention and
19 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), the "Green
20 Acres, Farmland and Historic Preservation, and Blue Acres Bond
21 Act of 1995," P.L.1995, c.204, the "Garden State Preservation Trust
22 Act," P.L.1999, c.152 (C.13:8C-1 et seq.), the "Green Acres,
23 Farmland, Blue Acres, and Historic Preservation Bond Act of
24 2007," P.L.2007, c.119, the "Green Acres, Water Supply and
25 Floodplain Protection, and Farmland and Historic Preservation
26 Bond Act of 2009," P.L.2009, c.117, and the "Preserve New Jersey
27 Act," P.L.2016, c.12 (C.13:8C-43 et seq.):

28 (1) \$22,416,375 from dedicated corporation business tax
29 revenues pursuant to Article VIII, Section II, paragraph 6 of the
30 State Constitution from the "Preserve New Jersey Farmland
31 Preservation Fund," established pursuant to section 8 of the
32 "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50);

33 (2) \$599,712 from the "2009 Farmland Preservation Fund,"
34 established pursuant to section 18 of the "Green Acres, Water
35 Supply and Floodplain Protection, and Farmland and Historic
36 Preservation Bond Act of 2009," P.L.2009, c.117;

37 (3) \$141,233 from the "2007 Farmland Preservation Fund,"
38 established pursuant to section 18 of the "Green Acres, Farmland,
39 Blue Acres, and Historic Preservation Bond Act of 2007,"
40 P.L.2007, c.119;

41 (4) \$103,308 from the "Garden State Farmland Preservation
42 Fund," established pursuant to section 20 of P.L.1999, c.152
43 (C.13:8C-20); and

44 (5) \$37,544 from the "1995 Farmland Preservation Fund,"
45 established pursuant to section 25 of the "Green Acres, Farmland
46 and Historic Preservation, and Blue Acres Bond Act of 1995,"
47 P.L.1995, c.204.

1 b. Any farmland acquired in fee simple with monies
2 appropriated pursuant to this section shall be offered for resale or
3 lease with agricultural deed restrictions approved by the committee.
4

5 2. There is appropriated from the “Preserve New Jersey
6 Farmland Preservation Fund,” established pursuant to section 8 of
7 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), from
8 the “2009 Farmland Preservation Fund,” established pursuant to
9 section 18 of the “Green Acres, Water Supply and Floodplain
10 Protection, and Farmland and Historic Preservation Bond Act of
11 2009,” P.L.2009, c.117, from the “2007 Farmland Preservation
12 Fund,” established pursuant to section 18 of the “Green Acres,
13 Farmland, Blue Acres, and Historic Preservation Bond Act of
14 2007,” P.L.2007, c.119, from the “Garden State Farmland
15 Preservation Trust Fund,” established pursuant to section 20 of
16 P.L.1999, c.152 (C.13:8C-20), from the “1999 Open Space Fund,”
17 established pursuant to the “Open Space – Local Match Program of
18 the Fiscal Year 1999 annual appropriations act,” P.L.1998, c.45,
19 from the “1995 Farmland Preservation Fund,” established pursuant
20 to section 25 of the “Green Acres, Farmland and Historic
21 Preservation, and Blue Acres Bond Act of 1995,” P.L.1995, c.204,
22 from the “1992 Farmland Preservation Fund,” established pursuant
23 to section 24 of the “Green Acres, Clean Water, Farmland and
24 Historic Preservation Bond Act of 1992,” P.L.1992, c.88, from the
25 “1989 Farmland Preservation Fund,” established pursuant to section
26 22 of the “Open Space Preservation Bond Act of 1989,” P.L.1989,
27 c.183, and from the “Farmland Preservation Fund,” established
28 pursuant to section 5 of the “Farmland Preservation Bond Act of
29 1981,” P.L.1981, c.276, to the State Agriculture Development
30 Committee such sums from any additional proceeds which may
31 become available by the effective date of this act due to the lease or
32 conveyance of land or development easements acquired or funded
33 by the committee, for the purpose of providing for the cost of
34 acquisition by the committee of development easements and fee
35 simple titles to farmland for farmland preservation purposes
36 pursuant to subsection a. of section 1 of this act.

37 Any farmland acquired in fee simple with monies appropriated
38 pursuant to this section shall be offered for resale or lease with
39 agricultural deed restrictions approved by the committee.
40

41 3. There is appropriated to the State Agriculture Development
42 Committee the sum of \$2,253,000 from the “Preserve New Jersey
43 Farmland Preservation Fund,” established pursuant to section 8 of
44 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), for
45 the purpose of providing grants for stewardship activities as defined
46 pursuant to section 3 of P.L.2016, c.12 (C.13:8C-45), including soil
47 and water conservation project activities approved pursuant to

1 section 17 of P.L.1983, c.32 (C.4:1C-24) and deer-fencing activities
2 approved pursuant to section 5 of P.L.1983, c.32 (C.4:1C-5).

3
4 4. There is appropriated to the State Agriculture Development
5 Committee the sum of \$4,335,000 from the "Preserve New Jersey
6 Farmland Preservation Fund," established pursuant to section 8 of
7 the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), as
8 follows:

9 a. \$3,985,000 for the purpose of providing funding for
10 organizational, administrative and other work and services,
11 including salaries, equipment, materials, and services necessary to
12 administer the applicable provisions of P.L.2016, c.12 (C.13:8C-43
13 et seq.);

14 b. \$250,000 for the purpose of providing funding for costs
15 associated with the acquisition of development easements by the
16 committee, including, but not limited to, appraisal, survey, and title
17 costs; and

18 c. \$100,000 for the purpose of providing for the review of
19 appraisals for farmland preservation programs administered by the
20 committee pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.).

21
22 5. There is appropriated from the General Fund to the
23 "Preserve New Jersey Farmland Preservation Fund," established
24 pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016,
25 c.12 (C.13:8C-50), the sum of \$29,004,375 to implement the
26 provisions of this act.

27
28 6. The expenditure of the sums approved by this act is subject
29 to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et
30 seq.), P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.152 (C.13:8C-1
31 et seq.), P.L.1998, c.45, P.L.1995, c.204, P.L.1992, c.88, P.L.1989,
32 c.183, P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1981, c.276, as
33 appropriate.

34
35 7. This act shall take effect immediately.

36 37 38 STATEMENT

39
40 This bill appropriates \$29,886,172 from various farmland
41 preservation funds to the State Agriculture Development Committee
42 (SADC) for certain farmland preservation purposes.

43 Of the funding provided by the bill, \$23,298,172 is appropriated
44 to the SADC to pay the cost of acquisition by the SADC of
45 development easements on, or fee simple titles to, farmland, to
46 provide grants to counties and municipalities for up to 80 percent of
47 the cost of acquisition of fee simple titles to farmland, and to
48 provide grants to qualifying tax exempt nonprofit organizations for

1 up to 50 percent of the cost of acquisition of fee simple titles to
2 farmland, for farmland preservation purposes for projects approved
3 as eligible for such funding pursuant to: the “Agricultural
4 Retention and Development Act”; the “Green Acres, Farmland and
5 Historic Preservation, and Blue Acres Bond Act of 1995”; the
6 “Garden State Preservation Trust Act”; the “Green Acres,
7 Farmland, Blue Acres, and Historic Preservation Bond Act of
8 2007”; the “Green Acres, Water Supply and Floodplain Protection,
9 and Farmland and Historic Preservation Bond Act of 2009”; and the
10 “Preserve New Jersey Act.”

11 Of the \$23,298,172 provided in section 1 of the bill for the
12 acquisition of fee simple titles and development easements to
13 farmland: \$22,416,375 is from constitutionally dedicated
14 corporation business tax (CBT) revenues in the “Preserve New
15 Jersey Farmland Preservation Fund” established pursuant to the
16 “Preserve New Jersey Act”; \$599,712 is from the “2009 Farmland
17 Preservation Fund” established pursuant to the “Green Acres, Water
18 Supply and Floodplain Protection, and Farmland and Historic
19 Preservation Bond Act of 2009”; \$141,233 is from the “2007
20 Farmland Preservation Fund” established pursuant to the “Green
21 Acres, Farmland, Blue Acres, and Historic Preservation Bond Act
22 of 2007”; \$103,308 is from the “Garden State Farmland
23 Preservation Fund” established pursuant to the “Garden State
24 Preservation Trust Act”; and \$37,544 is from the “1995 Farmland
25 Preservation Fund,” established pursuant to the “Green Acres,
26 Farmland and Historic Preservation, and Blue Acres Bond Act of
27 1995.”

28 In addition, this bill appropriates \$2,253,000 from the “Preserve
29 New Jersey Farmland Preservation Fund” to the SADC for the
30 purpose of providing stewardship grants for activities, beyond
31 routine operation and maintenance, undertaken by landowners, or
32 farm operators as agents for landowners, to repair, restore, or
33 improve lands preserved for farmland preservation purposes,
34 including soil and water conservation project activities and deer-
35 fencing activities.

36 The appropriations in this bill for the acquisition of fee simple
37 titles and development easements to farmland and for stewardship
38 grants have been approved by the SADC and the Garden State
39 Preservation Trust.

40 The bill also appropriates to the SADC such sums from any
41 additional proceeds which may become available by the effective
42 date of the bill due to the lease or conveyance of farmland
43 previously acquired in fee simple by the SADC, for the purpose of
44 providing for the cost of acquisition by the SADC of development
45 easements and fee simple titles to farmland for farmland
46 preservation purposes.

47 This bill also appropriates from the “Preserve New Jersey
48 Farmland Preservation Fund” to the SADC: \$3,985,000 for

1 organizational, administrative, and other work and services,
2 including salaries, equipment, materials, and services necessary to
3 administer the applicable provisions of the “Preserve New Jersey
4 Act”; \$250,000 for appraisal, survey, and title costs associated with
5 administering the direct easement program; and \$100,000 for costs
6 associated with the review of appraisals.

7 The “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et
8 seq.), implements the constitutional dedication of CBT revenues
9 pursuant to Article VIII, Section II, paragraph 6 of the State
10 Constitution, approved by the voters of the State in November
11 2014, for open space, farmland, and historic preservation. The
12 “Preserve New Jersey Farmland Preservation Fund” was established
13 pursuant to section 8 of the “Preserve New Jersey Act.” Of the
14 funding in this bill, \$29,004,375 is from these constitutionally
15 dedicated CBT revenues.