

SENATE, No. 4151

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT appropriating \$60,940,361 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 \$45,515,361 in the amounts,
10 set forth in paragraphs (1) through (2) of this subsection, to pay the
11 cost of acquisition by the committee of development easements on,
12 or fee simple titles to, farmland, to provide grants to counties and
13 municipalities for up to 80 percent of the cost of acquisition of fee
14 simple titles to farmland, to provide grants to qualifying tax-exempt
15 non-profit organizations for up to 50 percent of the cost of
16 acquisition of fee simple titles to farmland, for farmland
17 preservation purposes for projects approved as eligible for such
18 funding pursuant to the “Agricultural Retention and Development
19 Act,” P.L.1983, c.32 (C.4:1C-11 et seq.), the “Garden State
20 Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), and
21 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et
22 seq.):

23 (1) \$45,328,760 from dedicated corporation business tax
24 revenues pursuant to Article VIII, Section II, paragraph 6 of the
25 State Constitution from the “Preserve New Jersey Farmland
26 Preservation Fund,” established pursuant to section 8 of the
27 “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50). Of the
28 amount appropriated pursuant to this paragraph, the sum of
29 \$3,578,886 is available due to interest earnings on the dedicated
30 corporation business tax revenues pursuant to Article VIII, Section
31 II, paragraph 6 of the State Constitution; and

32 (2) \$186,601 from the “Garden State Farmland Preservation
33 Fund,” established pursuant to section 20 of P.L.1999, c.152
34 (C.13:8C-20).

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

39 2. There is appropriated from the “Preserve New Jersey
40 Farmland Preservation Fund,” established pursuant to section 8 of
41 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), from
42 the “2009 Farmland Preservation Fund,” established pursuant to
43 section 18 of the “Green Acres, Water Supply and Floodplain
44 Protection, and Farmland and Historic Preservation Bond Act of
45 2009,” P.L.2009, c.117, from the “2007 Farmland Preservation
46 Fund,” established pursuant to section 18 of the “Green Acres,
47 Farmland, Blue Acres, and Historic Preservation Bond Act of
48 2007,” P.L.2007, c.119, from the “Garden State Farmland

1 Preservation Trust Fund,” established pursuant to section 20 of
2 P.L.1999, c.152 (C.13:8C-20), from the “1999 Open Space Fund,”
3 established pursuant to the “Open Space – Local Match Program of
4 the Fiscal Year 1999 annual appropriations act,” P.L.1998, c.45,
5 from the “1995 Farmland Preservation Fund,” established pursuant
6 to section 25 of the “Green Acres, Farmland and Historic
7 Preservation, and Blue Acres Bond Act of 1995,” P.L.1995, c.204,
8 from the “1992 Farmland Preservation Fund,” established pursuant
9 to section 24 of the “Green Acres, Clean Water, Farmland and
10 Historic Preservation Bond Act of 1992,” P.L.1992, c.88, from the
11 “1989 Farmland Preservation Fund,” established pursuant to section
12 22 of the “Open Space Preservation Bond Act of 1989,” P.L.1989,
13 c.183, and from the “Farmland Preservation Fund,” established
14 pursuant to section 5 of the “Farmland Preservation Bond Act of
15 1981,” P.L.1981, c.276, to the State Agriculture Development
16 Committee such sums from any additional proceeds which may
17 become available by the effective date of this act due to the lease or
18 conveyance of land or development easements acquired or funded
19 by the committee, for the purpose of providing for the cost of
20 acquisition by the committee of development easements and fee
21 simple titles to farmland for farmland preservation purposes
22 pursuant to subsection a. of section 1 of this act.

23 Any farmland acquired in fee simple with monies appropriated
24 pursuant to this section shall be offered for resale or lease with
25 agricultural deed restrictions approved by the committee.
26

27 3. There is appropriated to the State Agriculture Development
28 Committee the sum of \$3,325,000 from the “Preserve New Jersey
29 Farmland Preservation Fund,” established pursuant to section 8 of
30 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), for
31 the purpose of providing grants for stewardship activities as defined
32 pursuant to section 3 of P.L.2016, c.12 (C.13:8C-45), including soil
33 and water conservation project activities approved pursuant to
34 section 17 of P.L.1983, c.32 (C.4:1C-24) and deer-fencing activities
35 approved pursuant to section 5 of P.L.1983, c.32 (C.4:1C-5).

36 Of the amount appropriated pursuant to this section, the sum of
37 \$126,241 is available due to interest earnings on the dedicated
38 corporation business tax revenues pursuant to Article VIII, Section
39 II, paragraph 6 of the State Constitution.
40

41 4. There is appropriated to the State Agriculture Development
42 Committee the sum of \$12,100,000 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), as
45 follows:

46 a. \$10,000,000 for the purpose of providing funding for
47 organizational, administrative, and other work and services,
48 including salaries, equipment, materials, and services necessary to

1 administer the applicable provisions of P.L.2016, c.12 (C.13:8C-43
2 et seq.);

3 b. \$1,000,000 for the purpose of providing funding for costs
4 associated with the acquisition of development easements on
5 farmland by the committee, including, but not limited to, appraisal,
6 survey, and title costs;

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

10 d. \$1,000,000 for the purpose of providing planning grants to
11 counties and municipalities for the development of a farmland
12 preservation plan element for the farmland preservation planning
13 incentive grant program established pursuant to section 1 of
14 P.L.1999, c.180 (C.4:1C-43.1).

15

16 5. There is appropriated from the General Fund to the
17 “Preserve New Jersey Farmland Preservation Fund,” established
18 pursuant to section 8 of the “Preserve New Jersey Act,” P.L.2016,
19 c.12 (C.13:8C-50), the sum of \$60,753,760 to implement the
20 provisions of this act.

21

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

28

29 7. This act shall take effect immediately.

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STATEMENT

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34 This bill appropriates \$60,940,361 from various farmland
35 preservation funds to the State Agriculture Development Committee
36 (SADC) for certain farmland preservation purposes.

37 Of the funding provided by the bill, \$45,515,361 is appropriated
38 to the SADC to pay the cost of acquisition by the SADC of
39 development easements on, or fee simple titles to, farmland, to
40 provide grants to counties and municipalities for up to 80 percent of
41 the cost of acquisition of fee simple titles to farmland, and to
42 provide grants to qualifying tax exempt nonprofit organizations for
43 up to 50 percent of the cost of acquisition of fee simple titles to
44 farmland, for farmland preservation purposes for projects approved
45 as eligible for such funding pursuant to: the “Agricultural
46 Retention and Development Act”; the “Garden State Preservation
47 Trust Act”; and the “Preserve New Jersey Act.”

1 Of the \$45,515,361 provided in section 1 of the bill for the
2 acquisition of fee simple titles and development easements to
3 farmland: \$45,328,760 is from constitutionally dedicated
4 corporation business tax (CBT) revenues in the “Preserve New
5 Jersey Farmland Preservation Fund” established pursuant to the
6 “Preserve New Jersey Act” and \$186,601 is from the “Garden State
7 Farmland Preservation Fund” established pursuant to the “Garden
8 State Preservation Trust Act.”

9 In addition, this bill appropriates \$3,325,000 from the “Preserve
10 New Jersey Farmland Preservation Fund” to the SADC for the
11 purpose of providing stewardship grants for activities, beyond
12 routine operation and maintenance, undertaken by landowners, or
13 farm operators as agents for landowners, to repair, restore, or
14 improve lands preserved for farmland preservation purposes,
15 including soil and water conservation project activities and deer-
16 fencing activities.

17 The appropriations in this bill for the acquisition of fee simple
18 titles and development easements to farmland and for stewardship
19 grants have been approved by the SADC and the Garden State
20 Preservation Trust.

21 The bill also appropriates to the SADC such sums from any
22 additional proceeds which may become available by the effective
23 date of the bill due to the lease or conveyance of farmland
24 previously acquired in fee simple by the SADC, for the purpose of
25 providing for the cost of acquisition by the SADC of development
26 easements and fee simple titles to farmland for farmland
27 preservation purposes.

28 This bill also appropriates from the “Preserve New Jersey
29 Farmland Preservation Fund” to the SADC: \$10 million for
30 organizational, administrative, and other work and services,
31 including salaries, equipment, materials, and services necessary to
32 administer the applicable provisions of the “Preserve New Jersey
33 Act”; \$1 million for costs associated with administering the direct
34 easement program; \$100,000 for costs associated with the review of
35 appraisals; and \$1 million for the purpose of providing grants to
36 counties and municipalities for the development of farmland
37 preservation plan elements as required by law for the farmland
38 preservation planning incentive grant program.

39 The “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et
40 seq.), implements the constitutional dedication of CBT revenues
41 pursuant to Article VIII, Section II, paragraph 6 of the State
42 Constitution, approved by the voters of the State in November
43 2014, for open space, farmland, and historic preservation. The
44 “Preserve New Jersey Farmland Preservation Fund” was established
45 pursuant to section 8 of the “Preserve New Jersey Act.” Of the
46 funding in this bill, \$60,753,760 is from these constitutionally
47 dedicated CBT revenues.