

4:1C-44 to 4:1C-48

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:1C-44 to 4:1C-48 (State-owned land suitable for farming-- inventory, lease)

LAWS OF: 1989 **CHAPTER:** 79

BILL NO: A1377

SPONSOR(S): Ogden

Date Introduced: Pre-filed

Committee: **Assembly:** Conservation, Natural Resources and Energy
Senate: Natural Resources and Agriculture

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** March 21, 1989
Senate: February 27, 1989

Date of Approval: May 8, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

RDV

[CORRECTED COPY]

[SECOND REPRINT]

ASSEMBLY, No. 1377

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman OGDEN

1 AN ACT concerning the use and conveyance of certain
State-owned land and supplementing Title 4 of the Revised
3 Statutes.

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

7 1. The Legislature finds that development in the State has
reduced the number of acres in agricultural use by 90,000 acres
9 during the last two years; that the depletion of agricultural land
has forced the closure of agricultural support services, thus
11 putting an additional burden on the farmers in the State; and
that there is a need for leasable farmland to allow those farmers
13 who do not own land to continue to farm. The Legislature
further finds that the State owns over 5,600 parcels of property
15 consisting of approximately 480,000 acres, but that it does not
know which of these lands may be suitable for agricultural
17 production. The Legislature therefore declares that putting
otherwise dormant land to productive agricultural use would
19 serve the best interest of all citizens of this State by insuring
the numerous social, economic, and environmental benefits
21 which accrue from agricultural production.

23 2. Within one year of the effective date of this act, the
Department of Agriculture, in cooperation with the Department
of the Treasury ¹and other State agencies¹, shall prepare an
25 inventory of properties owned by the State of New Jersey
suitable for agricultural production ¹not currently being farmed
27 by a State agency and available for leasing to private sector
farm operators¹. Land shall be deemed suitable for agricultural
29 ¹[productions] production¹ if:

31 a. The acreage of the parcel of property ¹[is sufficient to
economically support an agricultural crop or] economically

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ANR committee amendments adopted February 29, 1988.

² Senate SNR committee amendments adopted December 8, 1988.

1 would support or¹ is adjacent or proximate to other
 2 State-owned or private sector¹ agricultural land ¹[or other
 3 similar State owned land]¹ the combined acreage of which would
 4 in the opinion of the applicable County Agriculture
 5 Development Board or the State Agriculture Development
 6 Committee, in counties where there is no county board,¹
 7 economically support ¹[the] an¹ agricultural ¹[crop] enterprise¹;

8 b. The soil is of sufficient quality to support ¹[an agricultural
 9 crop] agricultural production as determined by the applicable
 10 Soil Conservation District¹; ¹[and]

11 c. The land does not provide habitat for rare or endangered
 12 species as determined by the Department of Environmental
 13 Protection pursuant to law; and

14 [c.] d.¹ ²[The] A determination is made by the respective
 15 State agency that the² land is no longer needed or being used by
 16 the State ¹for non-agricultural purposes,¹ and the agricultural
 17 production of that land would pose no significant environmental
 18 harm ¹to persons working or living on or near that land¹.

19 ¹3. Land deemed suitable for agricultural production shall be
 20 offered for agricultural production in the following priority:

21 a. For use by the Department of Corrections or other State
 22 agencies conducting farm operations;

23 b. For lease to private sector farm operators, on the basis of a
 24 competitive bid, pursuant to the provisions of section 4 of this
 25 act.¹

26 ¹[3.] 4.¹ The Department of Agriculture shall, pursuant to the
 27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
 28 seq.), adopt rules and regulations establishing a procedure for
 29 the application and awarding of leases under this act. The terms
 30 of the lease shall be established by the department so as to be
 31 the most advantageous to the State. The lease shall require the
 32 lessee to apply soil conservation techniques to maintain the soil
 33 quality of the leased land ¹[. No lease entered into under this
 34 act may take effect unless approved by the State House
 35 Commission] and to use acceptable agricultural management
 36 practices that have been approved by the State Agriculture
 37 Development Committee.¹

38 ¹[4.] 5.¹ Lands deemed suitable for agricultural production
 39 pursuant to this act and deemed by the State House Commission

1 to be surplus to the needs of the State and any of its agencies,
 2 shall be offered for sale for agricultural use, in fee simple, to
 3 private sector purchasers on the basis of a competitive bid.
 4 [Prior to a conveyance by the State of a parcel of property
 5 deemed suitable for agricultural purposes pursuant to section 2
 6 of this act, the State Board of Agriculture shall review the
 7 proposed conveyance to determine the quality of the land for
 8 agricultural production. If the board determines that the parcel
 9 has a high agricultural value any] Any¹ conveyance by the State
 10 shall include a covenant that the land may be used only for
 11 agricultural production ¹, [and]¹ that the covenant shall run with
 12 the land ¹in perpetuity, that the severed development rights
 13 shall be held by the local County Agriculture Development
 14 Board or the State Agriculture Development Committee, and
 15 that the board or committee shall monitor and enforce the
 16 covenant.¹

17 ¹[5.] 6.¹ There is appropriated to the Department of
 18 Agriculture from the General Fund the sum of ¹[\$40,000.00]
 19 \$75,000¹ to conduct the review ¹and inventory¹ of the
 20 State-owned properties and develop ¹the regulations for¹ the
 21 lease ¹[program] and conveyance programs¹ authorized by this
 22 act. ¹The cost of administering the lease and conveyance
 23 programs shall be paid by an adequate amount of funds
 24 appropriated annually from the revenue derived from the lease
 25 and conveyance programs.¹

26 ¹[6.] 7.¹ This act shall take effect immediately.

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AGRICULTURE
Fish, Game, Wildlife

29

30 Requires inventory and leasing of State land suitable for
 31 farming, requires agricultural covenants in certain conveyances,
 32 and appropriates \$75,000.
 33

ASSEMBLY, No. 1377
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman OGDEN

1 AN ACT concerning the use and conveyance of certain
State-owned land and supplementing Title 4 of the Revised
3 Statutes.

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

7 1. The Legislature finds that development in the State has
reduced the number of acres in agricultural use by 90,000 acres
9 during the last two years; that the depletion of agricultural land
has forced the closure of agricultural support services, thus
11 putting an additional burden on the farmers in the State; and
that there is a need for leasable farmland to allow those farmers
13 who do not own land to continue to farm. The Legislature
further finds that the State owns over 5,600 parcels of property
15 consisting of approximately 480,000 acres, but that it does not
know which of these lands may be suitable for agricultural
17 production. The Legislature therefore declares that putting
otherwise dormant land to productive agricultural use would
19 serve the best interest of all citizens of this State by insuring
the numerous social, economic, and environmental benefits
21 which accrue from agricultural production.

2. Within one year of the effective date of this act, the
23 Department of Agriculture, in cooperation with the Department
of Treasury, shall prepare an inventory of properties owned by
25 the State of New Jersey suitable for agricultural production.
Land shall be deemed suitable for agricultural productions if:

27 a. The acreage of the parcel of property is sufficient to
economically support an agricultural crop or is adjacent or
29 proximate to other agricultural land or other similar State
owned land the combined acreage of which would economically
31 support the agricultural crop;

b. The soil is of sufficient quality to support an agricultural
33 crop; and

1 c. The land is no longer needed or being used by the State, and
the agricultural production of that land would pose no
3 significant environmental harm.

3. The Department of Agriculture shall, pursuant to the
5 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
et seq.), adopt rules and regulations establishing a procedure for
7 the application and awarding of leases under this act. The terms
of the lease shall be established by the department so as to be
9 the most advantageous to the State. The lease shall require the
lessee to apply soil conservation techniques to maintain the soil
11 quality of the leased land. No lease entered into under this act
may take effect unless approved by the State House Commission.

13 4. Prior to a conveyance by the State of a parcel of property
deemed suitable for agricultural purposes pursuant to section 2
15 of this act, the State Board of Agriculture shall review the
proposed conveyance to determine the quality of the land for
17 agricultural production. If the board determines that the parcel
has a high agricultural value any conveyance by the State shall
19 include a covenant that the land may be used only for
agricultural production and that the covenant shall run with the
21 land.

5. There is appropriated to the Department of Agriculture
23 from the General Fund the sum of \$40,000.00 to conduct the
review of the State-owned properties and develop the lease
25 program authorized by this act.

6. This act shall take effect immediately.
27

29 STATEMENT

31 This bill requires the Department of Agriculture to determine
which parcels of State-owned land are suitable for agricultural
33 production. Upon this finding, the department is authorized to
enter into leases for lands so identified to be farmed.

35 Although the State owns over 480,000 acres of land, it is
unknown how much, if any, of this land is suitable for
37 agricultural production. By designating and leasing these lands,
the State will enhance agriculture, allow new farmers to begin
39 their careers, and utilize previously dormant land. This bill
appropriates \$40,000.00 to the Department of Agriculture to
41 develop the inventory and establish the lease program.

1 The bill also restricts the State from selling any of its
agricultural land except for agricultural production.

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AGRICULTURE
Fish, Game, Wildlife

7

Requires inventory and leasing of State land suitable for farming
9 and appropriates \$40,000.

ASSEMBLY COMMITTEE ON CONSERVATION,
NATURAL RESOURCES AND ENERGY

STATEMENT TO

ASSEMBLY, No. 1377

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 29, 1988

A-1377 is reported favorably by the committee with amendments.

This bill requires the Department of Agriculture to determine which parcels of State-owned land are suitable for agricultural production. Upon this finding, the department is authorized to enter into leases for lands so identified to be farmed.

Although the State owns over 480,000 acres of land, it is unknown how much, if any, of this land is suitable for agricultural production. It is the intent of this bill that by designating and leasing these lands, the State will enhance agriculture, allow new farmers to begin their careers, and utilize previously dormant land.

The committee amended the bill to clarify which lands would be eligible for the lease program. As amended the Department of Agriculture is to consult with the Department of Treasury and other State agencies, in preparing the inventory. To be eligible for leasing the land must not be currently used by the State as a farm, must be of sufficient size or adjacent to agricultural land so as to be able to economically support the enterprise, have sufficient quality soil, to be determined by applicable soil conservation districts, not be home to an endangered or rare species, must be no longer needed or used by the State for non-agricultural purposes, and pose no significant environmental harm to the surrounding population.

The committee amendment requires that the land first be made available to the Department of Corrections, or other State agencies, before it may be leased to private parties. All leases will be issued on a competitive basis.

The committee amendment also requires the sale of lands deemed suitable for agriculture if the State House Commission determines that the State or its agencies do not need that parcel of land. All conveyances of this land will have the development rights removed from the land before its sale.

The State Agriculture Development Committee or the County Agriculture Development Board will hold the development rights and enforce the covenant.

The committee amendment increased the appropriation from \$40,000 to \$75,000 and states the intention that the cost of the program in the future will be borne from revenue derived from the program.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE NATURAL RESOURCES
AND AGRICULTURE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1377

with Senate committee amendments

STATE OF NEW JERSEY

DATED: December 1, 1988

The Senate Natural Resources and Agriculture Committee favorably reported Senate Bill No. 1377 with amendments.

This bill requires the Department of Agriculture to prepare an inventory of properties owned by the State suitable for agricultural production. That information is not known for over 5,600 parcels consisting of roughly 480,000 acres which the State owns. The department, in cooperation with the Department of the Treasury and other State agencies, shall deem land suitable for agricultural production if the parcel is of sufficient acreage, the soil is of sufficient quality, the land is not needed for non-agricultural purposes and agricultural production would pose no significant environmental harm, and the land does not provide habitat for rare or endangered species. Land deemed suitable for agricultural production shall be offered for agricultural production first to the Department of Corrections or other State agencies conducting farm operations, and second for lease to private sector farm operators.

The committee amended the bill to require the State agency controlling the land to make the determination whether the land is needed for non-agricultural purposes.

The department is directed to adopt rules and regulations establishing a procedure for the application and awarding of leases for the land deemed suitable for agricultural production. The lease shall require the lessee to apply soil conservation techniques to maintain the quality of the leased land and to use acceptable agricultural management practices.

Lands deemed suitable for agricultural production and deemed by the State House Commission to be surplus to the State shall be offered for sale for agricultural use, in fee simple, to the private

sector on the basis of a competitive bid. Any conveyance by the State shall include a covenant that the land may be used only for agricultural production, that the covenant shall run with the land in perpetuity, that the severed development rights shall be held by the local County Agriculture Development Board or the State Agriculture Development Committee, and that the board or committee shall monitor and enforce the covenant.

Finally, the bill appropriates \$75,000 to conduct the inventory and to develop the regulations for the lease program. The cost of administering the lease and conveyance programs shall be paid by an adequate amount of funds appropriated annually from the revenue derived from the land and conveyance programs.

As amended, this bill is identical to Senate Bill No. 424Sca.