



**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Legislative Roundup," CourierPostOnline.com, 6-6-14

"More wineries now can host events," The Philadelphia Inquirer, 7-11-14

LAW/RWH

(CORRECTED COPY)

P.L.2014, CHAPTER 16, *approved July 2, 2014*  
Senate, No. 837 (*Second Reprint*)

1 AN ACT concerning <sup>1</sup>[special occasion events conducted on  
2 preserved farmland that promote]<sup>1</sup> <sup>2</sup>special occasion events  
3 conducted at wineries on preserved farmland that promote<sup>2</sup>  
4 agricultural tourism activities and events, <sup>2</sup>[and amending]<sup>2</sup>  
5 and supplementing <sup>1</sup>[Title 4 of the Revised Statutes]  
6 <sup>2</sup>[P.L.1983, c.31] Title 4 of the Revised Statutes<sup>2</sup>.

7  
8 **BE IT ENACTED** by the Senate and General Assembly of the State  
9 of New Jersey:

10  
11 <sup>2</sup>[<sup>1</sup>1. (New section) The Legislature finds and declares that:

12 a. The promotion of agricultural tourism is in the best interest  
13 of the citizens of, and visitors to, the State, and affirms and supports  
14 the many cultural, economic, environmental, historical, and societal  
15 benefits provided by one of the largest and most essential industries  
16 in the Garden State;

17 b. The State needs to encourage the promotion of agricultural  
18 heritage, education, preservation, and production through a positive  
19 agricultural business climate that protects farmland, recognizes the  
20 correlation between farming and tourism and related events,  
21 encourages people to explore the diversity of agricultural  
22 opportunities, and supports the marketing of agricultural tourism to  
23 bolster the agricultural economy in the Garden State;

24 c. At the same time, the Legislature recognizes that special  
25 occasion events and activities can also have significant negative  
26 impacts on communities, neighborhoods, and residents near special  
27 occasion events, and it is the intention of this act to balance the  
28 promotion of agricultural tourism and special occasion events with  
29 the protection of public health and safety and the integrity of local  
30 zoning, land use, and the State's farmland preservation activities;

31 d. Wineries serve an important role in diversifying the  
32 agricultural products and services offered by farms in the State, are  
33 uniquely suited to cultivating growth in the State's tourism industry,  
34 and invite residents and visitors alike to experience a myriad of  
35 offerings available in the Garden State year-round;

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:

<sup>1</sup>Senate SEG committee amendments adopted March 24, 2014. <sup>2</sup>Senate amendments adopted in accordance with Governor's recommendations June 12, 2014.

1 e. New Jersey farmers are innovating their way toward greater  
2 economic, environmental, and social sustainability, and their  
3 adaptability to changes, brought by technological innovations and  
4 marketplace dynamics, has enabled them to embrace the rich palette  
5 of agricultural tourism offerings and possibilities;

6 f. Establishing certain requirements for agricultural tourism  
7 and for special occasion events conducted on agricultural lands and  
8 at farms with wineries would provide a proper balance for those  
9 who work in the agriculture industry and those who appreciate the  
10 activities, events, and opportunities that farms and wineries  
11 uniquely offer, while protecting and sustaining the agricultural  
12 output of the farm and maintaining the integrity and credibility of  
13 the “Right to Farm Act” and other farmland protections, including  
14 those for farmland that has been preserved with funds supported by  
15 the taxpayers of the State as well as the rights of neighboring  
16 properties and communities to protect their quiet enjoyment from  
17 special occasion events;

18 g. Establishing a framework by which a winery can  
19 demonstrate it functions as a farm first and foremost, and limiting  
20 cumbersome bureaucratic red tape that would hinder a winery’s  
21 ability to provide agricultural tourism activities and events, will  
22 create a balance that best allows a winery to appeal to visitors as a  
23 farm while synchronizing its agricultural business practices with the  
24 high expectations and standards of all farms operating in the State;  
25 and

26 h. It is therefore the intent of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill) to establish as the policy of the  
28 State the encouragement of, and support for, agricultural tourism  
29 activities, events, and opportunities and special occasion events  
30 that: (1) offer and promote agricultural heritage, education, and  
31 appreciation and diversify and grow agricultural output, (2)  
32 complement the preservation, protection, and retention of  
33 agricultural lands and primary agricultural uses of wineries, and (3)  
34 protect the integrity and character of the local existing places.<sup>1</sup><sup>2</sup>

35  
36 <sup>2</sup>**[<sup>1</sup>2.] 1.<sup>2</sup>** (New section) As used in P.L. , c. (C. )  
37 (pending before the Legislature as this bill):

38 <sup>2</sup>**[“Agricultural tourism” means affordable, recreational, and**  
39 **educational activities, events, and opportunities to learn about the**  
40 **production of food, agricultural and horticultural products, and the**  
41 **State’s farming heritage while helping to encourage the**  
42 **preservation and retention of agricultural lands. “Agricultural**  
43 **tourism” may include, but need not be limited to, activities, events,**  
44 **and opportunities such as agricultural fairs, corn mazes, farm**  
45 **festivals, hayrides, horseback riding, petting zoos, school tours,**  
46 **special occasion events, and winery tours.]** **“Preserved farmland”**  
47 **means land on which a development easement was conveyed to, or**

1 retained by, the State Agriculture Development Committee, a  
 2 county agriculture development board, a county, a municipality, or  
 3 a qualifying tax exempt nonprofit organization pursuant to the  
 4 provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of  
 5 P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-  
 6 38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through  
 7 40 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any  
 8 other State law enacted for farmland preservation purposes.<sup>2</sup>

9 “Special occasion event” means a wedding, lifetime milestone  
 10 event, or other cultural or social event as defined by the appropriate  
 11 county agriculture development board, and conducted pursuant to  
 12 the requirements set forth in subsection a. of <sup>2</sup>【section 3】 section 2<sup>2</sup>  
 13 of P.L. , c. (C. ) (pending before the Legislature as this  
 14 bill).

15 “Winery” means a commercial farm where the owner or operator  
 16 of the commercial farm has been issued and is operating in  
 17 compliance with a plenary winery license or farm winery license  
 18 pursuant to R.S.33:1-10.<sup>1</sup>

19  
 20 <sup>1</sup>【1.】 <sup>2</sup>【3.】 2.<sup>2</sup> (New section)<sup>1</sup> a. <sup>1</sup>【Notwithstanding any other  
 21 law, or any rule or regulation adopted pursuant thereto, to the  
 22 contrary, a】 <sup>2</sup>【A<sup>1</sup> special occasion event may】 The State  
 23 Agriculture Development Committee shall establish a pilot program  
 24 permitting special occasion events to<sup>2</sup> be conducted <sup>1</sup>【on preserved  
 25 farmland】 <sup>2</sup>on preserved farmland<sup>2</sup> at a winery <sup>2</sup>【, pursuant to  
 26 subsection h. of section 6 of P.L.1983, c.31 (C.4:1C-9),<sup>1</sup>】<sup>2</sup> provided  
 27 that:

28 (1) the <sup>1</sup>gross<sup>1</sup> income generated <sup>1</sup>by the winery<sup>1</sup> from all  
 29 special occasion events conducted for the calendar year together  
 30 account for less than <sup>1</sup>【50%】 50 percent<sup>1</sup> of the annual gross  
 31 income of the <sup>1</sup>【preserved farmland】 winery <sup>2</sup>【, or less than 50  
 32 percent of the average of the annual gross income of the winery  
 33 over the preceding three-year period<sup>1</sup>】<sup>2</sup>;

34 (2) the special occasion event <sup>1</sup>【conducted on the preserved  
 35 farmland advances】 uses the agricultural output of the winery, to  
 36 the maximum extent practicable, to promote agricultural tourism  
 37 and advance<sup>1</sup> the agricultural or horticultural output of the  
 38 <sup>1</sup>【preserved farm and promotes agricultural tourism; and】 winery;<sup>1</sup>

39 (3) the special occasion event is conducted on a Friday,  
 40 Saturday, Sunday, or federal or State holiday, except that a special  
 41 occasion event may be conducted on any other day of the week with  
 42 the approval of the State Agriculture Development Committee. The  
 43 committee may delegate its authority in that regard to a county  
 44 agriculture development board <sup>1</sup>;

45 (4) the special occasion event is conducted in: (a) a temporary  
 46 structure, such as an enclosed or open canopy or tent or other

1 portable structure or facility, and any temporary structure would be  
2 put in place for only the minimum amount of time reasonably  
3 necessary to accommodate the special occasion event; (b) an  
4 existing permanent agricultural building; (c) a farm or open air  
5 pavilion; or (d) another structure used in the normal course of  
6 winery operations and activities;

7 (5) the special occasion event complies with applicable  
8 municipal ordinances, resolutions, or regulations concerning litter,  
9 solid waste, and traffic and the protection of public health and  
10 safety;

11 (6) the winery shall be subject to a site plan review and any  
12 applicable development approvals as may be required under an  
13 ordinance adopted pursuant to the "Municipal Land Use Law,"  
14 P.L.1975, c.291 (C.40:55D-1 et seq.);

15 (7) the special occasion event is subject to the noise standards  
16 set forth pursuant to the "Noise Control Act," P.L.1971, c.418  
17 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

18 (8) the special occasion event complies with any applicable  
19 municipal ordinance that restricts performing or playing music to  
20 inside the winery's buildings and structures;

21 (9) the special occasion event ends at a specific time, if required  
22 pursuant to a curfew established by a municipal ordinance;

23 (10) the special occasion event would not knowingly result in a  
24 significant and direct negative impact to any property adjacent to  
25 the winery; and

26 (11) the winery hosting a special occasion event enforces State  
27 and federal requirements concerning the legal drinking age<sup>1</sup> .

28 b. <sup>1</sup>Each county agriculture development board, as part of its  
29 annual inspections of preserved farms, shall monitor and confirm  
30 compliance with the provisions of this act.

31 c. An owner or operator of preserved farmland engaged in  
32 conducting special occasion events shall annually certify to the  
33 county agriculture development board that the special occasion  
34 events together account for less than 50% of the annual gross  
35 income of the preserved farmland during each calendar year. A  
36 county agriculture development board shall forward the certification  
37 of annual gross income to the State Agriculture Development  
38 Committee.

39 d. An owner or operator of preserved farmland who violates  
40 subsection c. of this section, or who submits false information or a  
41 false certification pursuant to subsection c. of this section, shall be  
42 liable to a civil penalty of \$500 for the first offense and \$1,000 for  
43 any subsequent offense, to be collected in a civil action commenced  
44 by the State Agriculture Development Committee.

45 Any penalty imposed pursuant to this subsection may be  
46 collected, with costs, in a summary proceeding pursuant to the  
47 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10

1 et seq.). The Superior Court and the municipal court shall have  
 2 jurisdiction to enforce the provisions of the "Penalty Enforcement  
 3 Law of 1999" in connection with this act.

4 e. As used in this section:

5 "Agricultural tourism" means affordable, recreational, and  
 6 educational activities, events and opportunities to learn about the  
 7 production of food, agricultural and horticultural products and the  
 8 State's farming heritage while helping to encourage the  
 9 preservation of agricultural lands. "Agricultural tourism" may  
 10 include, but need not be limited to, activities, events and  
 11 opportunities such as agricultural fairs, corn mazes, farm festivals,  
 12 farm markets, hayrides, horseback riding, pick-your-own  
 13 operations, school tours, special occasion events, and winery tours.

14 "Preserved farmland" means land on which a development  
 15 easement was conveyed to, or retained by, the State Agriculture  
 16 Development Committee, a county agriculture development board,  
 17 a county, a municipality, or a qualifying tax exempt nonprofit  
 18 organization pursuant to the provisions of section 24 of P.L.1983,  
 19 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section  
 20 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180  
 21 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-  
 22 37 through C.13:8C-40), or any other State law enacted for  
 23 farmland preservation purposes.

24 "Special occasion event" means a wedding, other lifetime  
 25 milestone event, or other special event, as determined by a county  
 26 agriculture development board, held on a date allowed pursuant to  
 27 paragraph (3) of subsection a. of this section, and which advances  
 28 the agricultural or horticultural output of the preserved farm and  
 29 promotes agricultural tourism] In determining the annual gross  
 30 income of a winery pursuant to this section, the gross income  
 31 received from any special occasion event shall include, but need not  
 32 be limited to, admission fees; rental fees; setup, breakdown, and  
 33 cleaning fees; and all other revenue that is not directly related to the  
 34 agricultural output of the winery but is received by the winery in  
 35 conjunction with conducting a special occasion event<sup>1</sup> .

36  
 37 <sup>2</sup>[14.] 3.<sup>2</sup> (New section) a. (1) A county agriculture development  
 38 board or the State Agriculture Development Committee may order,  
 39 <sup>2</sup>[for cause,]<sup>2</sup> and specify the scope of, an audit of the owner or  
 40 operator of any winery engaged in conducting special occasion  
 41 events<sup>2</sup> on preserved farmland<sup>2</sup> , for the purpose of determining  
 42 compliance with<sup>2</sup>[section 3] section 2<sup>2</sup> of P.L. , c. (C. )  
 43 (pending before the Legislature as this bill). The audit shall be  
 44 conducted by an independent certified public accountant approved  
 45 by the board or the committee, and the reasonable costs thereof  
 46 shall be paid by the owner or operator of the winery. A county  
 47 agriculture development board, or the committee, may establish a

1 list of independent certified public accountants approved for the  
2 purposes of conducting an audit pursuant to this paragraph. Copies  
3 of the audit shall be submitted to the board and the committee.

4 (2) An owner or operator of a winery engaged in conducting  
5 special occasion events <sup>2</sup>on preserved farmland<sup>2</sup> shall not be subject  
6 to an audit authorized pursuant to this section more than once  
7 <sup>2</sup>[during a three-year period] per year<sup>2</sup> without good cause  
8 demonstrated by the applicable board or the committee.

9 b. An owner or operator of a winery engaged in conducting  
10 special occasion events <sup>2</sup>on preserved farmland<sup>2</sup> shall annually  
11 certify to the county agriculture development board that the special  
12 occasion events together account for less than 50 percent of the  
13 annual gross income of the winery during the prior calendar year,  
14 <sup>2</sup>[or less than 50 percent of the average annual gross income of the  
15 winery over the preceding three-year period,]<sup>2</sup> pursuant to  
16 paragraph (1) of subsection a. of <sup>2</sup>[section 3] section 2<sup>2</sup> of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill). The  
18 board shall forward the certification of annual gross income to the  
19 committee.

20 c. In conjunction with an audit ordered pursuant to subsection  
21 a. of this section, a board or the committee may request, and the  
22 winery shall then submit, additional documentation as may be  
23 necessary for the board or committee to verify compliance with  
24 paragraph (1) of subsection a. of <sup>2</sup>[section 3] section 2<sup>2</sup> of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill).<sup>1</sup>

26  
27 <sup>2</sup>[<sup>15.</sup>] 4.<sup>2</sup> (New section) a. An owner or operator of a winery  
28 who violates P.L. , c. (C. ) (pending before the Legislature  
29 as this bill) shall be liable to a civil penalty of up to \$1,000 for the  
30 first offense, up to \$2,000 for the second offense, or up to \$3,000  
31 for a subsequent offense, to be collected in a civil action  
32 commenced by the State Agriculture Development Committee.

33 b. In addition to the penalties established pursuant to  
34 subsection a. of this section:

35 (1) for a second offense, the committee shall, after a hearing,  
36 suspend the owner or operator of a winery from conducting special  
37 occasion events for a period of up to six months;

38 (2) for a third offense, the committee shall, after a hearing,  
39 suspend the owner or operator of a winery from conducting special  
40 occasion events for a period of at least six months but not more than  
41 one year; and

42 (3) for a fourth or subsequent offense, the committee shall, after  
43 a hearing, suspend the owner or operator of a winery from  
44 conducting special occasion events for a period of at least one year  
45 but not more than two years.

46 c. Any penalty imposed pursuant to this section may be  
47 collected, with costs, in a summary proceeding pursuant to the



1 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
2 et seq.). The Superior Court and the municipal court shall have  
3 jurisdiction to enforce the provisions of the "Penalty Enforcement  
4 Law of 1999" in connection with P.L. , c. (C. ) (pending  
5 before the Legislature as this bill).<sup>1</sup>

6

7 <sup>2</sup>**[**<sup>1</sup>6. Section 6 of P.L.1983, c.31 (C.4:1C-9) is amended to read  
8 as follows:

9 6. Notwithstanding the provisions of any municipal or county  
10 ordinance, resolution, or regulation to the contrary, the owner or  
11 operator of a commercial farm, located in an area in which, as of  
12 December 31, 1997 or thereafter, agriculture is a permitted use  
13 under the municipal zoning ordinance and is consistent with the  
14 municipal master plan, or which commercial farm is in operation as  
15 of the effective date of P.L.1998, c.48 (C.4:1C-10.1 et al.), and the  
16 operation of which conforms to agricultural management practices  
17 recommended by the committee and adopted pursuant to the  
18 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
19 (C.52:14B-1 et seq.), or whose specific operation or practice has  
20 been determined by the appropriate county board, or in a county  
21 where no county board exists, the committee, to constitute a  
22 generally accepted agricultural operation or practice, and all  
23 relevant federal or State statutes or rules and regulations adopted  
24 pursuant thereto, and which does not pose a direct threat to public  
25 health and safety may:

26 a. Produce agricultural and horticultural crops, trees and forest  
27 products, livestock, and poultry and other commodities as described  
28 in the Standard Industrial Classification for agriculture, forestry,  
29 fishing, and trapping or, after the operative date of the regulations  
30 adopted pursuant to section 5 of P.L.2003, c.157 (C.4:1C-9.1),  
31 included under the corresponding classification under the North  
32 American Industry Classification System;

33 b. Process and package the agricultural output of the  
34 commercial farm;

35 c. Provide for the operation of a farm market, including the  
36 construction of building and parking areas in conformance with  
37 municipal standards;

38 d. Replenish soil nutrients and improve soil tilth;

39 e. Control pests, predators, and diseases of plants and animals;

40 f. Clear woodlands using open burning and other techniques,  
41 install and maintain vegetative and terrain alterations and other  
42 physical facilities for water and soil conservation and surface water  
43 control in wetland areas;

44 g. Conduct on-site disposal of organic agricultural wastes;

45 h. **[Conduct]** Except as provided pursuant to paragraph (6) of  
46 subsection a. of section 3 of P.L. , c. (C. ) (pending before  
47 the Legislature as this bill), conduct agriculture-related educational

1 and farm-based recreational activities, including agricultural  
 2 tourism activities and events, provided that the activities and events  
 3 are related to marketing and advancing the agricultural or  
 4 horticultural output of the commercial farm;

5 i. Engage in the generation of power or heat from biomass,  
 6 solar, or wind energy, provided that the energy generation is  
 7 consistent with the provisions of P.L.2009, c.213 (C.4:1C-32.4 et  
 8 al.), as applicable, and the rules and regulations adopted therefor  
 9 and pursuant to section 3 of P.L.2009, c.213 (C.4:1C-9.2); and

10 j. Engage in any other agricultural activity as determined by  
 11 the State Agriculture Development Committee and adopted by rule  
 12 or regulation pursuant to the provisions of the "Administrative  
 13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).<sup>1</sup>  
 14 (cf: P.L.2009, c.213, s.2)]<sup>2</sup>

15

16 <sup>2</sup>[<sup>17.</sup> 5.<sup>2</sup> (New section) a. The committee shall adopt, pursuant  
 17 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
 18 1 et seq.), such rules and regulations as may be necessary for the  
 19 implementation of P.L. , c. (C. ) (pending before the  
 20 Legislature as this bill).

21 <sup>2</sup>[b. Notwithstanding any provision of P.L.1968, c.410  
 22 (C.52:14B-1 et seq.) to the contrary, within two years after the date  
 23 of enactment of P.L. , c. (C. ) (pending before the  
 24 Legislature as this bill), the] b. The<sup>2</sup> committee <sup>2</sup>[shall adopt,  
 25 immediately upon filing with the Office of Administrative Law,]  
 26 may adopt, as may be necessary and appropriate,<sup>2</sup> agricultural  
 27 management practices for <sup>2</sup>[agricultural tourism activities and  
 28 events on commercial farms, which shall be effective for a period  
 29 not to exceed two years following the date of enactment of P.L. ,  
 30 c. (C. ) (pending before the Legislature as this bill) and shall  
 31 thereafter be amended, adopted, or readopted by the committee in  
 32 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1  
 33 et seq.). During the two year period after the date of enactment of  
 34 P.L. , c. (C. ) (pending before the Legislature as this bill) and  
 35 prior to the filing and adoption of the agricultural management  
 36 practices pursuant to this subsection, a commercial farm shall be  
 37 permitted to continue planning and conducting agricultural tourism  
 38 activities and events.

39 c. For the purposes of this section and subsection h. of section  
 40 6 of P.L.1983, c.31 (C.4:1C-9), an agricultural tourism event  
 41 includes a "special occasion event" as defined pursuant to section 2  
 42 of P.L. , c. (C. ) (pending before the Legislature as this  
 43 bill)<sup>1</sup>] the implementation of P.L. , c. (C. ) (pending before  
 44 the Legislature as this bill)<sup>2</sup>.

1       <sup>1</sup>[2.]<sup>2</sup>[8.1] 6.<sup>2</sup> This act shall take effect immediately <sup>2</sup>and shall  
2 expire on the first day of the forty-fourth month after the date of  
3 enactment<sup>2</sup>.  
4  
5  
6  
7  
8       Requires State Agricultural Development Committee to establish  
9 pilot program permitting special occasion events to be conducted on  
10 preserved farmland at wineries under certain circumstances.

# SENATE, No. 837

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## STATE OF NEW JERSEY 216th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Permits special occasion events that promote agricultural tourism to be conducted on preserved farmland under certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



S837 NORCROSS

1 AN ACT concerning special occasion events conducted on preserved  
2 farmland that promote agricultural tourism and supplementing  
3 Title 4 of the Revised Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding any other law, or any rule or regulation  
9 adopted pursuant thereto, to the contrary, a special occasion event  
10 may be conducted on preserved farmland provided that:

11 (1) the income generated from all special occasion events  
12 conducted for the calendar year together account for less than 50%  
13 of the annual gross income of the preserved farmland;

14 (2) the special occasion event conducted on the preserved  
15 farmland advances the agricultural or horticultural output of the  
16 preserved farm and promotes agricultural tourism; and

17 (3) the special occasion event is conducted on a Friday,  
18 Saturday, Sunday, or federal or State holiday, except that a special  
19 occasion event may be conducted on any other day of the week with  
20 the approval of the State Agriculture Development Committee. The  
21 committee may delegate its authority in that regard to a county  
22 agriculture development board.

23 b. Each county agriculture development board, as part of its  
24 annual inspections of preserved farms, shall monitor and confirm  
25 compliance with the provisions of this act.

26 c. An owner or operator of preserved farmland engaged in  
27 conducting special occasion events shall annually certify to the  
28 county agriculture development board that the special occasion  
29 events together account for less than 50% of the annual gross  
30 income of the preserved farmland during each calendar year. A  
31 county agriculture development board shall forward the certification  
32 of annual gross income to the State Agriculture Development  
33 Committee.

34 d. An owner or operator of preserved farmland who violates  
35 subsection c. of this section, or who submits false information or a  
36 false certification pursuant to subsection c. of this section, shall be  
37 liable to a civil penalty of \$500 for the first offense and \$1,000 for  
38 any subsequent offense, to be collected in a civil action commenced  
39 by the State Agriculture Development Committee.

40 Any penalty imposed pursuant to this subsection may be  
41 collected, with costs, in a summary proceeding pursuant to the  
42 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
43 et seq.). The Superior Court and the municipal court shall have  
44 jurisdiction to enforce the provisions of the "Penalty Enforcement  
45 Law of 1999" in connection with this act.

46 e. As used in this section:

S837 NORCROSS

1 “Agricultural tourism” means affordable, recreational, and  
2 educational activities, events and opportunities to learn about the  
3 production of food, agricultural and horticultural products and the  
4 State’s farming heritage while helping to encourage the  
5 preservation of agricultural lands. “Agricultural tourism” may  
6 include, but need not be limited to, activities, events and  
7 opportunities such as agricultural fairs, corn mazes, farm festivals,  
8 farm markets, hayrides, horseback riding, pick-your-own  
9 operations, school tours, special occasion events, and winery tours.

10 “Preserved farmland” means land on which a development  
11 easement was conveyed to, or retained by, the State Agriculture  
12 Development Committee, a county agriculture development board,  
13 a county, a municipality, or a qualifying tax exempt nonprofit  
14 organization pursuant to the provisions of section 24 of P.L.1983,  
15 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section  
16 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180  
17 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-  
18 37 through C.13:8C-40), or any other State law enacted for  
19 farmland preservation purposes.

20 “Special occasion event” means a wedding, other lifetime  
21 milestone event, or other special event, as determined by a county  
22 agriculture development board, held on a date allowed pursuant to  
23 paragraph (3) of subsection a. of this section, and which advances  
24 the agricultural or horticultural output of the preserved farm and  
25 promotes agricultural tourism.

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill would permit special occasion events to be conducted  
33 on preserved farmland, provided that: (1) the income generated  
34 from special occasion events conducted for the calendar year  
35 accounts for less than 50% of the annual gross income of the  
36 preserved farmland; (2) the special occasion events advance the  
37 agricultural or horticultural output of the farm and promotes  
38 agricultural tourism; and (3) the special occasion events are  
39 conducted on a Friday, Saturday, Sunday, or federal or State  
40 holiday, except that a special occasion event may be conducted on  
41 any other day of the week with the approval of the State Agriculture  
42 Development Committee (SADC), or of the county agriculture  
43 development board (CADB) if delegated the authority to do so by  
44 the SADC.

45 An owner or operator of preserved farmland engaged in  
46 conducting special occasion events would be required to annually  
47 certify to the CADB that the special occasion events account for

## S837 NORCROSS

1 less than 50% of the annual gross income of the preserved farmland  
2 during each calendar year, and the CADB would be required to  
3 forward the certification of annual gross income to the SADC. An  
4 owner or operator of preserved farmland who violates this  
5 certification requirement, or who submits false information or a  
6 false certification, would be liable to a civil penalty of \$500 for the  
7 first offense and \$1,000 for any subsequent offense. Each CADB,  
8 as part of its annual inspections of preserved farms, would monitor  
9 and confirm compliance with the provisions of this committee  
10 substitute.

11 The bill defines a “special occasion event” as a wedding, other  
12 lifetime milestone event, or other special event, as determined by a  
13 CADB, held on an approved date, and which advances the  
14 agricultural or horticultural output of the preserved farm and  
15 promotes agricultural tourism.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 837**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 24, 2014

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 837.

As amended and reported, this bill would require the adoption of agricultural management practices (AMPs) for agricultural tourism events related to marketing and advancing agricultural output of farms, and allow special occasion events that promote agricultural tourism to be conducted at wineries under certain circumstances.

The amended bill permits a special occasion event to be conducted at a winery, regardless of preservation status, provided that:

(1) the gross income generated by the winery from all special occasion events conducted for the calendar year account for less than 50% of the annual gross income of the winery, or less than 50% of the average annual gross income of the winery over the preceding three-year period;

(2) the special occasion event uses the agricultural output of the winery, to the maximum extent practicable, to promote agricultural tourism and advance the agricultural or horticultural output of the winery;

(3) the special occasion event is conducted on a Friday, Saturday, Sunday, or federal or State holiday, except that a special occasion event may be conducted on any other day of the week with the approval of the State Agriculture Development Committee (SADC). The SADC may delegate its authority in that regard to a county agriculture development board (CADB);

(4) the special occasion event is conducted in: (a) a temporary structure, such as an enclosed or open canopy or tent or other portable structure or facility, and any temporary structure would be put in place for only the minimum amount of time reasonably necessary to accommodate the special occasion event; (b) an existing permanent agricultural building; (c) a farm or open air pavilion; or (d) another structure used in the normal course of winery operations and activities;

(5) any special occasion event complies with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety;



(6) the winery is subject to a site plan review and any applicable development approvals as may be required under an ordinance adopted pursuant to the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.);

(7) the special occasion event is subject to the noise standards set forth pursuant to the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

(8) the special occasion event complies with any applicable municipal ordinance that restricts performing or playing music to inside the winery’s buildings and structures;

(9) the special occasion event ends at a specific time, if required pursuant to a curfew established by a municipal ordinance;

(10) the special occasion event would not knowingly result in a significant and direct negative impact to any property adjacent to the winery; and

(11) the winery hosting a special occasion event enforces State and federal requirements concerning the legal drinking age.

The bill defines a “special occasion event” to mean a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate CADB, and conducted pursuant to the requirements set forth in the bill.

A CADB or the SADC may order, for cause, and specify the scope of, an audit of the owner or operator of a winery engaged in conducting special occasion events. The audit would be conducted by an approved independent certified public accountant, and the reasonable costs of the audit would be paid by the owner or operator of the winery. An owner or operator of a winery engaged in conducting special occasion events would not be subject to an audit more than once during a three-year period without good cause demonstrated by the applicable board or the SADC.

An owner or operator of a winery engaged in conducting special occasion events would also annually certify to the CADB that the special occasion events account for less than 50 percent of the annual gross income of the winery during the prior calendar year, or less than 50 percent of the average annual gross income of the winery over the preceding three-year period. A CADB would forward the certification of annual gross income to the SADC.

An owner or operator of a winery in violation of the bill’s provisions would be subject to a civil penalty of up to \$1,000 for the first offense, up to \$2,000 for a second offense, and up to \$3,000 for a subsequent offense, to be collected in a civil action commenced by the SADC. Additionally, the SADC would, after a hearing, suspend the owner or operator of a winery from conducting special occasion events for a period of: up to six months for a second offense; at least six months but not more than one year for a third offense; and at least one year but not more than two years for each subsequent offense.

The bill would amend the “Right to Farm Act,” P.L.1983, c.31 (C.4:1C-1 et seq.) to include certain events as a permitted activity under the law, by allowing a farm to conduct agriculture-related educational and farm-based recreational events provided that the events are related to marketing and advancing the agricultural or horticultural output of the commercial farm. Under the AMPs, agricultural tourism events would include special occasion events.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As amended and reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 1272

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblywoman CELESTE M. RILEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblywoman ALISON LITTELL MCHOSE**

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

**SYNOPSIS**

Permits special occasion events that promote agricultural tourism to be conducted on preserved farmland under certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning special occasion events conducted on preserved  
2 farmland that promote agricultural tourism and supplementing  
3 Title 4 of the Revised Statutes.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding any other law, or any rule or regulation  
9 adopted pursuant thereto, to the contrary, a special occasion event  
10 may be conducted on preserved farmland provided that:

11 (1) the income generated from all special occasion events  
12 conducted for the calendar year together account for less than 50%  
13 of the annual gross income of the preserved farmland;

14 (2) the special occasion event conducted on the preserved  
15 farmland advances the agricultural or horticultural output of the  
16 preserved farm and promotes agricultural tourism; and

17 (3) the special occasion event is conducted on a Friday,  
18 Saturday, Sunday, or federal or State holiday, except that a special  
19 occasion event may be conducted on any other day of the week with  
20 the approval of the State Agriculture Development Committee. The  
21 committee may delegate its authority in that regard to a county  
22 agriculture development board.

23 b. Each county agriculture development board, as part of its  
24 annual inspections of preserved farms, shall monitor and confirm  
25 compliance with the provisions of this act.

26 c. An owner or operator of preserved farmland engaged in  
27 conducting special occasion events shall annually certify to the  
28 county agriculture development board that the special occasion  
29 events together account for less than 50% of the annual gross  
30 income of the preserved farmland during each calendar year. A  
31 county agriculture development board shall forward the certification  
32 of annual gross income to the State Agriculture Development  
33 Committee.

34 d. An owner or operator of preserved farmland who violates  
35 subsection c. of this section, or who submits false information or a  
36 false certification pursuant to subsection c. of this section, shall be  
37 liable to a civil penalty of \$500 for the first offense and \$1,000 for  
38 any subsequent offense, to be collected in a civil action commenced  
39 by the State Agriculture Development Committee.

40 Any penalty imposed pursuant to this subsection may be  
41 collected, with costs, in a summary proceeding pursuant to the  
42 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
43 et seq.). The Superior Court and the municipal court shall have  
44 jurisdiction to enforce the provisions of the "Penalty Enforcement  
45 Law of 1999" in connection with this act.

46 e. As used in this section:

1       “Agricultural tourism” means affordable, recreational, and  
2 educational activities, events and opportunities to learn about the  
3 production of food, agricultural and horticultural products and the  
4 State’s farming heritage while helping to encourage the  
5 preservation of agricultural lands. “Agricultural tourism” may  
6 include, but need not be limited to, activities, events and  
7 opportunities such as agricultural fairs, corn mazes, farm festivals,  
8 farm markets, hayrides, horseback riding, pick-your-own  
9 operations, school tours, special occasion events, and winery tours.

10       “Preserved farmland” means land on which a development  
11 easement was conveyed to, or retained by, the State Agriculture  
12 Development Committee, a county agriculture development board,  
13 a county, a municipality, or a qualifying tax exempt nonprofit  
14 organization pursuant to the provisions of section 24 of P.L.1983,  
15 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section  
16 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180  
17 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-  
18 37 through C.13:8C-40), or any other State law enacted for  
19 farmland preservation purposes.

20       “Special occasion event” means a wedding, other lifetime  
21 milestone event, or other special event, as determined by a county  
22 agriculture development board, held on a date allowed pursuant to  
23 paragraph (3) of subsection a. of this section, and which advances  
24 the agricultural or horticultural output of the preserved farm and  
25 promotes agricultural tourism.

26

27       2. This act shall take effect immediately.

28

29

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#### STATEMENT

31

32       This bill permits special occasion events to be conducted on  
33 preserved farmland, provided that: 1) the income generated from  
34 special occasion events conducted for the calendar year accounts for  
35 less than 50 percent of the annual gross income of the preserved  
36 farmland; 2) the special occasion events advance the agricultural or  
37 horticultural output of the farm and promotes agricultural tourism;  
38 and 3) the special occasion events are conducted on a Friday,  
39 Saturday, Sunday, or federal or State holiday, except that a special  
40 occasion event may be conducted on any other day of the week with  
41 the approval of the State Agriculture Development Committee  
42 (SADC), or of the county agriculture development board (CADB) if  
43 delegated the authority to do so by the SADC.

44       Under the bill, an owner or operator of preserved farmland  
45 engaged in conducting special occasion events is required to  
46 annually certify to the CADB that special occasion events account  
47 for less than 50 percent of the annual gross income of the preserved

**A1272 DANCER, RILEY**

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1 farmland during each calendar year, and the CADB is required to  
2 forward the certification of annual gross income to the SADC. An  
3 owner or operator of preserved farmland who violates this  
4 certification requirement, or who submits false information or a  
5 false certification, is liable to a civil penalty of \$500 for the first  
6 offense and \$1,000 for any subsequent offense. Each CADB, as  
7 part of its annual inspections of preserved farms, is to monitor and  
8 confirm compliance with the provisions of the bill.

9 The bill defines a “special occasion event” as a wedding, other  
10 lifetime milestone event, or other special event, as determined by a  
11 CADB, held on an approved date, and which advances the  
12 agricultural or horticultural output of the preserved farm and  
13 promotes agricultural tourism.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1272

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 24, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 1272, with committee amendments.

As amended, the bill requires the adoption of agricultural management practices (AMPs) for agricultural tourism events related to marketing and advancing agricultural output of farms, and allows special occasion events that promote agricultural tourism to be conducted at wineries under certain circumstances.

The bill permits a special occasion event to be conducted at a winery provided that:

(1) the gross income generated by the winery from all special occasion events conducted for the calendar year together account for less than 50% of the annual gross income of the winery, or an average of less than 50% of the annual gross income of the winery over the preceding three-year period;

(2) the special occasion event uses the agricultural output of the winery, to the maximum extent practicable, to promote agricultural tourism and advance the agricultural or horticultural output of the winery;

(3) the special occasion event is conducted on a Friday, Saturday, Sunday, or federal or State holiday, except that a special occasion event may be conducted on any other day of the week with the approval of the State Agriculture Development Committee (SADC). The SADC may delegate its authority in that regard to a county agriculture development board (CADB);

(4) the special occasion event is conducted in: (a) a temporary structure, such as an enclosed or open canopy or tent or other portable structure or facility, and any temporary structure would be put in place for only the minimum amount of time reasonably necessary to accommodate the special occasion event; (b) an existing permanent agricultural building; (c) a farm or open air pavilion; or (d) another structure used in the normal course of winery operations and activities;

(5) any special occasion event complies with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety;

(6) the winery is subject to a site plan review and any applicable development approvals as may be required under an ordinance adopted pursuant to the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.);

(7) the special occasion event is subject to the noise standards set forth pursuant to the “Noise Control Act,” P.L.1971, c.418 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

(8) the special occasion event complies with any applicable municipal ordinance that restricts performing or playing music to inside the winery’s buildings and structures;

(9) the special occasion event ends at a specific time, if required pursuant to a curfew established by a municipal ordinance;

(10) the special occasion event would not knowingly result in a significant and direct negative impact to any property adjacent to the winery; and

(11) the winery hosting a special occasion event enforces State and federal requirements concerning the legal drinking age.

The bill defines a “special occasion event” to mean a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate CADB, and conducted pursuant to the requirements set forth in the bill.

The bill authorizes a CADB or the SADC to order, for cause, and specify the scope of, an audit of the owner or operator of a winery engaged in conducting special occasion events. The audit would be conducted by an approved independent certified public accountant, and the reasonable costs of the audit would be paid by the owner or operator of the winery. An owner or operator of a winery engaged in conducting special occasion events will not be subject to an audit more than once during a three-year period without good cause demonstrated by the applicable board or the SADC.

The bill requires that an owner or operator of a winery engaged in conducting special occasion events annually certify to the CADB that the special occasion events together account for less than 50% of the annual gross income of the winery during the prior calendar year, or an average of less than 50% of the annual gross income of the winery over a three-year period. The bill provides that a CADB will forward the certification of annual gross income to the SADC.

The bill provides administrative penalties for failure to comply with its terms. An owner or operator of a winery in violation of the bill’s provisions will subject to a civil penalty of up to \$1,000 for the first offense, up to \$2,000 for a second offense, and up to \$3,000 for a subsequent offense, to be collected in a civil action commenced by the SADC. Additionally, the SADC will, after a hearing, suspend the owner or operator of a winery in violation of the bill’s conditions from conducting special occasion events for a period of: up to six months for a second offense; at least six months but not more than one year for



a third offense; and at least one year but not more than two years for a subsequent offense.

Section 6 of the bill amends the “Right to Farm Act,” P.L.1983, c.31 (N.J.S.A.4:1C-1 et seq.) to include certain events as a permitted activity under the law, by allowing a farm to conduct agriculture-related educational and farm-based recreational events provided that the events are related to marketing and advancing the agricultural or horticultural output of the commercial farm. Under the agricultural management practices, agricultural tourism events will include special occasion events.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments permit a special occasion event to be conducted at a winery subject to the eleven conditions enumerated, and by implication do not permit special occasion events to be conducted on preserved farmland other than wineries

The amendments define a “special occasion event” to mean a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate CADB, and conducted pursuant to the requirements set forth in the bill.

The amendments provide that a CADB or the SADC may order, for cause, and specify the scope of, an audit of the owner or operator of a winery engaged in conducting special occasion events.

The amendments require that an owner or operator of a winery engaged in conducting special occasion events would also annually certify to the CADB that the special occasion events together account for less than 50% of the annual gross income of the winery during the prior calendar year, or an average of less than 50% of the annual gross income of the winery over a three-year period, and specify that the CADB would forward the certification of annual gross income to the SADC.

The amendments provide for the civil penalties that an owner or operator of a winery in violation of the bill’s provisions would be subject to, and empower the SADC to, after a hearing, impose periods of suspension of the winery owner or operator’ conduct of special occasion events.

The amendments add the provision amending the “Right to Farm Act,” P.L.1983, c.31 (N.J.S.A.4:1C-1 et seq.) to include certain events as a permitted activity under the law, by allowing a farm to conduct agriculture-related educational and farm-based recreational events provided that the events are related to marketing and advancing the agricultural or horticultural output of the commercial farm.

**SENATE BILL NO. 837**  
**(First Reprint)**

To the Senate:

This bill seeks to modify two important agricultural programs: the State's Right to Farm Act and the Farmland Preservation Program. While the sponsors' intent to promote agricultural tourism and enhance economic opportunities for commercial farms and wineries is laudable, the bill regrettably overextends Right to Farm protections and imposes burdensome and unnecessary regulations for the State's wineries. As such, I am returning Senate Bill No. 837 (First Reprint) with my recommendations for reconsideration pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution.

The Right to Farm program is designed to allow farmers to undertake traditional agricultural production free from unnecessary and overly burdensome governmental interference. This bill, however, would extend Right to Farm protections to events and activities with minimal or no relationship to the agricultural output of a farm, such as weddings, festivals, fairs, and other social events. By including these new agricultural tourism activities into the Right to Farm rubric, these undertakings would be exempt from local ordinances and regulations, as well as from public and private nuisance actions, even though such activities may have no relation to the farm's main agricultural business. As such, this extension of Right to Farm would reduce the farm itself to a mere backdrop for unrelated commercial activities.

The State's Farmland Preservation program has similarly incentivized farming through the purchase of easements and deed restrictions by State and local governments for the purpose of prohibiting non-agricultural activities and development on

farmland. Since its inception, the program has expended significant public funds to preserve thousands of farms across the State, which has enhanced the quality of life for our citizens. This bill would effectively and permanently eliminate many of those bargained-for restrictions by significantly expanding the types of non-agricultural activities that are permitted on preserved farmland. Furthermore, the bill would unnecessarily subject wineries that are not operated on preserved land to new restrictions. Currently, wineries not located on preserved farmland may conduct weddings and other events as long as such wineries observe applicable State laws and local ordinances. Conversely, wineries located on preserved farmland are prohibited from holding such events if such activities would violate the terms of their farmland preservation easements. By subjecting all wineries to the bill's provisions, wineries that have not received the benefit of farmland preservation funds will now face the potential of new and unnecessary regulation.

I do, however, share the Legislature's desire to help the State's forty-eight licensed wineries flourish, including the nineteen that have land enrolled in the Farmland Preservation program. New Jersey wineries continue to gain national recognition for their quality, sophistication, and enjoyment. Critics note that the State's enviable coastal location and warm summers creates the perfect conditions for the cultivations of extraordinary wines. As New Jersey's wine production grows, the State will become an even bigger destination for cultural and personal events. In order to foster growth in this developing industry, it is necessary to consider limited exceptions for experimentation. To that end, I recommend that the State Agriculture Development Committee be directed to begin a pilot

program permitting special occasion events to be conducted on wineries located on preserved farmland under carefully prescribed rules and under certain circumstances. By limiting this pilot program to wineries located on preserved farmland, wineries that are not located on preserved farmland will remain free from any new regulations. Through this proposed pilot program we can take a carefully calibrated step towards enhancing economic opportunities for the State's wineries while preserving the sound policies that serve as the underpinnings of the State's Right to Farm and Farmland Preservation Programs.

Accordingly, I herewith return Senate Bill No. 837 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Title, Line 1:</u>	After "concerning" insert "special occasion events conducted at wineries on preserved farmland that promote"
<u>Page 2, Title, Line 3:</u>	Delete "and amending"
<u>Page 2, Title, Line 4:</u>	Delete "P.L. 1983, c.31" and insert "Title 4 of the Revised Statutes"
<u>Page 2, Section 1, Lines 9-44:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 1-23:</u>	Delete in their entirety
<u>Page 3, Section 2, Line 25:</u>	Delete "2." and insert "1."
<u>Page 3, Section 2, Lines 27-35:</u>	Delete in their entirety and insert "'Preserved farmland' means land on which a development easement was conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40

of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for farmland preservation purposes."

Page 3, Section 2, Line 39: Delete "section 3" and insert "section 2"

Page 3, Section 3, Line 46: Delete "3." and insert "2."

Page 4, Section 3, Line 1: Delete "A special occasion event may" and insert "The State Agriculture Development Committee shall establish a pilot program permitting special occasion events to"

Page 4, Section 3, Line 1: After "conducted" insert "on preserved farmland"

Page 4, Section 3, Lines 2-3: Delete ", pursuant to subsection h. of section 6 of P.L. 1983, c.31 (C.4:1C-9),"

Page 4, Section 3, Line 7: Delete ", or less than 50" and insert ";"

Page 4, Section 3, Lines 8-9: Delete in their entirety

Page 6, Section 4, Line 14: Delete "4." and insert "3."

Page 6, Section 4, Line 16: Delete "for cause,"

Page 6, Section 4, Line 18: After "events" insert "on preserved farmland"

Page 6, Section 4, Line 18: Delete "section 3" and insert "section 2"

Page 6, Section 4, Line 29: After "events" insert "on preserved farmland"

Page 6, Section 4, Line 30: Delete "during a three-year period" and insert "per year"

Page 6, Section 4, Line 34: After "events" insert "on preserved farmland"

Page 6, Section 4, Line 37: Delete "or less than 50 percent"

Page 6, Section 4, Line 38: Delete in its entirety

Page 6, Section 4, Line 39: Delete "preceding three-year period,"

Page 6, Section 4, Line 40: Delete "section 3" and insert "section 2"

Page 7, Section 4, Line 1: Delete "section 3" and insert "section 2"

<u>Page 7, Section 5, Line 4:</u>	Delete "5." and insert "4."
<u>Page 7, Section 6, Lines 31-47:</u>	Delete in their entirety
<u>Page 8, Section 6, Lines 1-38:</u>	Delete in their entirety
<u>Page 8, Section 7, Line 40:</u>	Delete "7." and insert "5."
<u>Page 8, Section 7, Lines 45-47:</u>	Delete in their entirety
<u>Page 9, Section 7, Line 1:</u>	Delete "Legislature as this bill), the" and insert "b. The"
<u>Page 9, Section 7, Line 1:</u>	Delete "shall adopt, immediately" and insert "may adopt, as may be necessary and appropriate,"
<u>Page 9, Section 7, Line 2:</u>	Delete "upon filing with the Office of Administrative Law,"
<u>Page 9, Section 7, Line 3:</u>	Delete "agricultural tourism activities and events" and insert "the implementation of P.L. , c. (C. ) (pending before the Legislature as this bill)."
<u>Page 9, Section 7, Lines 4-19:</u>	Delete in their entirety
<u>Page 9, Section 8, Line 21:</u>	Delete "8." and insert "6."
<u>Page 9, Section 8, Line 21:</u>	After "immediately" insert "and shall expire on the first day of the forty-fourth month after the date of enactment"

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino  
Chief Counsel to the Governor