

**13:8C-26 & 13:8C-38**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2015                **CHAPTER:** 5

**NJSA:** 13:8C-26 & 13:8C-38                (Extends for five years expiration date of special appraisal process for Green Acres program and farmland preservation program for lands in Highlands Region; makes change to special appraisal process for certain farmers)

**BILL NO:** S1050                (Substituted for A3058)

**SPONSOR(S)** Smith and others

**DATE INTRODUCED:** January 30, 2014

**COMMITTEE:**                **ASSEMBLY:** ---

**SENATE:** Environment and Energy

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                **ASSEMBLY:** December 18, 2014

**SENATE:** December 1, 2014

**DATE OF APPROVAL:** February 5, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First reprint enacted)

**S1050**

**SPONSOR'S STATEMENT:** (Begins on page 6 of introduced bill)                Yes

**COMMITTEE STATEMENT:**                                **ASSEMBLY:** No

**SENATE:** Yes        Environment  
                                  Budget

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                                No

**LEGISLATIVE FISCAL ESTIMATE:**                                No

**A3058**

**SPONSOR'S STATEMENT:** (Begins on page 6 of introduced bill)                Yes

**COMMITTEE STATEMENT:**                                **ASSEMBLY:** Yes        Agriculture  
   **SENATE:** Yes        Appropriations

**FLOOR AMENDMENT STATEMENT:**                                No

**LEGISLATIVE FISCAL ESTIMATE:**                                No

(continued)

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/KR

P.L.2015, CHAPTER 5, *approved February 5, 2015*  
Senate, No. 1050 (*First Reprint*)

1 AN ACT concerning the Highlands region and <sup>1</sup>**[the expiration date**  
2 **of]**<sup>1</sup> the special appraisal process for the acquisition of lands for  
3 <sup>1</sup>recreation and conservation purposes and for<sup>1</sup> farmland  
4 preservation purposes, and amending P.L.1999, c.152.

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

8  
9 <sup>1</sup>1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to  
10 read as follows:

11 26. a. Moneys appropriated from the Garden State Green Acres  
12 Preservation Trust Fund to the Department of Environmental  
13 Protection shall be used by the department to:

14 (1) Pay the cost of acquisition and development of lands by the  
15 State for recreation and conservation purposes;

16 (2) Provide grants and loans to assist local government units to  
17 pay the cost of acquisition and development of lands for recreation  
18 and conservation purposes; and

19 (3) Provide grants to assist qualifying tax exempt nonprofit  
20 organizations to pay the cost of acquisition and development of  
21 lands for recreation and conservation purposes.

22 b. The expenditure and allocation of constitutionally dedicated  
23 moneys for recreation and conservation purposes shall reflect the  
24 geographic diversity of the State to the maximum extent practicable  
25 and feasible.

26 c. (1) Notwithstanding the provisions of section 5 of P.L.1985,  
27 c.310 (C.13:18A-34) or this act, or any rule or regulation adopted  
28 pursuant thereto, to the contrary, the value of a pinelands  
29 development credit, allocated to a parcel pursuant to P.L.1979,  
30 c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive  
31 management plan adopted pursuant thereto, shall be made utilizing  
32 a value to be determined by either appraisal, regional averaging  
33 based upon appraisal data, or a formula supported by appraisal data.  
34 The appraisal and appraisal data shall consider as appropriate: land  
35 values in the pinelands regional growth areas; land values in  
36 counties, municipalities, and other areas reasonably contiguous to,  
37 but outside of, the pinelands area; and other relevant factors as may  
38 be necessary to maintain the environmental, ecological, and  
39 agricultural qualities of the pinelands area.

40 (2) No pinelands development credit allocated to a parcel of  
41 land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the

**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 SEN committee amendments adopted June 5, 2014.

1 pinelands comprehensive management plan adopted pursuant  
2 thereto that is acquired or obtained in connection with the  
3 acquisition of the parcel for recreation and conservation purposes  
4 by the State, a local government unit, or a qualifying tax exempt  
5 nonprofit organization using constitutionally dedicated moneys in  
6 whole or in part may be conveyed in any manner. All such  
7 pinelands development credits shall be retired permanently.

8 d. (Deleted by amendment, P.L.2010, c.70)

9 e. Moneys appropriated from the fund may be used to match  
10 grants, contributions, donations, or reimbursements from federal aid  
11 programs or from other public or private sources established for the  
12 same or similar purposes as the fund.

13 f. Moneys appropriated from the fund shall not be used by  
14 local government units or qualifying tax exempt nonprofit  
15 organizations to acquire lands that are already permanently  
16 preserved for recreation and conservation purposes, as determined  
17 by the department.

18 g. Whenever lands are donated to the State by a public utility,  
19 as defined pursuant to Title 48 of the Revised Statutes, for  
20 recreation and conservation purposes, the commissioner may make  
21 and keep the lands accessible to the public, unless the commissioner  
22 determines that public accessibility would be detrimental to the  
23 lands or any natural resources associated therewith.

24 h. Whenever the State acquires land for recreation and  
25 conservation purposes, the agency in the Department of  
26 Environmental Protection responsible for administering the land  
27 shall, within six months after the date of acquisition, inspect the  
28 land for the presence of any buildings or structures thereon which  
29 are or may be historic properties and, within 60 days after  
30 completion of the inspection, provide to the New Jersey Historic  
31 Preservation Office in the department (1) a written notice of its  
32 findings, and (2) for any buildings or structures which are or may  
33 be historic properties discovered on the land, a request for  
34 determination of potential eligibility for inclusion of the historic  
35 building or structure in the New Jersey Register of Historic Places.  
36 Whenever such a building or structure is discovered, a copy of the  
37 written notice provided to the New Jersey Historic Preservation  
38 Office shall also be sent to the New Jersey Historic Trust and to the  
39 county historical commission or advisory committee, the county  
40 historical society, the local historic preservation commission or  
41 advisory committee, and the local historical society if any of those  
42 entities exist in the county or municipality wherein the land is  
43 located.

44 i. (Deleted by amendment, P.L.2010, c.70)

45 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
46 (C.13:20-1 et al.) and through June 30, **2014** 2019 for lands  
47 located in the Highlands Region as defined pursuant to section 3 of  
48 P.L.2004, c.120 (C.13:20-3), when the department, a local

1 government unit, or a qualifying tax exempt nonprofit organization  
2 seeks to acquire lands for recreation and conservation purposes  
3 using constitutionally dedicated moneys in whole or in part or  
4 Green Acres bond act moneys in whole or in part, it shall conduct  
5 or cause to be conducted an appraisal or appraisals of the value of  
6 the lands that shall be made using (a) the land use zoning of the  
7 lands, and any State environmental laws or Department of  
8 Environmental Protection rules and regulations that may affect the  
9 value of the lands, subject to the appraisal and in effect at the time  
10 of proposed acquisition, and (b) the land use zoning of the lands,  
11 and any State environmental laws or Department of Environmental  
12 Protection rules and regulations that may affect the value of the  
13 lands, subject to the appraisal and in effect on January 1, 2004. The  
14 higher of those two values shall be utilized by the department, a  
15 local government unit, or a qualifying tax exempt nonprofit  
16 organization as the basis for negotiation with the landowner with  
17 respect to the acquisition price for the lands. The landowner shall  
18 be provided with both values determined pursuant to this paragraph.

19 A landowner may waive any of the requirements of this  
20 paragraph and may agree to sell the lands for less than the values  
21 determined pursuant to this paragraph.

22 The provisions of this paragraph shall be applicable only to lands  
23 the owner of which at the time of proposed acquisition is the same  
24 person who owned the lands on the date of enactment of P.L.2004,  
25 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
26 since that enactment date, or is an immediate family member of that  
27 person.

28 (2) (Deleted by amendment, P.L.2010, c.70)

29 (3) The requirements of this subsection shall be in addition to  
30 any other requirements of law, rule, or regulation not inconsistent  
31 therewith.

32 (4) This subsection shall not:

33 (a) apply in the case of lands to be acquired with federal moneys  
34 in whole or in part;

35 (b) (Deleted by amendment, P.L.2010, c.70); or

36 (c) alter any requirements to disclose information to a  
37 landowner pursuant to the "Eminent Domain Act of 1971,"  
38 P.L.1971, c.361 (C.20:3-1 et seq.).

39 (5) For the purposes of this subsection, "immediate family  
40 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
41 nephew, first cousin, grandparent, grandchild, father-in-law,  
42 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
43 stepbrother, stepsister, half brother, or half sister, whether the  
44 individual is related by blood, marriage, or adoption.

45 k. The department shall adopt guidelines for the evaluation and  
46 priority ranking process which shall be used in making decisions  
47 concerning the acquisition of lands by the State for recreation and  
48 conservation purposes using moneys from the Garden State Green

1 Acres Preservation Trust Fund and from any other source. The  
2 guidelines shall be designed to provide, to the maximum extent  
3 practicable and feasible, that such moneys are spent equitably  
4 among the geographic areas of the State. The guidelines, and any  
5 subsequent revisions thereto, shall be published in the New Jersey  
6 Register. The adoption of the guidelines or of the revisions thereto,  
7 shall not be subject to the requirements of the "Administrative  
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

9 l. In making decisions concerning the acquisition of lands by  
10 the State for recreation and conservation purposes using moneys  
11 from the Garden State Green Acres Preservation Trust Fund, in the  
12 evaluation and priority ranking process the department shall accord  
13 three times the weight to acquisitions of lands that would protect  
14 water resources, and two times the weight to acquisitions of lands  
15 that would protect flood-prone areas, as those criteria are compared  
16 to the other criteria in the priority ranking process.

17 m. The department, pursuant to the "Administrative Procedure  
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
19 regulations that establish standards and requirements regulating any  
20 activity on lands acquired by the State for recreation and  
21 conservation purposes using constitutionally dedicated moneys to  
22 assure that the activity on those lands does not diminish the  
23 protection of surface water or groundwater resources.

24 Any rules and regulations adopted pursuant to this subsection  
25 shall not apply to activities on lands acquired prior to the adoption  
26 of the rules and regulations.

27 n. (1) The department, within three months after the date of the  
28 first meeting of the Highlands Water Protection and Planning  
29 Council established pursuant to section 4 of P.L.2004, c.120  
30 (C.13:20-4), shall consult with and solicit recommendations from  
31 the council concerning land preservation strategies and acquisition  
32 plans in the Highlands Region as defined in section 3 of P.L.2004,  
33 c.120 (C.13:20-3).

34 The council's recommendations shall also address strategies and  
35 plans concerning establishment by the department of a methodology  
36 for prioritizing the acquisition of land in the Highlands preservation  
37 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for  
38 recreation and conservation purposes using moneys from the  
39 Garden State Green Acres Preservation Trust Fund, especially with  
40 respect to (a) any land that has declined substantially in value due  
41 to the implementation of the "Highlands Water Protection and  
42 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major  
43 Highlands development, as defined in section 3 of P.L.2004, c.120  
44 (C.13:20-3), that would have qualified for an exemption pursuant to  
45 paragraph (3) of subsection a. of section 30 of P.L.2004, c.120  
46 (C.13:20-28) but for the lack of a necessary State permit as  
47 specified in subparagraph (b) or (c), as appropriate, of paragraph (3)  
48 of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and

1 for which an application for such a permit had been submitted to the  
2 Department of Environmental Protection and deemed by the  
3 department to be complete for review on or before March 29, 2004.  
4 The recommendations may also include a listing of specific parcels  
5 in the Highlands preservation area that the council is aware of that  
6 meet the criteria of subparagraph (a) or (b) of this paragraph and for  
7 that reason should be considered by the department as a priority for  
8 acquisition, but any such list shall remain confidential  
9 notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.)  
10 or any other law to the contrary.

11 (2) In making decisions concerning applications for funding  
12 submitted by municipalities in the Highlands planning area, as  
13 defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or  
14 develop lands for recreation and conservation purposes using  
15 moneys from the Garden State Green Acres Preservation Trust  
16 Fund, in the evaluation and priority ranking process the department  
17 shall accord a higher weight to any application submitted by a  
18 municipality in the Highlands planning area that has amended its  
19 development regulations in accordance with section 13 of P.L.2004,  
20 c.120 (C.13:20-13) to establish one or more receiving zones for the  
21 transfer of development potential from the Highlands preservation  
22 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
23 that which is accorded to comparable applications submitted by  
24 other municipalities in the Highlands planning area that have not  
25 made such amendments to their development regulations.

26 o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
27 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
28 the sum spent by the department in each of those fiscal years for the  
29 acquisition of lands by the State for recreation and conservation  
30 purposes using moneys from the Garden State Green Acres  
31 Preservation Trust Fund in each county of the State shall be not  
32 less, and may be greater if additional sums become available, than  
33 the average annual sum spent by the department therefor in each  
34 such county, respectively, for State fiscal years 2002 through 2004,  
35 provided there is sufficient and appropriate lands within the county  
36 to be so acquired by the State for such purposes.<sup>1</sup>

37 (cf: P.L.2010, c.70, s.2)

38

39 <sup>1</sup>**[1.] 2.**<sup>1</sup> Section 38 of P.L.1999, c.152 (C.13:8C-38) is  
40 amended to read as follows:

41 38. a. All acquisitions or grants made pursuant to section 37 of  
42 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
43 farmland devoted to farmland preservation under programs  
44 established by law.

45 b. The expenditure and allocation of constitutionally dedicated  
46 moneys for farmland preservation purposes shall reflect the  
47 geographic diversity of the State to the maximum extent practicable  
48 and feasible.

1 c. The committee shall implement the provisions of section 37  
2 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
3 and criteria established pursuant to the "Agriculture Retention and  
4 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
5 provided otherwise by this act.

6 d. The committee shall adopt the same or a substantially  
7 similar method for determining, for the purposes of this act, the  
8 committee's share of the cost of a development easement on  
9 farmland to be acquired by a local government as that which is  
10 being used by the committee on the date of enactment of this act for  
11 prior farmland preservation funding programs.

12 e. Notwithstanding the provisions of section 24 of P.L.1983,  
13 c.32 (C.4:1C-31) or this act, or any rule or regulation adopted  
14 pursuant thereto, to the contrary, whenever the value of a  
15 development easement on farmland to be acquired using  
16 constitutionally dedicated moneys in whole or in part is determined  
17 based upon the value of any pinelands development credits  
18 allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et  
19 seq.) and the pinelands comprehensive management plan adopted  
20 pursuant thereto, the committee shall determine the value of the  
21 development easement by:

22 (1) conducting a sufficient number of fair market value  
23 appraisals as it deems appropriate to determine the value for  
24 farmland preservation purposes of the pinelands development  
25 credits;

26 (2) considering development easement values in counties,  
27 municipalities, and other areas (a) reasonably contiguous to, but  
28 outside of, the pinelands area, which in the sole opinion of the  
29 committee constitute reasonable development easement values in  
30 the pinelands area for the purposes of this subsection, and (b) in the  
31 pinelands area where pinelands development credits are or may be  
32 utilized, which in the sole opinion of the committee constitute  
33 reasonable development easement values in the pinelands area for  
34 the purposes of this subsection;

35 (3) considering land values in the pinelands regional growth  
36 areas;

37 (4) considering the importance of preserving agricultural lands  
38 in the pinelands area; and

39 (5) considering such other relevant factors as may be necessary  
40 to increase participation in the farmland preservation program by  
41 owners of agricultural lands located in the pinelands area.

42 f. No pinelands development credit that is acquired or obtained  
43 in connection with the acquisition of a development easement on  
44 farmland or fee simple title to farmland by the State, a local  
45 government unit, or a qualifying tax exempt nonprofit organization  
46 using constitutionally dedicated moneys in whole or in part may be  
47 conveyed in any manner. All such pinelands development credits  
48 shall be retired permanently.



1 g. (Deleted by amendment, P.L.2010, c.70)

2 h. Any farmland for which a development easement or fee  
3 simple title has been acquired pursuant to section 37 of P.L.1999,  
4 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
5 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
6 "Agriculture Retention and Development Act," P.L.1983, c.32  
7 (C.4:1C-11 et al.).

8 i. (Deleted by amendment, P.L.2010, c.70)

9 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
10 (C.13:20-1 et al.) and through June 30, **[2014]** 2019 for lands  
11 located in the Highlands Region as defined pursuant to section 3 of  
12 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
13 government unit, or a qualifying tax exempt nonprofit organization  
14 seeks to acquire a development easement on farmland or the fee  
15 simple title to farmland for farmland preservation purposes using  
16 constitutionally dedicated moneys in whole or in part or Green  
17 Acres bond act moneys in whole or in part, it shall conduct or cause  
18 to be conducted an appraisal or appraisals of the value of the lands  
19 that shall be made using (a) the land use zoning of the lands, and  
20 any State environmental laws or Department of Environmental  
21 Protection rules and regulations that may affect the value of the  
22 lands, subject to the appraisal and in effect at the time of proposed  
23 acquisition, and (b) the land use zoning of the lands, and any State  
24 environmental laws or Department of Environmental Protection  
25 rules and regulations that may affect the value of the lands, subject  
26 to the appraisal and in effect on January 1, 2004. The higher of  
27 those two values shall be utilized by the committee, a local  
28 government unit, or a qualifying tax exempt nonprofit organization  
29 as the basis for negotiation with the landowner with respect to the  
30 acquisition price for the lands. The landowner shall be provided  
31 with both values determined pursuant to this paragraph.

32 A landowner may waive any of the requirements of this  
33 paragraph and may agree to sell the lands for less than the values  
34 determined pursuant to this paragraph.

35 The provisions of this paragraph shall be applicable only to lands  
36 the owner of which at the time of proposed acquisition is the same  
37 person who owned the lands on the date of enactment of P.L.2004,  
38 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
39 since that enactment date, is an immediate family member of that  
40 person **1** **], or is a farmer as defined by the committee** **1**.

41 (2) (Deleted by amendment, P.L.2010, c.70)

42 (3) The requirements of this subsection shall be in addition to  
43 any other requirements of law, rule, or regulation not inconsistent  
44 therewith.

45 (4) This subsection shall not:

46 (a) apply in the case of lands to be acquired with federal moneys  
47 in whole or in part;

48 (b) (Deleted by amendment, P.L.2010, c.70); or

1 (c) alter any requirements to disclose information to a  
2 landowner pursuant to the "Eminent Domain Act of 1971,"  
3 P.L.1971, c.361 (C.20:3-1 et seq.).

4 (5) For the purposes of this subsection, "immediate family  
5 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
6 nephew, first cousin, grandparent, grandchild, father-in-law,  
7 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
8 stepbrother, stepsister, half brother, or half sister, whether the  
9 individual is related by blood, marriage, or adoption.

10 k. The committee and the Department of Environmental  
11 Protection, pursuant to the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
13 regulations that establish standards and requirements regulating any  
14 improvement on lands acquired by the State for farmland  
15 preservation purposes using constitutionally dedicated moneys to  
16 assure that any improvement does not diminish the protection of  
17 surface water or groundwater resources.

18 Any rules and regulations adopted pursuant to this subsection  
19 shall not apply to improvements on lands acquired prior to the  
20 adoption of the rules and regulations.

21 l. (1) The committee, within three months after the date of the  
22 first meeting of the Highlands Water Protection and Planning  
23 Council established pursuant to section 4 of P.L.2004, c.120  
24 (C.13:20-4), shall consult with and solicit recommendations from  
25 the council concerning farmland preservation strategies and  
26 acquisition plans in the Highlands Region as defined in section 3 of  
27 P.L.2004, c.120 (C.13:20-3).

28 The council's recommendations shall also address strategies and  
29 plans concerning establishment by the committee of a methodology  
30 for prioritizing the acquisition of development easements and fee  
31 simple titles to farmland in the Highlands preservation area, as  
32 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
33 preservation purposes using moneys from the Garden State  
34 Farmland Preservation Trust Fund, especially with respect to  
35 farmland that has declined substantially in value due to the  
36 implementation of the "Highlands Water Protection and Planning  
37 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
38 may also include a listing of specific parcels in the Highlands  
39 preservation area that the council is aware of that have experienced  
40 a substantial decline in value and for that reason should be  
41 considered by the committee as a priority for acquisition, but any  
42 such list shall remain confidential notwithstanding any provision of  
43 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

44 (2) In prioritizing applications for funding submitted by local  
45 government units in the Highlands planning area, as defined in  
46 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
47 easements on farmland in the Highlands planning area using  
48 moneys from the Garden State Farmland Preservation Trust Fund,

1 the committee shall accord a higher weight to any application  
2 submitted by a local government unit to preserve farmland in a  
3 municipality in the Highlands planning area that has amended its  
4 development regulations in accordance with section 13 of P.L.2004,  
5 c.120 (C.13:20-13) to establish one or more receiving zones for the  
6 transfer of development potential from the Highlands preservation  
7 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
8 that which is accorded to comparable applications submitted by  
9 other local government units to preserve farmland in municipalities  
10 in the Highlands planning area that have not made such  
11 amendments to their development regulations.

12 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
13 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
14 the sum spent by the committee in each of those fiscal years for the  
15 acquisition by the committee of development easements and fee  
16 simple titles to farmland for farmland preservation purposes using  
17 moneys from the Garden State Farmland Preservation Trust Fund in  
18 each county of the State shall be not less, and may be greater if  
19 additional sums become available, than the average annual sum  
20 spent by the department therefor in each such county, respectively,  
21 for State fiscal years 2002 through 2004, provided there is sufficient  
22 and appropriate farmland within the county to be so acquired by the  
23 committee for such purposes.

24 (cf: P.L.2010, c.70, s.3)

25

26 <sup>1</sup>**[2.] 3.**<sup>1</sup> This act shall take effect immediately.

27

28

29

30

31 Extends for five years expiration date of special appraisal  
32 process for Green Acres program and farmland preservation  
33 program for lands in Highlands Region; makes change to special  
34 appraisal process for certain farmers.

# SENATE, No. 1050

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Extends expiration date of special appraisal process for farmland preservation program from 2014 to 2019 for lands in Highlands Region.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/6/2014)**

1 AN ACT concerning the Highlands region and the expiration date of  
2 the special appraisal process for the acquisition of lands for  
3 farmland preservation purposes, and amending P.L.1999, c.152.  
4

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

8 1. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
9 read as follows:

10 38. a. All acquisitions or grants made pursuant to section 37 of  
11 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
12 farmland devoted to farmland preservation under programs  
13 established by law.

14 b. The expenditure and allocation of constitutionally dedicated  
15 moneys for farmland preservation purposes shall reflect the  
16 geographic diversity of the State to the maximum extent practicable  
17 and feasible.

18 c. The committee shall implement the provisions of section 37  
19 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
20 and criteria established pursuant to the "Agriculture Retention and  
21 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
22 provided otherwise by this act.

23 d. The committee shall adopt the same or a substantially  
24 similar method for determining, for the purposes of this act, the  
25 committee's share of the cost of a development easement on  
26 farmland to be acquired by a local government as that which is  
27 being used by the committee on the date of enactment of this act for  
28 prior farmland preservation funding programs.

29 e. Notwithstanding the provisions of section 24 of P.L.1983,  
30 c.32 (C.4:1C-31) or this act, or any rule or regulation adopted  
31 pursuant thereto, to the contrary, whenever the value of a  
32 development easement on farmland to be acquired using  
33 constitutionally dedicated moneys in whole or in part is determined  
34 based upon the value of any pinelands development credits  
35 allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et  
36 seq.) and the pinelands comprehensive management plan adopted  
37 pursuant thereto, the committee shall determine the value of the  
38 development easement by:

39 (1) conducting a sufficient number of fair market value  
40 appraisals as it deems appropriate to determine the value for  
41 farmland preservation purposes of the pinelands development  
42 credits;

43 (2) considering development easement values in counties,  
44 municipalities, and other areas (a) reasonably contiguous to, but  
45 outside of, the pinelands area, which in the sole opinion of the

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

**Matter underlined thus is new matter.**

1 committee constitute reasonable development easement values in  
2 the pinelands area for the purposes of this subsection, and (b) in the  
3 pinelands area where pinelands development credits are or may be  
4 utilized, which in the sole opinion of the committee constitute  
5 reasonable development easement values in the pinelands area for  
6 the purposes of this subsection;

7 (3) considering land values in the pinelands regional growth  
8 areas;

9 (4) considering the importance of preserving agricultural lands  
10 in the pinelands area; and

11 (5) considering such other relevant factors as may be necessary  
12 to increase participation in the farmland preservation program by  
13 owners of agricultural lands located in the pinelands area.

14 f. No pinelands development credit that is acquired or obtained  
15 in connection with the acquisition of a development easement on  
16 farmland or fee simple title to farmland by the State, a local  
17 government unit, or a qualifying tax exempt nonprofit organization  
18 using constitutionally dedicated moneys in whole or in part may be  
19 conveyed in any manner. All such pinelands development credits  
20 shall be retired permanently.

21 g. (Deleted by amendment, P.L.2010, c.70)

22 h. Any farmland for which a development easement or fee  
23 simple title has been acquired pursuant to section 37 of P.L.1999,  
24 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
25 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
26 "Agriculture Retention and Development Act," P.L.1983, c.32  
27 (C.4:1C-11 et al.).

28 i. (Deleted by amendment, P.L.2010, c.70)

29 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
30 (C.13:20-1 et al.) and through June 30, **[2014]** 2019 for lands  
31 located in the Highlands Region as defined pursuant to section 3 of  
32 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
33 government unit, or a qualifying tax exempt nonprofit organization  
34 seeks to acquire a development easement on farmland or the fee  
35 simple title to farmland for farmland preservation purposes using  
36 constitutionally dedicated moneys in whole or in part or Green  
37 Acres bond act moneys in whole or in part, it shall conduct or cause  
38 to be conducted an appraisal or appraisals of the value of the lands  
39 that shall be made using (a) the land use zoning of the lands, and  
40 any State environmental laws or Department of Environmental  
41 Protection rules and regulations that may affect the value of the  
42 lands, subject to the appraisal and in effect at the time of proposed  
43 acquisition, and (b) the land use zoning of the lands, and any State  
44 environmental laws or Department of Environmental Protection  
45 rules and regulations that may affect the value of the lands, subject  
46 to the appraisal and in effect on January 1, 2004. The higher of  
47 those two values shall be utilized by the committee, a local  
48 government unit, or a qualifying tax exempt nonprofit organization

1 as the basis for negotiation with the landowner with respect to the  
2 acquisition price for the lands. The landowner shall be provided  
3 with both values determined pursuant to this paragraph.

4 A landowner may waive any of the requirements of this  
5 paragraph and may agree to sell the lands for less than the values  
6 determined pursuant to this paragraph.

7 The provisions of this paragraph shall be applicable only to lands  
8 the owner of which at the time of proposed acquisition is the same  
9 person who owned the lands on the date of enactment of P.L.2004,  
10 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
11 since that enactment date, is an immediate family member of that  
12 person, or is a farmer as defined by the committee.

13 (2) (Deleted by amendment, P.L.2010, c.70)

14 (3) The requirements of this subsection shall be in addition to  
15 any other requirements of law, rule, or regulation not inconsistent  
16 therewith.

17 (4) This subsection shall not:

18 (a) apply in the case of lands to be acquired with federal moneys  
19 in whole or in part;

20 (b) (Deleted by amendment, P.L.2010, c.70); or

21 (c) alter any requirements to disclose information to a  
22 landowner pursuant to the "Eminent Domain Act of 1971,"  
23 P.L.1971, c.361 (C.20:3-1 et seq.).

24 (5) For the purposes of this subsection, "immediate family  
25 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
26 nephew, first cousin, grandparent, grandchild, father-in-law,  
27 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
28 stepbrother, stepsister, half brother, or half sister, whether the  
29 individual is related by blood, marriage, or adoption.

30 k. The committee and the Department of Environmental  
31 Protection, pursuant to the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
33 regulations that establish standards and requirements regulating any  
34 improvement on lands acquired by the State for farmland  
35 preservation purposes using constitutionally dedicated moneys to  
36 assure that any improvement does not diminish the protection of  
37 surface water or groundwater resources.

38 Any rules and regulations adopted pursuant to this subsection  
39 shall not apply to improvements on lands acquired prior to the  
40 adoption of the rules and regulations.

41 l. (1) The committee, within three months after the date of the  
42 first meeting of the Highlands Water Protection and Planning  
43 Council established pursuant to section 4 of P.L.2004, c.120  
44 (C.13:20-4), shall consult with and solicit recommendations from  
45 the council concerning farmland preservation strategies and  
46 acquisition plans in the Highlands Region as defined in section 3 of  
47 P.L.2004, c.120 (C.13:20-3).

1 The council's recommendations shall also address strategies and  
2 plans concerning establishment by the committee of a methodology  
3 for prioritizing the acquisition of development easements and fee  
4 simple titles to farmland in the Highlands preservation area, as  
5 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
6 preservation purposes using moneys from the Garden State  
7 Farmland Preservation Trust Fund, especially with respect to  
8 farmland that has declined substantially in value due to the  
9 implementation of the "Highlands Water Protection and Planning  
10 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
11 may also include a listing of specific parcels in the Highlands  
12 preservation area that the council is aware of that have experienced  
13 a substantial decline in value and for that reason should be  
14 considered by the committee as a priority for acquisition, but any  
15 such list shall remain confidential notwithstanding any provision of  
16 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

17 (2) In prioritizing applications for funding submitted by local  
18 government units in the Highlands planning area, as defined in  
19 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
20 easements on farmland in the Highlands planning area using  
21 moneys from the Garden State Farmland Preservation Trust Fund,  
22 the committee shall accord a higher weight to any application  
23 submitted by a local government unit to preserve farmland in a  
24 municipality in the Highlands planning area that has amended its  
25 development regulations in accordance with section 13 of P.L.2004,  
26 c.120 (C.13:20-13) to establish one or more receiving zones for the  
27 transfer of development potential from the Highlands preservation  
28 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
29 that which is accorded to comparable applications submitted by  
30 other local government units to preserve farmland in municipalities  
31 in the Highlands planning area that have not made such  
32 amendments to their development regulations.

33 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
34 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
35 the sum spent by the committee in each of those fiscal years for the  
36 acquisition by the committee of development easements and fee  
37 simple titles to farmland for farmland preservation purposes using  
38 moneys from the Garden State Farmland Preservation Trust Fund in  
39 each county of the State shall be not less, and may be greater if  
40 additional sums become available, than the average annual sum  
41 spent by the department therefor in each such county, respectively,  
42 for State fiscal years 2002 through 2004, provided there is sufficient  
43 and appropriate farmland within the county to be so acquired by the  
44 committee for such purposes.

45 (cf: P.L.2010, c.70, s.3)

46

47 2. This act shall take effect immediately.



1 STATEMENT

2

3 This bill would amend current law to extend the expiration date  
4 of the special appraisal process provided in law for State-funded  
5 land acquisitions under the farmland preservation program from  
6 June 30, 2014 to June 30, 2019 for lands located in the Highlands  
7 Region.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1050**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 5, 2014

The Senate Environment and Energy Committee reports favorably and with committee amendments Senate Bill No. 1050.

This bill, with committee amendments, would amend current law to extend the expiration date of the special appraisal process provided in law for State-funded land acquisitions under the Green Acres program and the farmland preservation program from June 30, 2014 to June 30, 2019 for lands located in the Highlands Region.

The committee amendments would extend the special appraisal process for State-funded land acquisitions of land for recreation and conservation purposes. With respect to the special appraisal process provided for farmland, the bill would continue to make it available to a person who owned the lands upon the date of enactment of the “Highlands Water Protection and Planning Act” and has owned the lands continuously since then, or is an immediate family member of that person. The committee amendments would not continue to make the special appraisal process available to a farmer, as defined by the State Agriculture Development Committee, who does not otherwise qualify for it.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1050**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 27, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1050 (1R).

This bill extends the expiration date of the special appraisal process provided by law for State-funded land acquisitions under the Green Acres program and the farmland preservation program from June 30, 2014 to June 30, 2019 for lands located in the Highlands Region.

The bill also revises the law concerning who may utilize the special appraisal process provided for farmland. The bill provides that the special appraisal process is no longer available to a farmer, as defined by the State Agriculture Development Committee, unless that individual otherwise qualifies. The special appraisal process continues to be available to a person who owned the lands on the date of enactment of the "Highlands Water Protection and Planning Act" and who has owned the lands continuously since then, or is an immediate family member of such a person.

The term "special appraisal process" refers to the process in which the State or other eligible participants are currently required by law to conduct two appraisals of lands that are proposed for acquisition, one of which is based on the property value on the proposed acquisition date, the other based on the value of the property as of January 1, 2004. The higher of the two values is used as the basis of negotiation with the landowner when determining the property's final acquisition price.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

# ASSEMBLY, No. 3058

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman ALISON LITTELL MCHOSE**

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

**Assemblyman PARKER SPACE**

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

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Assemblyman Peterson and Assemblywoman Simon**

**SYNOPSIS**

Extends expiration date of special appraisal process for farmland preservation program from 2014 to 2019 for lands in Highlands Region.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/6/2014)**

1 AN ACT concerning the Highlands region and the expiration date of  
2 the special appraisal process for the acquisition of lands for  
3 farmland preservation purposes, and amending P.L.1999, c.152.  
4

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

8 1. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to  
9 read as follows:

10 38. a. All acquisitions or grants made pursuant to section 37 of  
11 P.L.1999, c.152 (C.13:8C-37) shall be made with respect to  
12 farmland devoted to farmland preservation under programs  
13 established by law.

14 b. The expenditure and allocation of constitutionally dedicated  
15 moneys for farmland preservation purposes shall reflect the  
16 geographic diversity of the State to the maximum extent practicable  
17 and feasible.

18 c. The committee shall implement the provisions of section 37  
19 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures  
20 and criteria established pursuant to the "Agriculture Retention and  
21 Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as  
22 provided otherwise by this act.

23 d. The committee shall adopt the same or a substantially  
24 similar method for determining, for the purposes of this act, the  
25 committee's share of the cost of a development easement on  
26 farmland to be acquired by a local government as that which is  
27 being used by the committee on the date of enactment of this act for  
28 prior farmland preservation funding programs.

29 e. Notwithstanding the provisions of section 24 of P.L.1983,  
30 c.32 (C.4:1C-31) or this act, or any rule or regulation adopted  
31 pursuant thereto, to the contrary, whenever the value of a  
32 development easement on farmland to be acquired using  
33 constitutionally dedicated moneys in whole or in part is determined  
34 based upon the value of any pinelands development credits  
35 allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et  
36 seq.) and the pinelands comprehensive management plan adopted  
37 pursuant thereto, the committee shall determine the value of the  
38 development easement by:

39 (1) conducting a sufficient number of fair market value  
40 appraisals as it deems appropriate to determine the value for  
41 farmland preservation purposes of the pinelands development  
42 credits;

43 (2) considering development easement values in counties,  
44 municipalities, and other areas (a) reasonably contiguous to, but  
45 outside of, the pinelands area, which in the sole opinion of the

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

**Matter underlined thus is new matter.**

1 committee constitute reasonable development easement values in  
2 the pinelands area for the purposes of this subsection, and (b) in the  
3 pinelands area where pinelands development credits are or may be  
4 utilized, which in the sole opinion of the committee constitute  
5 reasonable development easement values in the pinelands area for  
6 the purposes of this subsection;

7 (3) considering land values in the pinelands regional growth  
8 areas;

9 (4) considering the importance of preserving agricultural lands  
10 in the pinelands area; and

11 (5) considering such other relevant factors as may be necessary  
12 to increase participation in the farmland preservation program by  
13 owners of agricultural lands located in the pinelands area.

14 f. No pinelands development credit that is acquired or obtained  
15 in connection with the acquisition of a development easement on  
16 farmland or fee simple title to farmland by the State, a local  
17 government unit, or a qualifying tax exempt nonprofit organization  
18 using constitutionally dedicated moneys in whole or in part may be  
19 conveyed in any manner. All such pinelands development credits  
20 shall be retired permanently.

21 g. (Deleted by amendment, P.L.2010, c.70)

22 h. Any farmland for which a development easement or fee  
23 simple title has been acquired pursuant to section 37 of P.L.1999,  
24 c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the  
25 "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the  
26 "Agriculture Retention and Development Act," P.L.1983, c.32  
27 (C.4:1C-11 et al.).

28 i. (Deleted by amendment, P.L.2010, c.70)

29 j. (1) Commencing on the date of enactment of P.L.2004, c.120  
30 (C.13:20-1 et al.) and through June 30, **[2014]** 2019 for lands  
31 located in the Highlands Region as defined pursuant to section 3 of  
32 P.L.2004, c.120 (C.13:20-3), when the committee, a local  
33 government unit, or a qualifying tax exempt nonprofit organization  
34 seeks to acquire a development easement on farmland or the fee  
35 simple title to farmland for farmland preservation purposes using  
36 constitutionally dedicated moneys in whole or in part or Green  
37 Acres bond act moneys in whole or in part, it shall conduct or cause  
38 to be conducted an appraisal or appraisals of the value of the lands  
39 that shall be made using (a) the land use zoning of the lands, and  
40 any State environmental laws or Department of Environmental  
41 Protection rules and regulations that may affect the value of the  
42 lands, subject to the appraisal and in effect at the time of proposed  
43 acquisition, and (b) the land use zoning of the lands, and any State  
44 environmental laws or Department of Environmental Protection  
45 rules and regulations that may affect the value of the lands, subject  
46 to the appraisal and in effect on January 1, 2004. The higher of  
47 those two values shall be utilized by the committee, a local  
48 government unit, or a qualifying tax exempt nonprofit organization

1 as the basis for negotiation with the landowner with respect to the  
2 acquisition price for the lands. The landowner shall be provided  
3 with both values determined pursuant to this paragraph.

4 A landowner may waive any of the requirements of this  
5 paragraph and may agree to sell the lands for less than the values  
6 determined pursuant to this paragraph.

7 The provisions of this paragraph shall be applicable only to lands  
8 the owner of which at the time of proposed acquisition is the same  
9 person who owned the lands on the date of enactment of P.L.2004,  
10 c.120 (C.13:20-1 et al.) and who has owned the lands continuously  
11 since that enactment date, is an immediate family member of that  
12 person, or is a farmer as defined by the committee.

13 (2) (Deleted by amendment, P.L.2010, c.70)

14 (3) The requirements of this subsection shall be in addition to  
15 any other requirements of law, rule, or regulation not inconsistent  
16 therewith.

17 (4) This subsection shall not:

18 (a) apply in the case of lands to be acquired with federal moneys  
19 in whole or in part;

20 (b) (Deleted by amendment, P.L.2010, c.70); or

21 (c) alter any requirements to disclose information to a  
22 landowner pursuant to the "Eminent Domain Act of 1971,"  
23 P.L.1971, c.361 (C.20:3-1 et seq.).

24 (5) For the purposes of this subsection, "immediate family  
25 member" means a spouse, child, parent, sibling, aunt, uncle, niece,  
26 nephew, first cousin, grandparent, grandchild, father-in-law,  
27 mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild,  
28 stepbrother, stepsister, half brother, or half sister, whether the  
29 individual is related by blood, marriage, or adoption.

30 k. The committee and the Department of Environmental  
31 Protection, pursuant to the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and  
33 regulations that establish standards and requirements regulating any  
34 improvement on lands acquired by the State for farmland  
35 preservation purposes using constitutionally dedicated moneys to  
36 assure that any improvement does not diminish the protection of  
37 surface water or groundwater resources.

38 Any rules and regulations adopted pursuant to this subsection  
39 shall not apply to improvements on lands acquired prior to the  
40 adoption of the rules and regulations.

41 l. (1) The committee, within three months after the date of the  
42 first meeting of the Highlands Water Protection and Planning  
43 Council established pursuant to section 4 of P.L.2004, c.120  
44 (C.13:20-4), shall consult with and solicit recommendations from  
45 the council concerning farmland preservation strategies and  
46 acquisition plans in the Highlands Region as defined in section 3 of  
47 P.L.2004, c.120 (C.13:20-3).

1 The council's recommendations shall also address strategies and  
2 plans concerning establishment by the committee of a methodology  
3 for prioritizing the acquisition of development easements and fee  
4 simple titles to farmland in the Highlands preservation area, as  
5 defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland  
6 preservation purposes using moneys from the Garden State  
7 Farmland Preservation Trust Fund, especially with respect to  
8 farmland that has declined substantially in value due to the  
9 implementation of the "Highlands Water Protection and Planning  
10 Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations  
11 may also include a listing of specific parcels in the Highlands  
12 preservation area that the council is aware of that have experienced  
13 a substantial decline in value and for that reason should be  
14 considered by the committee as a priority for acquisition, but any  
15 such list shall remain confidential notwithstanding any provision of  
16 P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

17 (2) In prioritizing applications for funding submitted by local  
18 government units in the Highlands planning area, as defined in  
19 section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development  
20 easements on farmland in the Highlands planning area using  
21 moneys from the Garden State Farmland Preservation Trust Fund,  
22 the committee shall accord a higher weight to any application  
23 submitted by a local government unit to preserve farmland in a  
24 municipality in the Highlands planning area that has amended its  
25 development regulations in accordance with section 13 of P.L.2004,  
26 c.120 (C.13:20-13) to establish one or more receiving zones for the  
27 transfer of development potential from the Highlands preservation  
28 area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than  
29 that which is accorded to comparable applications submitted by  
30 other local government units to preserve farmland in municipalities  
31 in the Highlands planning area that have not made such  
32 amendments to their development regulations.

33 m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-  
34 1 et seq.) to the contrary, for State fiscal years 2005 through 2009,  
35 the sum spent by the committee in each of those fiscal years for the  
36 acquisition by the committee of development easements and fee  
37 simple titles to farmland for farmland preservation purposes using  
38 moneys from the Garden State Farmland Preservation Trust Fund in  
39 each county of the State shall be not less, and may be greater if  
40 additional sums become available, than the average annual sum  
41 spent by the department therefor in each such county, respectively,  
42 for State fiscal years 2002 through 2004, provided there is sufficient  
43 and appropriate farmland within the county to be so acquired by the  
44 committee for such purposes.

45 (cf: P.L.2010, c.70, s.3)

46

47 2. This act shall take effect immediately.





ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3058**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 12, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably, and with committee amendments, Assembly Bill No. 3058.

This bill, with committee amendments, would amend current law to extend the expiration date of the special appraisal process provided in law for State-funded land acquisitions under the Green Acres program and the farmland preservation program from June 30, 2014 to June 30, 2019 for lands located in the Highlands Region.

The bill, as amended, also makes changes concerning the special appraisal process provided for farmland. The bill, as amended, discontinues the availability of the special appraisal process to a farmer, as defined by the State Agriculture Development Committee, unless the farmer otherwise qualifies for it under the law. The bill, as amended, changes the law so that the special appraisal process would only be available to a person who owned the lands on the date of enactment of the "Highlands Water Protection and Planning Act" and has owned the lands continuously since then, or who is an immediate family member of such a person.

The bill, as amended and reported by the committee, is identical to Senate Bill No. 1050 (1R) of 2014-2015.

COMMITTEE AMENDMENTS:

The committee amendments:

- 1) extend the expiration date of the special appraisal process for State-funded land acquisitions of land for recreation and conservation purposes as well as the farmland preservation program;
- 2) exclude a farmer, as defined by the State Agriculture Development Committee, from the special appraisal process unless that person otherwise qualifies under the law; and
- 3) make technical corrections to the title of the bill.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3058**

# **STATE OF NEW JERSEY**

DATED: JUNE 23, 2014

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3058 (1R).

This bill extends the expiration date of the special appraisal process provided by law for State-funded land acquisitions under the Green Acres program and the farmland preservation program from June 30, 2014 to June 30, 2019 for lands located in the Highlands Region.

The bill also revises the law concerning who may utilize the special appraisal process provided for farmland. The bill provides that the special appraisal process is no longer available to a farmer, as defined by the State Agriculture Development Committee, unless that individual otherwise qualifies. The special appraisal process continues to be available to a person who owned the lands on the date of enactment of the "Highlands Water Protection and Planning Act" and who has owned the lands continuously since then, or is an immediate family member of such a person.

The term "special appraisal process" refers to the process in which the State or other eligible participants are currently required by law to conduct two appraisals of lands that are proposed for acquisition, one of which is based on the property value on the proposed acquisition date, the other based on the value of the property as of January 1, 2004. The higher of the two values is used as the basis of negotiation with the landowner when determining the property's final acquisition price.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.