

4:1C-3.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 75

NJSA: 4:1C-3.1 (Extends Right to Farm Act protections to commercial beekeepers, with some restrictions)

BILL NO: A1294 (Substituted for S1328)

SPONSOR(S) Dancer and others

DATE INTRODUCED: January 16, 2014

COMMITTEE: **ASSEMBLY:** Agriculture and Natural Resources

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2014

SENATE: June 29, 2015

DATE OF APPROVAL: July 31, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted) Yes

A1294

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(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)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1328

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill corrected copy) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Guadano Signs Three Bills for Bees," northhersey.com, 7-31-15
"Guadano Signs Bee Measures," The Press of Atlantic City, 8-1-15

LAW/JA

ASSEMBLY, No. 1294

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)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman McHose and Assemblyman Eustace

SYNOPSIS

Extends Right to Farm Act protections to commercial beekeepers, with some restrictions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1294

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. 1294.

This bill, as amended, extends “Right to Farm Act” protections to commercial beekeepers by including in the definition of “commercial farm” under the Right to Farm Act, a farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services, worth \$10,000 or more annually. Qualifying for farmland assessment would not be necessary for such a commercial farm to receive right to farm protections. However, the bill, as amended, also clarifies that a farm management unit that is a beekeeping operation will not be entitled to protections under the Right to Farm Act for any agricultural or horticultural activities beyond the apiary and related activities unless the farm management unit otherwise qualifies as a commercial farm under that act.

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

COMMITTEE AMENDMENTS

The committee amendments increased the qualifying income from \$2,500 to \$10,000.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1294

STATE OF NEW JERSEY

DATED: JUNE 11, 2015

The Senate Economic Growth Committee reports favorably Assembly Bill No. 1294 (1R).

As reported, this bill extends “Right to Farm Act” protections to a farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services worth \$10,000 or more annually. A commercial farm does not need to qualify for a farmland assessment to receive Right to Farm Act protections. The bill also clarifies that a farm management unit that is a beekeeping operation is not entitled to Right to Farm Act protections for any agricultural or horticultural activities beyond the apiary and related activities unless the farm management unit otherwise qualifies as a commercial farm under that act.

As reported, Assembly Bill No. 1294 (1R) is identical to Senate Bill No. 1328 which was amended and also reported by the committee on this date.

[First Reprint]

ASSEMBLY, No. 1294

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)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

**Assemblywoman McHose, Assemblymen Eustace, Fiocchi, Gusciora,
Senators Beck, Cruz-Perez, Allen and Ruiz**

SYNOPSIS

Extends Right to Farm Act protections to commercial beekeepers, with some restrictions.

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture and Natural Resources Committee on June 12, 2014, with amendments.

(Sponsorship Updated As Of: 6/30/2015)

P.L.2015, CHAPTER 75, *approved July 31, 2015*
Assembly, No. 1294 (*First Reprint*)

1 AN ACT concerning apiary activities and the right to farm, and
2 amending and supplementing P.L.1983, c.31.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read as
8 follows:

9 3. As used in this act:

10 "Board" or "county board" means a county agriculture
11 development board established pursuant to section 7 of P.L.1983,
12 c.32 (C.4:1C-14).

13 "Commercial farm" means (1) a farm management unit of no less
14 than five acres producing agricultural or horticultural products
15 worth \$2,500 or more annually, and satisfying the eligibility criteria
16 for differential property taxation pursuant to the "Farmland
17 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), **[or]**
18 (2) a farm management unit less than five acres, producing
19 agricultural or horticultural products worth \$50,000 or more
20 annually and otherwise satisfying the eligibility criteria for
21 differential property taxation pursuant to the "Farmland Assessment
22 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm
23 management unit that is a beekeeping operation producing honey or
24 other agricultural or horticultural apiary-related products, or
25 providing crop pollination services, worth ¹**[\$2,500]** \$10,000¹ or
26 more annually.

27 "Committee" means the State Agriculture Development
28 Committee established pursuant to section 4 of P.L.1983, c.31
29 (C.4:1C-4).

30 "Farm management unit" means a parcel or parcels of land,
31 whether contiguous or noncontiguous, together with agricultural or
32 horticultural buildings, structures and facilities, producing
33 agricultural or horticultural products, and operated as a single
34 enterprise.

35 "Farm market" means a facility used for the wholesale or retail
36 marketing of the agricultural output of a commercial farm, and
37 products that contribute to farm income, except that if a farm
38 market is used for retail marketing at least 51% of the annual gross
39 sales of the retail farm market shall be generated from sales of
40 agricultural output of the commercial farm, or at least 51% 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted June 12, 2014.

SENATE, No. 1328

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Extends Right to Farm Act protections to commercial beekeepers, with some restrictions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/28/2014)

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1328

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2015

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 1328.

As amended and reported, this bill extends “Right to Farm Act” protections to a farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services worth \$10,000 or more annually. A commercial farm does not need to qualify for a farmland assessment to receive Right to Farm Act protections. The bill also clarifies that a farm management unit that is a beekeeping operation is not entitled to Right to Farm Act protections for any agricultural or horticultural activities beyond the apiary and related activities unless the farm management unit otherwise qualifies as a commercial farm under that act.

The committee amended the bill to increase a farm management unit’s annual qualifying income from \$2,500 to \$10,000.

As amended and reported, Senate Bill No. 1328 is identical to Assembly Bill No. 1294 (1R) which was also reported by the committee on this date.

[First Reprint]

SENATE, No. 1328

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

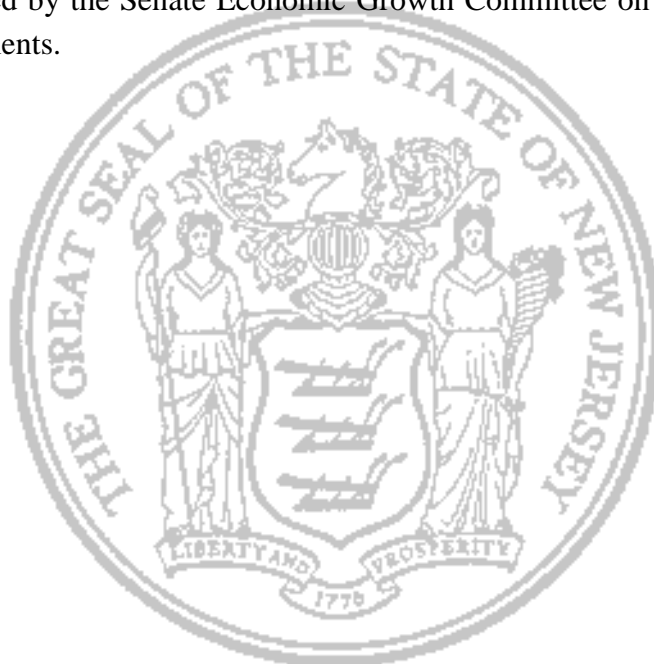
Senators Beck, Cruz-Perez, Allen and Ruiz

SYNOPSIS

Extends Right to Farm Act protections to commercial beekeepers, with some restrictions.

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on June 11, 2015, with amendments.



(Sponsorship Updated As Of: 6/30/2015)

1 AN ACT concerning apiary activities and the right to farm, and
2 amending and supplementing P.L.1983, c.31.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read as
8 follows:

9 3. As used in this act:

10 "Board" or "county board" means a county agriculture
11 development board established pursuant to section 7 of P.L.1983,
12 c.32 (C.4:1C-14).

13 "Commercial farm" means (1) a farm management unit of no less
14 than five acres producing agricultural or horticultural products
15 worth \$2,500 or more annually, and satisfying the eligibility criteria
16 for differential property taxation pursuant to the "Farmland
17 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), **[or]**
18 (2) a farm management unit less than five acres, producing
19 agricultural or horticultural products worth \$50,000 or more
20 annually and otherwise satisfying the eligibility criteria for
21 differential property taxation pursuant to the "Farmland Assessment
22 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm
23 management unit that is a beekeeping operation producing honey or
24 other agricultural or horticultural apiary-related products, or
25 providing crop pollination services, worth ¹~~[\$2,500]~~ \$10,000¹ or
26 more annually.

27 "Committee" means the State Agriculture Development
28 Committee established pursuant to section 4 of P.L.1983, c.31
29 (C.4:1C-4).

30 "Farm management unit" means a parcel or parcels of land,
31 whether contiguous or noncontiguous, together with agricultural or
32 horticultural buildings, structures and facilities, producing
33 agricultural or horticultural products, and operated as a single
34 enterprise.

35 "Farm market" means a facility used for the wholesale or retail
36 marketing of the agricultural output of a commercial farm, and
37 products that contribute to farm income, except that if a farm
38 market is used for retail marketing at least 51% of the annual gross
39 sales of the retail farm market shall be generated from sales of
40 agricultural output of the commercial farm, or at least 51% of the
41 sales area shall be devoted to the sale of agricultural output of the
42 commercial farm, and except that if a retail farm market is located
43 on land less than five acres in area, the land on which the farm
44 market is located shall produce annually agricultural or horticultural
45 products worth at least \$2,500.

46 (cf: P.L.1998, c.48, s.1)

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:

¹Senate SEG committee amendments adopted June 11, 2015.

1 2. (New section) Notwithstanding the provisions of section 3
2 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
3 pursuant thereto, to the contrary, a farm management unit that
4 qualifies as a commercial farm for the purposes of the "Right to
5 Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is a
6 beekeeping operation producing honey or other agricultural or
7 horticultural apiary-related products, or providing crop pollination
8 services, worth ¹~~[\$2,500]~~ \$10,000 or more annually¹, shall be
9 entitled to the protections provided to any other commercial farm
10 under that act but not for agricultural or horticultural activities that
11 are not apiary-related activities, unless the farm management unit
12 also qualifies as a commercial farm pursuant to section 3 of
13 P.L.1983, c.31 (C.4:1C-3) for reasons other than as a beekeeping
14 operation as described in that section.

15

16 3. This act shall take effect immediately.

1 AN ACT concerning apiary activities and the right to farm, and
2 amending and supplementing P.L.1983, c.31.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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8 follows:

9 3. As used in this act:

10 "Board" or "county board" means a county agriculture
11 development board established pursuant to section 7 of P.L.1983,
12 c.32 (C.4:1C-14).

13 "Commercial farm" means (1) a farm management unit of no less
14 than five acres producing agricultural or horticultural products
15 worth \$2,500 or more annually, and satisfying the eligibility criteria
16 for differential property taxation pursuant to the "Farmland
17 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), **[or]**
18 (2) a farm management unit less than five acres, producing
19 agricultural or horticultural products worth \$50,000 or more
20 annually and otherwise satisfying the eligibility criteria for
21 differential property taxation pursuant to the "Farmland Assessment
22 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm
23 management unit that is a beekeeping operation producing honey or
24 other agricultural or horticultural apiary-related products, or
25 providing crop pollination services, worth \$2,500 or more annually.

26 "Committee" means the State Agriculture Development
27 Committee established pursuant to section 4 of P.L.1983, c.31
28 (C.4:1C-4).

29 "Farm management unit" means a parcel or parcels of land,
30 whether contiguous or noncontiguous, together with agricultural or
31 horticultural buildings, structures and facilities, producing
32 agricultural or horticultural products, and operated as a single
33 enterprise.

34 "Farm market" means a facility used for the wholesale or retail
35 marketing of the agricultural output of a commercial farm, and
36 products that contribute to farm income, except that if a farm
37 market is used for retail marketing at least 51% of the annual gross
38 sales of the retail farm market shall be generated from sales of
39 agricultural output of the commercial farm, or at least 51% of the
40 sales area shall be devoted to the sale of agricultural output of the
41 commercial farm, and except that if a retail farm market is located
42 on land less than five acres in area, the land on which the farm
43 market is located shall produce annually agricultural or horticultural
44 products worth at least \$2,500.

45 (cf: P.L.1998, c.48, s.1)

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 2. (New section) Notwithstanding the provisions of section 3 of
2 P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
3 pursuant thereto, to the contrary, a farm management unit that
4 qualifies as a commercial farm for the purposes of the "Right to
5 Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is a
6 beekeeping operation producing honey or other agricultural or
7 horticultural apiary-related products, or providing crop pollination
8 services, worth \$2,500, shall be entitled to the protections provided
9 to any other commercial farm under that act but not for agricultural
10 or horticultural activities that are not apiary-related activities,
11 unless the farm management unit also qualifies as a commercial
12 farm pursuant to section 3 of P.L.1983, c.31 (C.4:1C-3) for reasons
13 other than as a beekeeping operation as described in that section.

14

15 3. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 As amended and reported, this bill extends "Right to Farm Act"
21 protections to commercial beekeepers, by including in the definition
22 of "commercial farm" under that act, a farm management unit that
23 is a beekeeping operation producing honey or other agricultural or
24 horticultural apiary-related products, or providing crop pollination
25 services, worth \$2,500 or more annually. Qualifying for farmland
26 assessment would not be necessary for such a commercial farm to
27 receive right to farm protections. The bill also clarifies that a farm
28 management unit that is a beekeeping operation will not be entitled
29 to Right to Farm Act protections for any agricultural or horticultural
30 activities beyond the apiary and related activities unless the farm
31 management unit otherwise qualifies as a commercial farm under
32 that act.

33

34 The committee amended the bill to clarify that a farm
35 management unit that is a beekeeping operation will not be entitled
36 to Right to Farm Act protections for any agricultural or horticultural
37 activities beyond the apiary and related activities unless the farm
38 management unit otherwise qualifies as a commercial farm under
that act. The amendments also update the bill's title and synopsis.

1 sales area shall be devoted to the sale of agricultural output of the
2 commercial farm, and except that if a retail farm market is located
3 on land less than five acres in area, the land on which the farm
4 market is located shall produce annually agricultural or horticultural
5 products worth at least \$2,500.

6 (cf: P.L.1998, c.48, s.1)

7

8 2. (New section) Notwithstanding the provisions of section 3
9 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
10 pursuant thereto, to the contrary, a farm management unit that
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12 Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is
13 a beekeeping operation producing honey or other agricultural or
14 horticultural apiary-related products, or providing crop pollination
15 services, worth ¹~~[\$2,500]~~ \$10,000 or more annually¹, shall be
16 entitled to the protections provided to any other commercial farm
17 under that act but not for agricultural or horticultural activities that
18 are not apiary-related activities, unless the farm management unit
19 also qualifies as a commercial farm pursuant to section 3 of
20 P.L.1983, c.31 (C.4:1C-3) for reasons other than as a beekeeping
21 operation as described in that section.

22

23 3. This act shall take effect immediately.

24

25

26

27

28 Extends Right to Farm Act protections to commercial
29 beekeepers, with some restrictions.

A1294 [1R] DANCER, SPACE

2

1 AN ACT concerning apiary activities and the right to farm, and
2 amending and supplementing P.L.1983, c.31.

3

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19 agricultural or horticultural products worth \$50,000 or more
20 annually and otherwise satisfying the eligibility criteria for
21 differential property taxation pursuant to the "Farmland Assessment
22 Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm
23 management unit that is a beekeeping operation producing honey or
24 other agricultural or horticultural apiary-related products, or
25 providing crop pollination services, worth ¹**[\$2,500] \$10,000¹ or
26 more annually.**

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39 sales of the retail farm market shall be generated from sales of
40 agricultural output of the commercial farm, or at least 51% of the
41 sales area shall be devoted to the sale of agricultural output of the
42 commercial farm, and except that if a retail farm market is located
43 on land less than five acres in area, the land on which the farm

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¹Assembly AAN committee amendments adopted June 12, 2014.

1 market is located shall produce annually agricultural or horticultural
2 products worth at least \$2,500.
3 (cf: P.L.1998, c.48, s.1)

4
5 2. (New section) Notwithstanding the provisions of section 3
6 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
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15 are not apiary-related activities, unless the farm management unit
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17 P.L.1983, c.31 (C.4:1C-3) for reasons other than as a beekeeping
18 operation as described in that section.

19

20 3. This act shall take effect immediately.

A1294 DANCER, SPACE

2

1 AN ACT concerning apiary activities and the right to farm, and
2 amending and supplementing P.L.1983, c.31.

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21 differential property taxation pursuant to the "Farmland Assessment
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26 "Committee" means the State Agriculture Development
27 Committee established pursuant to section 4 of P.L.1983, c.31
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40 sales area shall be devoted to the sale of agricultural output of the
41 commercial farm, and except that if a retail farm market is located
42 on land less than five acres in area, the land on which the farm
43 market is located shall produce annually agricultural or horticultural
44 products worth at least \$2,500.

45 (cf: P.L.1998, c.48, s.1)

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 2. (New section) Notwithstanding the provisions of section 3
2 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
3 pursuant thereto, to the contrary, a farm management unit that
4 qualifies as a commercial farm for the purposes of the "Right to
5 Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is
6 a beekeeping operation producing honey or other agricultural or
7 horticultural apiary-related products, or providing crop pollination
8 services, worth \$2,500, shall be entitled to the protections provided
9 to any other commercial farm under that act but not for agricultural
10 or horticultural activities that are not apiary-related activities,
11 unless the farm management unit also qualifies as a commercial
12 farm pursuant to section 3 of P.L.1983, c.31 (C.4:1C-3) for reasons
13 other than as a beekeeping operation as described in that section.

14

15 3. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill extends Right to Farm Act protections to commercial
21 beekeepers by including in the definition of "commercial farm"
22 under the Right to Farm Act, a farm management unit that is a
23 beekeeping operation producing honey or other agricultural or
24 horticultural apiary-related products, or providing crop pollination
25 services, worth \$2,500 or more annually. Qualifying for farmland
26 assessment would not be necessary for such a commercial farm to
27 receive right to farm protections. However, the bill also clarifies
28 that a farm management unit that is a beekeeping operation will not
29 be entitled to Right to Farm Act protections for any agricultural or
30 horticultural activities beyond the apiary and related activities
31 unless the farm management unit otherwise qualifies as a
32 commercial farm under that act.

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Guadano Signs Three Bills for Bees," northhersey.com, 7-31-15

"Guadano Signs Bee Measures," The Press of Atlantic City, 8-1-15

LAW/JA