

20:3-1

9/25/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 20:3-1 (Condemnation--agricultural land-compensation for loss of income)

LAWS OF: 1986

CHAPTER 53

BILL NO: S759

Sponsor(s): Haines

Date Introduced: Pre-filed

Committee: Assembly: Economic Development and Agriculture

Senate: Natural Resources and Agriculture

Amended during passage: Yes Substituted for A2567 (not attached since identical to S759)

Date of Passage: Assembly: June 9, 1986

Senate: April 21, 1986

Date of Approval: July 17, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

7-17-86

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SENATE, No. 759**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator HAINES

AN ACT concerning the condemnation of agricultural or horticultural land and supplementing P. L. 1971, c. 361 (C. 20:3-1 et seq.).

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

1 1. The condemnor of agricultural or horticultural land which
2 is eligible for valuation, assessment, and taxation under the "Farm-
3 land Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4-23.1
4 et seq.), shall compensate the condemnee for any loss of income
5 resulting from the interference of the condemnation proceeding
6 with the harvesting of any standing crops or other agricultural
7 commodities in an amount determined according to their appro-
8 priate time of harvest, and for the remainder of their average
9 productive life, ***[as determined by the county farm agent,]*** sepa-
10 rate and apart from compensation for the fair market value of the
11 land. This act shall apply to all actions instituted hereafter, and
12 to all proceedings taken subsequent hereto in all actions pending
13 on the effective date of this act; except that judgments heretofore
14 entered or awards heretofore made pursuant to law from which
15 no appeal is pending on the effective date of this act are not
16 affected by the provisions hereof.

1 2. This act shall take effect immediately.

AGRICULTURE

Entitles the owner of certain agricultural or horticultural land under condemnation proceedings to receive compensation for the loss of income from standing crops or other agricultural commodities.

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 enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted February 24, 1986.

SENATE, No. 759

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator HAINES

SENATE, No. 3180

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1985

By Senators HAINES, FORAN, DALTON and ZANE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the condemnation of agricultural or horticultural land and supplementing P. L. 1971, c. 361 (C. 20:3-- et seq.).

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

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2 is eligible for valuation, assessment, and taxation under the "Farm-
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11 land. This act shall apply to all actions instituted hereafter, and
12 to all proceedings taken subsequent hereto in all actions pending
13 on the effective date of this act; except that judgments heretofore
14 entered or awards heretofore made pursuant to law from which
15 no appeal is pending on the effective date of this act are not
16 affected by the provisions hereof.

1 2. This act shall take effect immediately.

STATEMENT

Owners of agricultural or horticultural land which is condemned for public use generally do not receive compensation for the loss of income from standing crops or perennial agriculture or horti-

cultural commodities. This bill would entitle the owner to compensation for the loss of income resulting from the interference of the condemnation proceeding with the harvesting of any standing crops or other agricultural commodities in an amount determined according to their appropriate time of harvest, and for the remainder of their average productive life, as determined by the county farm agent, in addition to compensation for the fair market value of their land.

ASSEMBLY ECONOMIC DEVELOPMENT AND
AGRICULTURE COMMITTEE

STATEMENT TO
SENATE, No. 759

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STATE OF NEW JERSEY

DATED: MAY 22, 1986

This bill supplements the "Eminent Domain Act of 1971" to entitle owners of agricultural or horticultural land under condemnation proceedings to compensation for losses of income caused by interference with the harvesting of standing crops or other agricultural commodities, in addition to compensation from the value of their land. The value of the crops and commodities would be determined according to their appropriate time of harvest and for the remainder of their average life.

Although the present eminent domain law provides a procedure to compensate the owners of condemned land based on market values, it does not provide for compensation for the loss of income from standing crops or perennial agricultural or horticultural commodities.

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

SENATE, No. 759

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1986

The Senate Natural Resources and Agriculture Committee reports favorably and with committee amendments Senate Bill No. 159.

Owners of agricultural or horticultural land which is condemned for public use generally do not receive compensation for the loss of income from standing crops or perennial agriculture or horticultural commodities. The "Eminent Domain Act of 1971" established a procedure for compensating owners of condemned land based on fair market value. As amended by the committee, this bill would supplement that act to entitle the owner to compensation for the loss of income resulting from the interference of the condemnation proceeding with the harvesting of any standing crops or other agricultural commodities in an amount determined according to their appropriate time of harvest, and for the remainder of their average productive life, in addition to compensation for the fair market value of their land.

This bill was pre-filed for introduction in the 1986-87 session pending technical review. As reported (amended), the bill includes the changes required by technical review, which has been performed.

SENATE, No. 3180

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1985

By Senators HAINES, FORAN, DALTON and ZANE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the condemnation of agricultural or horticultural land and supplementing P. L. 1971, c. 361 (C. 20:3-- et seq.).

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2 *of New Jersey:*

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10 and apart from compensation for the fair market value of the
11 land. This act shall apply to all actions instituted hereafter, and
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