

SENATE, No. 4097

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Extends Right to Farm Act protections to certain aquaculture activities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/12/2021)

1 AN ACT concerning Right to Farm Act protections for aquaculture,
2 and 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 P.L.1983, c.31 (C.4:1C-1 et seq.):

10 “Aquaculture” means the same as the term is defined in section 3
11 of P.L.1997, c.236 (C.4:27-3).

12 “Aquaculture management unit” means an area used specifically
13 for an aquaculture operation, including all leased, riparian, nursery,
14 or hatchery property listed in an approved aquatic farmers license
15 issued by the New Jersey Department of Agriculture or a shellfish
16 aquaculture permit issued by the Bureau of Marine Water
17 Monitoring in the Department of Environmental Protection, and
18 including all storage, processing, or retail facilities associated with
19 an aquaculture operation that may be located on separate parcels of
20 terrestrial land, regardless of whether that land is zoned for
21 agricultural or horticultural use.

22 “Aquatic organism” means the same as the term is defined in
23 section 3 of P.L.1997, c.236 (C.4:27-3).

24 “Board” or “county board” means a county agriculture
25 development board established pursuant to section 7 of P.L.1983,
26 c.32 (C.4:1C-14).

27 “Commercial farm” means (1) a farm management unit of no less
28 than five acres producing agricultural or horticultural products
29 worth \$2,500 or more annually, and satisfying the eligibility criteria
30 for differential property taxation pursuant to the “Farmland
31 Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.), (2)
32 a farm management unit less than five acres, producing agricultural
33 or horticultural products worth \$50,000 or more annually and
34 otherwise satisfying the eligibility criteria for differential property
35 taxation pursuant to the “Farmland Assessment Act of 1964,”
36 P.L.1964, c.48 (C.54:4-23.1 et seq.), **[or]** (3) a farm management
37 unit that is a beekeeping operation producing honey or other
38 agricultural or horticultural apiary-related products, or providing
39 crop pollination services, worth \$10,000 or more annually , or (4) a
40 farm management unit or aquaculture management unit engaging in
41 aquaculture and producing, or likely to produce within three years
42 of commencing aquaculture, aquatic organisms worth \$40,000 or
43 more annually .

44 “Committee” means the State Agriculture Development
45 Committee established pursuant to section 4 of P.L.1983, c.31
46 (C.4:1C-4).

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 “Farm management unit” means a parcel or parcels of land,
2 whether contiguous or noncontiguous, together with agricultural or
3 horticultural buildings, structures and facilities, producing
4 agricultural or horticultural products, and operated as a single
5 enterprise.

6 “Farm market” means a facility used for the wholesale or retail
7 marketing of the agricultural output of a commercial farm, and
8 products that contribute to farm income, except that if a farm
9 market is used for retail marketing at least 51 **【%】** percent of the
10 annual gross sales of the retail farm market shall be generated from
11 sales of agricultural output of the commercial farm, or at least 51
12 **【%】** percent of the sales area shall be devoted to the sale of
13 agricultural output of the commercial farm, and except that if a
14 retail farm market is located on land less than five acres in area, the
15 land on which the farm market is located shall produce annually
16 agricultural or horticultural products worth at least \$2,500.

17 “Full-time, year-round equine-related farm employee” means any
18 person employed by the owner or operator of a commercial farm on
19 a full-time, year-round basis to provide proper care and ensure the
20 safety of horses on the commercial farm, including, but not limited
21 to, a groom or other employee working in a stable. “Full-time,
22 year-round equine-related farm employee” shall not include a
23 migrant, seasonal, or temporary employee.

24 (cf: P.L.2020, c.154, s.1)

25

26 2. (New section) Notwithstanding the provisions of section 3
27 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted
28 pursuant thereto, to the contrary, a farm management unit or
29 aquaculture management unit that qualifies as a commercial farm
30 for the purposes of P.L.1983, c.31 (C.4:1C-1 et al.) because it is an
31 aquaculture operation producing, or likely to produce within three
32 years of commencing the aquaculture operation, aquatic organisms
33 worth \$40,000 or more annually shall be entitled to the protections
34 provided to any other commercial farm pursuant to P.L.1983, c.31
35 (C.4:1C-1 et al.), but not for agricultural or horticultural activities
36 that are not aquaculture-related unless the farm management unit
37 also qualifies as a commercial farm pursuant to section 3 of
38 P.L.1983, c.31 (C.4:1C-3) for reasons other than aquaculture.

39

40 3. This act shall take effect immediately.

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42 STATEMENT

43

44 This bill would amend and supplement the “Right to Farm Act,”
45 P.L.1983, c.31 (C.4:1C-1 et al.), to specify that certain aquaculture
46 operations are eligible for Right to Farm Act protections.

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1 Under current law, to be eligible for Right to Farm protection, a
2 farm must meet the definition of “commercial farm” and comply
3 with agricultural management practices that are either generally
4 accepted or have been formally adopted by the State Agriculture
5 Development Committee (SADC) through the administrative
6 rulemaking process. The SADC has adopted agricultural
7 management practices in 12 areas, one of which is aquaculture. In
8 addition, under current law, section 6 of P.L.1997, c.236 (C.4:27-6),
9 aquaculture is considered a component of agriculture in the State,
10 and aquacultured plants and animals are considered to be
11 agriculture crops and animals.

12 This bill would amend the definition of “commercial farm” to
13 include farm management units or aquaculture management units
14 engaging in aquaculture and producing, or likely to produce within
15 three years of commencing aquaculture, aquatic organisms worth
16 \$40,000 or more annually. Under the bill, an aquaculture operation
17 would not need to qualify for a farmland assessment in order to
18 receive Right to Farm Act protections.

19 This bill is similar to P.L.2015, c.75 (C.4:1C-3.1) which
20 amended and supplemented the “Right to Farm Act” to provide its
21 protections to certain beekeeping operations producing honey or
22 other agricultural or horticultural apiary-related products, or
23 providing crop pollination services.