

ASSEMBLY, No. 5094

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 12, 2024

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Torrissi

SYNOPSIS

Provides that potable water well construction projects on preserved farms are eligible to receive soil and water conservation grants from SADC.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2025)

A5094 SPEARMAN

2

1 AN ACT concerning certain grants for soil and water conservation
2 projects and amending P.L.1983, c.32.

3

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

6

7 1. Section 17 of P.L.1983, c.32 (C.4:1C-24) is amended to read
8 as follows:

9 17. a. (1) Landowners within a municipally approved program
10 or other farmland preservation program shall enter into an
11 agreement with the board, and the municipal governing body, if
12 appropriate, to retain the land in agricultural production for a
13 minimum period of eight years.

14 (2) Any landowner whose land is within a municipally approved
15 program or other farmland preservation program or any landowner
16 whose land qualifies for differential property tax assessment
17 pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48
18 (C.54:4-23.1 et seq.), and which is included in an agricultural
19 development area, may enter into an agreement to convey a
20 development easement on the land to the board. The development
21 easement may be permanent or for a term of 20 years.

22 (3) Any agreement entered into pursuant to paragraph (1) of this
23 subsection shall constitute a restrictive covenant and shall be filed
24 with the municipal tax assessor and recorded with the county clerk
25 in the same manner as a deed. Any development easement
26 conveyed pursuant to paragraph (2) of this subsection shall be filed
27 with the municipal tax assessor and recorded with the county clerk
28 in the same manner as a deed. The recording of any such agreement
29 or development easement of limited term shall include notification
30 that the committee may exercise the first right and option to
31 purchase a fee simple absolute interest in the land pursuant to
32 P.L.1989, c.28 (C.4:1C-38 et al.).

33 b. A landowner, or a farm operator as an agent for the
34 landowner, whose land is within a municipally approved program or
35 other farmland preservation program, or is subject to a development
36 easement conveyed pursuant to subsection a. of this section, shall
37 be eligible to, and may, apply to the local soil conservation district
38 and the board for a grant for a soil and water conservation project
39 approved by the State Soil Conservation Committee, subject to the
40 provisions of P.L.1983, c.32 (C.4:1C-11 et al.). Eligible soil and
41 water conservation projects shall include, but not be limited to,
42 projects to construct potable water wells.

43 c. (Deleted by amendment, P.L.1989, c.310.)

44 d. Approval by the local soil conservation district and the board
45 for grants for soil and water conservation projects shall be

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 contingent upon a written agreement by the person who would
2 receive funds that the project shall be maintained for a specified
3 period of not less than three years, and shall be a component of a
4 farmland conservation plan approved by the local soil conservation
5 district.

6 e. If the landowner applying for funds for a soil and water
7 conservation project pursuant to this section provides 50% of those
8 funds without assistance from the county, the local soil
9 conservation district shall review, approve, conditionally approve or
10 disapprove the application. The committee shall certify that the
11 land on which the soil and water conservation project is to be
12 conducted has had a development easement conveyed from it
13 pursuant to subsection a. of this section or is part of a municipally
14 approved program or other farmland preservation program.
15 (cf: P.L.1989, c.310, s.1)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill would provide that projects on preserved farmland to
23 construct potable water wells would be eligible to receive soil and
24 water conservation grants from the State Agriculture Development
25 Committee (SADC) pursuant to section 17 of P.L.1983, c.32
26 (C.4:1C-24).

27 Under the current program, eligible projects include: terrace
28 systems; diversions; water impoundment reservoirs; irrigation
29 systems; sediment retention, erosion or water control systems;
30 drainage systems; animal waste control facilities; and land shaping
31 and grading. This bill would expand the program to also allow for
32 potable water well construction projects to be eligible.

33 In order to obtain a soil and water conservation grant,
34 landowners apply to local Soil Conservation Districts, which assist
35 in developing farm conservation plans and ensure projects are
36 necessary and feasible. Applications are then forwarded to the State
37 Soil Conservation Committee, which recommends projects to the
38 SADC for funding approvals.