

# SENATE, No. 81

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator CHRISTOPHER "KIP" BATEMAN**

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

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Provides corporation business tax credit to taxpayers that develop qualified native pollinator habitat on undeveloped property.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing tax credits to taxpayers that develop qualified  
2 native pollinator habitat on undeveloped property and  
3 supplementing P.L.1945, c.162 (C.54:10A-1 et seq.).  
4

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

8 1. a. For privilege periods beginning on or after January 1 next  
9 following the effective date of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill), a taxpayer that owns or leases at  
11 least 25 contiguous acres of undeveloped property in the State, and  
12 that develops qualified native pollinator habitat on that property,  
13 and that meets the requirements of this section and the rules of  
14 regulations adopted pursuant thereto, shall be allowed a credit  
15 against the tax due pursuant to section 5 of P.L.1945, c.162  
16 (C.54:10A-5) in an amount equal to 50 percent of the reasonable  
17 cost expended for developing the qualified native pollinator habitat,  
18 up to \$25,000.

19 b. (1) To qualify for the tax credit allowed pursuant to this  
20 section, the taxpayer shall apply for a certification from the  
21 secretary that certifies: (1) that the property developed is qualified  
22 native pollinator habitat; and (2) the amount of the tax credit. The  
23 application shall include the address and acreage of the  
24 undeveloped property, a description of the qualified native  
25 pollinator habitat, its precise locations on the property, the cost for  
26 developing it, appropriate documentation of those costs, and any  
27 other information as determined relevant by the department. Upon  
28 certification, the secretary shall submit a copy thereof to the  
29 taxpayer and the director. When filing a tax return that includes a  
30 claim for a credit pursuant to this section, the taxpayer shall include  
31 a copy of the certification issued by the secretary.

32 (2) The department may approve an application and issue a  
33 certification to a taxpayer that has previously been allowed a tax  
34 credit pursuant to this section, but in no case shall a taxpayer be  
35 approved and certified for more than \$25,000 in total tax credits.

36 c. The order of priority of the application of the credit allowed  
37 pursuant to this section and any other credits allowed against the tax  
38 imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) for  
39 a privilege period shall be as prescribed by the director. The  
40 amount of the credit applied pursuant to this section against the tax  
41 imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5)  
42 shall not reduce a taxpayer's tax liability for a privilege period to an  
43 amount less than the statutory minimum provided in subsection (e)  
44 of section 5 of P.L.1945, c.162 (C.54:10A-5). Any credit shall be  
45 valid in the privilege period in which the certification is approved.

46 d. The secretary, in consultation with the director, shall adopt,  
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
48 (C.52:14B-1 et seq.), rules and regulations necessary to carry out

1 the provisions of this section, including, but not limited to, criteria  
2 for what qualifies as undeveloped property.

3 e. On or before January 31 of each year, the secretary shall  
4 submit a report to the Governor, the State Treasurer, and, pursuant  
5 to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, on  
6 the effectiveness of the tax credit developing qualified native  
7 pollinator habitat in the State.

8 f. As used in this section:

9 “Department” means the Department of Agriculture.

10 “Director” means the Director of the Division of Taxation.

11 “Qualified native pollinator habitat” means an area of land  
12 developed as habitat beneficial for the feeding, nesting, and  
13 reproduction of native pollinators, such as bees, as determined by  
14 the department. “Qualified native pollinator habitat” shall utilize  
15 plants that are native to New Jersey.

16 “Reasonable cost” means the cost of developing qualified native  
17 pollinator habitat, including, but not necessarily limited to, the cost  
18 of seeds, plants, and the instillation thereof, determined to be  
19 reasonable by the department.

20 “Secretary” means the Secretary of Agriculture.

21  
22 2. This act shall take effect immediately.

23  
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25 STATEMENT

26  
27 This bill would provide corporation business tax credits to  
28 taxpayers that develop qualified pollinator habitat on their  
29 undeveloped properties.

30 Specifically, for privilege periods beginning on or after January  
31 1 next following the effective date of this bill, a taxpayer that owns  
32 or leases at least 25 contiguous acres of undeveloped property in the  
33 State, that develops qualified native pollinator habitat on that  
34 property, and that meets the requirements of the bill, would be  
35 allowed a credit against the corporation business tax in an amount  
36 equal to 50 percent of the reasonable cost expended for developing  
37 the qualified native pollinator habitat, up to \$25,000. For the  
38 purposes of the bill, qualified native pollinator habitat means an  
39 area of land developed as habitat beneficial for the feeding, nesting,  
40 and reproduction of native pollinators, such as bees, as determined  
41 by the department. Qualified native pollinator habitat must utilize  
42 plants that are native to New Jersey.

43 To qualify for the credit, a taxpayer would have to apply for a  
44 certification from the Secretary of Agriculture that certifies: (1)  
45 that the property developed is qualified native pollinator habitat;  
46 and (2) the amount of the tax credit. The application would include  
47 the address and acreage of the undeveloped property, a description  
48 of the qualified native pollinator habitat, its precise locations on the

1 property, the cost for developing it, appropriate documentation of  
2 those costs, and any other information the department determines  
3 relevant. When filing a tax return that includes a claim for a credit  
4 pursuant to this bill, the taxpayer would have to include a copy of  
5 the certification issued by the Secretary of Agriculture.

6 Pollinators, such as bees, are extremely important to the State.  
7 Approximately one-third of all crops grown depend on pollinators  
8 for reproduction. Recently, however, the survival of many  
9 pollinators has been threatened by, among other things, habitat loss.  
10 This bill would incentivize the planting of native pollinator habitat  
11 on undeveloped property throughout the State.