

ASSEMBLY, No. 1931

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblyman GIBSON, Assemblywoman BARK,
Assemblymen Asselta, Bodine, Blee and LeFevre

1 AN ACT concerning farmland preservation and amending and
2 supplementing 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 24 of P.L.1983, c.32 (C.4:1C-31) is amended to read
8 as follows:

9 24. a. Any landowner applying to the board to sell a development
10 easement pursuant to section 17 of ~~[this act]~~ P.L.1983, c.32 (C.4:1C-
11 24) shall offer to sell the development easement at a price which, in
12 the opinion of the landowner, represents a fair value of the
13 development potential of the land for nonagricultural purposes, as
14 determined in accordance with the provisions of this act.

15 b. Any offer shall be reviewed and evaluated by the board and the
16 committee in order to determine the suitability of the land for
17 development easement purchase. Decisions regarding suitability shall
18 be based on the following criteria:

19 (1) Priority consideration shall be given, in any one county, to
20 offers with higher numerical values obtained by applying the following
21 formula:

22 nonagricultural - agricultural - landowner's
23 developmental value value asking price
24
25 nonagricultural - agricultural
26 development value value
27

28 (2) The degree to which the purchase would encourage the
29 survivability of the municipally approved program in productive
30 agriculture; and

31 (3) The degree of imminence of change of the land from productive
32 agriculture to nonagricultural use.

33 The board and the committee shall give additional positive

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 consideration in determining the suitability of land for development
2 easement purchase if the landowner allows public hunting on the land.

3 The board and the committee shall reject any offer for the sale of
4 development easements which is unsuitable according to the above
5 criteria and which has not been approved by the board and the
6 municipality.

7 c. Two independent appraisals paid for by the board shall be
8 conducted for each parcel of land so offered and deemed suitable. The
9 appraisals shall be conducted by independent, professional appraisers
10 selected by the board and the committee from among members of
11 recognized organizations of real estate appraisers. The appraisals shall
12 determine the current overall value of the parcel for nonagricultural
13 purposes, as well as the current market value of the parcel for
14 agricultural purposes. The difference between the two values shall
15 represent an appraisal of the value of the development easement. If
16 Burlington County or a municipality therein has established a
17 development transfer bank pursuant to the provisions of P.L.1989,
18 c.86 (C.40:55D-113 et seq.), the municipal average of the value of the
19 development potential of property in a sending zone established by the
20 bank may be the value used by the board in determining the value of
21 the development easement. If a development easement is purchased
22 using moneys appropriated from the fund, the State shall provide no
23 more than 80%, except 100% under emergency conditions specified
24 by the committee pursuant to rules or regulations, of the cost of the
25 appraisals conducted pursuant to this section.

26 d. Upon receiving the results of the appraisals, or in Burlington
27 county or a municipality therein where a municipal average has been
28 established under P.L.1989, c.86 (C.40:55D-113 et seq.), upon
29 receiving an application from the landowners, the board and the
30 committee shall compare the appraised value, or the municipal
31 average, as the case may be, and the landowner's offer and, pursuant
32 to the suitability criteria established in subsection b. of this section:

33 (1) Approve the application to sell the development easement and
34 rank the application in accordance with the criteria established in
35 subsection b. of this section; or

36 (2) Disapprove the application, stating the reasons therefor.

37 e. Upon approval by the committee and the board, the secretary is
38 authorized to provide the board, within the limits of funds
39 appropriated therefor, an amount equal to no more than 80%, except
40 100% under emergency conditions specified by the committee
41 pursuant to rules or regulations, of the purchase price of the
42 development easement, as determined pursuant to the provisions of
43 this section. The board shall provide its required share and accept the
44 landowner's offer to sell the development easement. The acceptance
45 shall cite the specific terms, contingencies and conditions of the
46 purchase.

1 f. The landowner shall accept or reject the offer within 30 days of
2 receipt thereof. Any offer not accepted within that time shall be
3 deemed rejected.

4 g. Any landowner whose application to sell a development
5 easement has been rejected for any reason other than insufficient funds
6 may not reapply to sell a development easement on the same land
7 within two years of the original application.

8 h. No development easement shall be purchased at a price greater
9 than the appraised value determined pursuant to subsection c. of this
10 section or the municipal average, as the case may be.

11 i. The appraisals conducted pursuant to this section or the fair
12 market value of land restricted to agricultural use shall not be used to
13 increase the assessment and taxation of agricultural land pursuant the
14 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
15 seq.).

16 (cf: P.L.1989, c.86, s.15)

17
18 2. (New section) The State Agriculture Development Committee
19 shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
20 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be
21 necessary to implement P.L. , c. (C.) (now before the
22 Legislature as this bill) within 90 days after the effective date thereof.
23

24 3. This act shall take effect immediately.
25
26

27 STATEMENT

28
29 This bill would provide that, when ranking applications for the
30 farmland development easement purchase program, additional positive
31 consideration would be given if public hunting is allowed on the
32 farmland. The bill also would require the State Agriculture
33 Development Committee to adopt any necessary rules and regulations
34 to implement the bill within 90 days after the bill's effective date.

35 Deer and other wildlife obtaining refuge on non-hunted lands are
36 causing significant damages to crops and landscape plants in the State.
37 Farms participating in the development easement purchase program
38 receive public funds from farmland preservation bond acts. This bill
39 would link the State's effort to control deer and other wildlife-caused
40 damage with its effort to preserve farmland by giving additional
41 positive consideration for development easement purchase grant
42 applications from farmers who agree to allow public hunting on their
43 lands to the maximum extent possible but without causing potential
44 public safety problems or subjecting the crops to possible damage by
45 the hunters.

1

2

3 Establishes public hunting accessibility as a consideration when
4 ranking farms eligible for development easement purchase program.

WITHDRAWN

WITHDRAWN