

Legislative Update June 2010

A-812/S-1128

Albano, Milam, Dancer/ VanDrew; Establishes program for directing motorists to agricultural tourism establishment locations. Posted Assembly Ag and Natural Resource held- pending MOU with NJDOT and NJ Department of Ag that would permit expanded sign program for agriculture businesses.

The bill will allow the County Boards of Agriculture in conjunction with the County Agriculture Development Boards to establish agri-tourism zones, Directs the Department of Transportation to create an agri-tourism sign program and directional signs for the agri-tourism zones.

A-831/ S-267

Albano Milam/ VanDrew; Provides automatic farmland assessment for owners of permanently preserved farmland. No action yet. NJFB has concerns

The bill would grant owners of permanently preserved farmland from the requirement to annually file for farmland assessment. Farm bureau policy encourages land be actively devoted to agricultural use.

A-2486/S-1986

Burzichelli/ Oroho, VanDrew; Prohibits adoption of new rules by state agencies from exceeding federal standards unless specifically authorized by State law.

3/18/2010 reported out of Assembly Comm. with Amendments, 2nd Reading

5/20/2010 Assembly Floor Amendment passed (Burzichelli)

This bill calls for a state agency to report to the legislature and to seek legislative authority when state rules or standards will exceed federal standards. The bill also calls for a 45 day review of all current state rules that exceed federal standards with an explanation of why they exceed those standards. The Legislature can then review all those standards and take appropriate legislative action.

S-744/A-2598

Beck, Sweeney/ Quijano; Revises certain provisions of farmland assessment law. No action yet. NJFB concerns; the bill has been under discussion with the sponsor and the state Board of Agriculture since February '08

The bill would change the minimum income requirement from \$500.00 to \$1000.00 on the first five acres in order to qualify for farmland assessment purposes. The bill would also direct the Department of Agriculture to develop regulations outlining basic productivity/intensity standards to qualify for farmland assessment.

There has been some progress with Senator's Beck and Sweeney on S-744 that would revise certain provisions of farmland assessment law. There has been no action yet but if an agreement can be reached we expect the bill to move later this year.

S-766/ A-1702

Sweeney, Stack, Bucco/ Burzichelli, Lampit, Biondi; Permits direct shipping of wine to New Jersey consumers. Top priority of NJ Wine industry

3/11/2010 passed by the Senate (29-5) awaiting Assembly action.

This bill has the support of the assembly sponsor but is being opposed by the state's wholesale liquor distributors. Assembly action could come after to the summer break.

This bill permits the direct shipping of wine to New Jersey consumers. The bill permits a New Jersey plenary winery licensee with retail privileges or a farm winery licensee to directly ship wine to New Jersey residents. The bill also permits manufacturers, wholesalers, and retailers licensed in other states to directly ship wine to a New Jersey resident for personal consumption.

A-674

Greenstein, Handlin; Amends "State Transfer of Development Rights Act," and provides for impact fees and other incentives for establishment of transfer of development rights programs. NJFB has concerns

The bill would expand TDR state wide and permit municipalities to charge impact fees to cover municipal costs of increased development up to \$15,000 per unit.

The towns accepting Highlands or Pinelands TDR credits can charge up to \$30,000 per unit. The bill also requires that receiving areas be required to absorb the growth of a sending area, that infrastructure be improved to accept additional density. The bill also expands the amount of Planning grant money a town considering TDR can qualify for.

S-80/A-602

Smith, Bateman/Peterson, McKeon; Authorizes any municipality outside Highlands Region to establish receiving zones for Highlands transfer of development rights program.

2/8/2010 approved Senate Environment Committee

2/18/2010 approved Assembly Environment Committee

2/25/2010 passed Assembly (63-10-3)

3/11/2010 passed both houses (29-7) sent to Governor

5/5/2010 became law

This bill would permit Municipalities outside the Highlands counties to establish receiving zones for highlands TDR credits and to participate fully in the Highlands TDR planning and incentive programs in order to establish development areas where Highlands TDR credits can be used.

S-463/A915

Smith, Buono/ Chiukula; Community net metering "AKA Community Solar" the bill authorizes licensing of local renewable energy collaborative by the BPU.

3/15/2010 hearing only Senate environment committee

5/13/2010 Passed Senate Environment Committee (3-0 2 non voting)

6/10/2010 Senate floor amendments approved (35-0)

6/21/2010 Passed the Senate (26-10)

5/6/2010 Assembly refers bill back to Assembly telecom committee passes committee (5-0 2 abstentions)

6/21/2010 Assembly Floor Amendments passed (bill now matches Senate bill)

This bill amends the "Electric Discount and Energy Competition Act" to direct the Board of Public Utilities ("board") to adopt net metering standards which require electric power suppliers and basic generation service suppliers to offer net metering at non-discriminatory rates to customers who are members of a local renewable energy collaborative ("LREC"). An LREC is a limited liability corporation or other legal entity which consists of a group of customers who share the output of distributed Class I or Class II renewable energy systems through multiple sites, and which is licensed by the board pursuant to EDECA for the purpose of generating energy, from Class I or Class II renewable energy sources, primarily for use by customers within the group. An LREC shall not be considered an electric public utility.

S-1004/ A-2217

Oroho/ McKeon, Chiusano, McHose; Extends expiration date of special appraisal process for Green Acres and farmland preservation programs for the highlands region only from 2009 to 2014.

3/15/2010 passed Senate Environment Committee (5-0)

5/20/2010 passed by the Assembly (78-0-0)

6/21/2010 passed the Senate Budget and Appropriations Committee (13-0)

6/28/2010 Passed the Senate (39-0) bill sent to the Governor for signing

This bill would increase to 2014 the use of the special appraisal process for landowners in the **highlands region** of the state extending the use of zoning and rules and regulations in place as of January 01, 2004 when land is to be purchased for permanent preservation by the state county and local governments and nonprofit organizations.

S-1338/ A-2212

Sarlo, Oroho/ McKeon, Chiusano, McHose: Extends expiration date of special appraisal process for Green Acres and farmland preservation programs from 2009 to 2014.

This bill would increase to 2014 the use of the special appraisal process for landowner's **state wide** extending the use of zoning and rules and regulations in place as of January 01, 2004 when land is to be purchased for permanent preservation by the state county and local governments and nonprofit organizations.

A-743

DiMaio, Wagner; Permits sale of raw milk under certain conditions and establishes raw milk permit program.

This bill would permit the sale of raw milk by a person holding a valid raw milk permit. The bill would also require the Department of Agriculture to establish a raw milk permit program. The bill requires that the permit program allow a permit holder to sell, offer for sale or otherwise make available raw milk. The permit program would also enforce certain standards for the quality of the raw milk that is produced by a permit holder. To protect the public health, the bill establishes certain prerequisites that must be met before a raw milk permit may be granted.

S-1/ A-2057

Lesniak, Bateman, VanDrew/ Rible, Prieto; Reforms procedures concerning provision of affordable housing; abolishes Council on Affordable Housing.

3/15/2010 Reported from Senate Committee as a Substitute, 2nd Reading

3/22/2010 Senate Amendment (23-2) (Lesniak)

5/20/2010 Recommitted to Senate Economic Growth Committee (Voice) (Lesniak)

6/3/2010 Reported from Senate Committee as a Substitute, 2nd Reading

6/10/2010 Passed by the Senate (28-3)

6/10/2010 Received in the Assembly, Referred to Assembly Housing and Local Government Committee

NJFB has concerns; the bill would put too much power over affordable housing back in the hands of municipal governments that could encourage down zoning to avoid obligations.

This bill reforms this State's affordable housing laws. If enacted, this legislation would abolish the Council on Affordable Housing established pursuant to the "Fair Housing Act," N.J.S.A.52:27D-301 et al., and would allow municipalities to administer their own affordable housing obligations. The bill would do away with State imposed calculations of affordable housing need and would permit local governments to take charge of planning for opportunities for affordable housing. This bill charges the State Planning Commission with assisting municipalities in facilitating opportunities for affordable housing.

S-1323

Madden; Clarifies penalties for trespassers who damage farmland and crops with all-terrain vehicles and snowmobiles.

This bill clarifies the provisions of that statute b 1 y (1) revising the references to motor vehicles to insure that it includes all-terrain vehicles and snowmobiles; (2) broadening the definition of lands, to include sod farms and sod grown for commercial sale, and aquatic farms and livestock; (3) specifying that violators are required to make full restitution for the damage they cause by the reckless operation of their motor vehicles, all-terrain vehicles or snowmobiles, or riding of their horse; and (4) stipulating that violations caused by all-terrain vehicle

operators and snowmobile operators are to be adjudicated under these criminal statutes rather than under the motor vehicle laws as they currently are.

A-1683/S-1181

Burzichelli, McHose/ VanDrew, Oroho; reduces perimeter for bow and arrow hunting around occupied building.

6/3/2010 reported from Senate Committee, 2nd Reading (4-1)

6/14/2010 reported out of Assembly Committee, 2nd Reading (5-0)

6/21/2010 passed the Senate (25-7)

6/28/2010 passed assembly (61-10-1) Sent to Governor for signing

This bill would amend current law to provide that no person, except the owner or lessee of the building and persons specifically authorized by the owner or lessee in writing shall, for the purpose of hunting, taking or killing any wildlife, have in the person's possession a nocked arrow while within 150 feet of any occupied building in this State, or within 450 feet of any school playground. Additionally, a person, while hunting with a bow and arrow in the perimeter established in the bill, would be permitted to be elevated in a tree, on a hill, or at another higher vantage point where the person could angle an arrow downward. New Jersey's diverse topography and landscape includes many naturally higher points which would qualify under the elevation requirement under this bill

S-921/A-2289

Smith, Beck/Chivukula, Quijano; Exempts solar panels from impervious surface or impervious cover designation.

2/8/2010 Reported from Senate Committee as a Substitute, 2nd Reading

3/11/2010 Passed by the Senate (36-0)

3/22/2010 passed both houses (76-0) sent to Governor

4/22/10 Became law

This bill would exempt solar panels from being used in determining the amount of land covered by an impervious surface. The law does not exempt the management practice under the panels from those criteria. Only the panels themselves are exempt from the calculation.

S-1410/A-2501

Smith, Bateman/Chivukula; Requires post-construction restoration of optimal soil conditions under the "Soil Erosion and Sediment Control Act." NJFB has concerns

This bill requires the State Soil Conservation Committee to adopt standards for the restoration of optimal soil conditions, to the maximum extent practicable, after the completion of construction projects subject to the "Soil Erosion and Sediment Control Act." The bill authorizes the committee to establish procedures for post construction inspection to certify compliance with these soil restoration standards. Additionally, the bill requires that plans for soil restoration be included in any plan for soil erosion and sediment control submitted to the committee for approval in connection with any development project subject to the act. Finally, the bill requires that the committee establish a training and certification program

for project supervisors identified in the plan as responsible persons in order to ensure compliance with soil restoration standards.

S-1411/A-2290

Smith, Beck/ McKeon; Establishes standards for certain fertilizer applications, provides for certification of professional fertilizer applicators, and regulates sale and labeling of certain fertilizers. NJFB has concerns

3/15/2010 hearing only Senate environment committee

This bill would, direct the New Jersey Agricultural Experiment Station at Rutgers University (NJAES) to develop training and certification programs for professional fertilizer applicators applying fertilizer to turf, regulating the sale of certain fertilizer containing phosphorus and nitrogen, and requiring that additional information be included on certain fertilizer labels.

The bill also authorizes the creation of a public outreach and education program about the harmful effects of over application and the need for proper application of lawn fertilizers by the general public.

A-2424/S-1123

Albano, Milam/ VanDrew, Conners; Permits members of Pinelands Commission to approve revisions to comprehensive management plan Top priority of Pinelands farmers

The bill makes a simple word change to the Pinelands Act that would permit members of the commission to vote not only on the adoption of the Comprehensive Management Plan (CMP) but on elements and amendments to the CMP as well.

A2533

Conaway, Conners; Requires permit for operation of petting zoos and certain animal or agricultural exhibitions, shows, and fairs; establishes sanitation requirements.

This bill would provide that no owner or operator of a petting zoo or an animal or agricultural exhibition, show, or fair in which humans may come into personal contact with animals may operate any of these facilities for use by the general public unless the owner or operator has obtained an operation permit issued by the Department of Agriculture. In addition, the bill would essentially codify Department of Agriculture sanitation guidelines, issued in April 2005, for human contact with animals at petting zoos and animal or agricultural exhibitions, shows, and fairs. Under the bill, the guidelines would become requirements imposed upon the owners and operators of these facilities or operations. The bill would establish a civil fine of up to \$1,000 for violating the bill or any implementing rule or regulation, with each day during which the violation continues.

A-2507/S-1811

Burzichelli, Casagrande/ Beck, Sarlo; changes the racing dates and makes certain changes to breeder award money for the 2010 racing season

5/20/2010 passed by the Assembly (78-0-0)

5/20/2010 passed Senate (Passed Both Houses) (40-0)

5/22/2010 signed by the Governor P.L.2010, c.18.

The bill changes the racing dates for thoroughbred racing at Monmouth Park reducing the number of racing days and increasing purses to improve the quality of competition to improve the competitive advantage for horse breeding in New Jersey

A-2305/ S-1179

Milam, Albano/ VanDrew; Designates "Made with Jersey Fresh" baked goods and other food products.

3/08/2010 passed Assembly Ag committee,

3/22/2010 passed Assembly (74-0) sent to Senate Economic Growth Committee

This bill would provide for the designation of baked goods and other food products prepared with "Jersey Fresh" produce as "Made With Jersey Fresh," and would encourage and support the purchase of such baked goods and other food products as part of the "Jersey Fresh" program. The bill directs the Secretary of Agriculture in conjunction with the State Board of Agriculture to develop and implement "Made With Jersey Fresh" as part of the "Jersey Fresh" designation and program.

A-2854/ S-2125

McKeon/ Whelan; Establishes "Jersey Fresh Farm to School Week."

6/17/2010 passed Assembly Ag committee (5-0)

6/21/2010 passed the Assembly (80-0-0) Sent to Senate Economic Growth Committee

This bill would establish a voluntary "Jersey Fresh" week in schools by encouraging purchase and use of "Jersey Fresh" products in school lunches as well as curriculum additions that teach about New Jersey agriculture.