

SENATE BILL NO. 837
(First Reprint)

To the Senate:

This bill seeks to modify two important agricultural programs: the State's Right to Farm Act and the Farmland Preservation Program. While the sponsors' intent to promote agricultural tourism and enhance economic opportunities for commercial farms and wineries is laudable, the bill regrettably overextends Right to Farm protections and imposes burdensome and unnecessary regulations for the State's wineries. As such, I am returning Senate Bill No. 837 (First Reprint) with my recommendations for reconsideration pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution.

The Right to Farm program is designed to allow farmers to undertake traditional agricultural production free from unnecessary and overly burdensome governmental interference. This bill, however, would extend Right to Farm protections to events and activities with minimal or no relationship to the agricultural output of a farm, such as weddings, festivals, fairs, and other social events. By including these new agricultural tourism activities into the Right to Farm rubric, these undertakings would be exempt from local ordinances and regulations, as well as from public and private nuisance actions, even though such activities may have no relation to the farm's main agricultural business. As such, this extension of Right to Farm would reduce the farm itself to a mere backdrop for unrelated commercial activities.

The State's Farmland Preservation program has similarly incentivized farming through the purchase of easements and deed restrictions by State and local governments for the purpose of prohibiting non-agricultural activities and development on

farmland. Since its inception, the program has expended significant public funds to preserve thousands of farms across the State, which has enhanced the quality of life for our citizens. This bill would effectively and permanently eliminate many of those bargained-for restrictions by significantly expanding the types of non-agricultural activities that are permitted on preserved farmland. Furthermore, the bill would unnecessarily subject wineries that are not operated on preserved land to new restrictions. Currently, wineries not located on preserved farmland may conduct weddings and other events as long as such wineries observe applicable State laws and local ordinances. Conversely, wineries located on preserved farmland are prohibited from holding such events if such activities would violate the terms of their farmland preservation easements. By subjecting all wineries to the bill's provisions, wineries that have not received the benefit of farmland preservation funds will now face the potential of new and unnecessary regulation.

I do, however, share the Legislature's desire to help the State's forty-eight licensed wineries flourish, including the nineteen that have land enrolled in the Farmland Preservation program. New Jersey wineries continue to gain national recognition for their quality, sophistication, and enjoyment. Critics note that the State's enviable coastal location and warm summers creates the perfect conditions for the cultivations of extraordinary wines. As New Jersey's wine production grows, the State will become an even bigger destination for cultural and personal events. In order to foster growth in this developing industry, it is necessary to consider limited exceptions for experimentation. To that end, I recommend that the State

Agriculture Development Committee be directed to begin a pilot program permitting special occasion events to be conducted on wineries located on preserved farmland under carefully prescribed rules and under certain circumstances. By limiting this pilot program to wineries located on preserved farmland, wineries that are not located on preserved farmland will remain free from any new regulations. Through this proposed pilot program we can take a carefully calibrated step towards enhancing economic opportunities for the State's wineries while preserving the sound policies that serve as the underpinnings of the State's Right to Farm and Farmland Preservation Programs.

Accordingly, I herewith return Senate Bill No. 837 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Title, Line 1:</u>	After "concerning" insert "special occasion events conducted at wineries on preserved farmland that promote"
<u>Page 2, Title, Line 3:</u>	Delete "and amending"
<u>Page 2, Title, Line 4:</u>	Delete "P.L. 1983, c.31" and insert "Title 4 of the Revised Statutes"
<u>Page 2, Section 1, Lines 9-44:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 1-23:</u>	Delete in their entirety
<u>Page 3, Section 2, Line 25:</u>	Delete "2." and insert "1."
<u>Page 3, Section 2, Lines 27-35:</u>	Delete in their entirety and insert "'Preserved farmland' means land on which a development easement was conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1),

section 1 of P.L.1989,
c.28 (C.4:1C-38),
section 1 of P.L.1999,
c.180 (C.4:1C-43.1),
sections 37 through 40
of P.L.1999, c.152
(C.13:8C-37 through
C.13:8C-40), or any
other State law enacted
for farmland
preservation purposes."

Page 3, Section 2, Line 39:

Delete "section 3" and
insert "section 2"

Page 3, Section 3, Line 46:

Delete "3." and insert
"2."

Page 4, Section 3, Line 1:

Delete "A special
occasion event may" and
insert "The State
Agriculture Development
Committee shall
establish a pilot
program permitting
special occasion events
to"

Page 4, Section 3, Line 1:

After "conducted" insert
"on preserved farmland"

Page 4, Section 3, Lines 2-3:

Delete ", pursuant to
subsection h. of section
6 of P.L. 1983, c.31
(C.4:1C-9),"

Page 4, Section 3, Line 7:

Delete ", or less than
50" and insert ";

Page 4, Section 3, Lines 8-9:

Delete in their entirety

Page 6, Section 4, Line 14:

Delete "4." and insert
"3."

Page 6, Section 4, Line 16:

Delete "for cause,"

Page 6, Section 4, Line 18:

After "events" insert
"on preserved farmland"

Page 6, Section 4, Line 18:

Delete "section 3" and
insert "section 2"

Page 6, Section 4, Line 29:

After "events" insert
"on preserved farmland"

Page 6, Section 4, Line 30:

Delete "during a three-
year period" and insert
"per year"

Page 6, Section 4, Line 34:

After "events" insert
"on preserved farmland"

Page 6, Section 4, Line 37:

Delete "or less than 50
percent"

Page 6, Section 4, Line 38:

Delete in its entirety

<u>Page 6, Section 4, Line 39:</u>	Delete "preceding three-year period,"
<u>Page 6, Section 4, Line 40:</u>	Delete "section 3" and insert "section 2"
<u>Page 7, Section 4, Line 1:</u>	Delete "section 3" and insert "section 2"
<u>Page 7, Section 5, Line 4:</u>	Delete "5." and insert "4."
<u>Page 7, Section 6, Lines 31-47:</u>	Delete in their entirety
<u>Page 8, Section 6, Lines 1-38:</u>	Delete in their entirety
<u>Page 8, Section 7, Line 40:</u>	Delete "7." and insert "5."
<u>Page 8, Section 7, Lines 45-47:</u>	Delete in their entirety
<u>Page 9, Section 7, Line 1:</u>	Delete "Legislature as this bill), the" and insert "b. The"
<u>Page 9, Section 7, Line 1:</u>	Delete "shall adopt, immediately" and insert "may adopt, as may be necessary and appropriate,"
<u>Page 9, Section 7, Line 2:</u>	Delete "upon filing with the Office of Administrative Law,"
<u>Page 9, Section 7, Line 3:</u>	Delete "agricultural tourism activities and events" and insert "the implementation of P.L. , c. (C.) (pending before the Legislature as this bill)."
<u>Page 9, Section 7, Lines 4-19:</u>	Delete in their entirety
<u>Page 9, Section 8, Line 21:</u>	Delete "8." and insert "6."
<u>Page 9, Section 8, Line 21:</u>	After "immediately" insert "and shall expire on the first day of the forty-fourth month after the date of enactment"

Respectfully,

[seal]

/s/ Chris Christie
Governor

Attest:

/s/ Christopher S. Porrino
Chief Counsel to the Governor