

ASSEMBLY, No. 4026

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Clarifies voting ability of members of State Agriculture Development Committee.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the voting ability of members of the State
2 Agriculture Development Committee, and amending P.L.1983,
3 c.31.

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

7
8 1. Section 4 of P.L.1983, c.31 (C.4:1C-4) is amended to read as
9 follows:

10 4. a. In order that the State's regulatory action with respect to
11 agricultural activities may be undertaken with a more complete
12 understanding of the needs and difficulties of agriculture, there is
13 established in the Executive Branch of the State Government a
14 public body corporate and politic, with corporate succession, to be
15 known as the State Agriculture Development Committee. For the
16 purpose of complying with the provisions of Article V, Section IV,
17 paragraph 1 of the New Jersey Constitution, the committee is
18 allocated within the Department of Agriculture, but,
19 notwithstanding that allocation, the committee shall be independent
20 of any supervision or control by the State Board of Agriculture, by
21 the department or by the secretary or any officer or employee
22 thereof, except as otherwise expressly provided in **[this act]**
23 P.L.1983, c.31 (C.4:1C-1 et al.) . The committee shall constitute an
24 instrumentality of the State, exercising public and essential
25 governmental functions, and the exercise by the committee of the
26 powers conferred by this or any other act shall be held to be an
27 essential governmental function of the State.

28 b. The committee shall consist of 11 members, five of whom
29 shall be the Secretary of Agriculture, who shall serve as **[chairman]**
30 chairperson , the Commissioner of Environmental Protection, the
31 Commissioner of Community Affairs, the State Treasurer and the
32 Dean of Cook College, Rutgers University, or their designees, who
33 shall serve ex officio, and six citizens of the State, to be appointed
34 by the Governor with the advice and consent of the Senate, four of
35 whom shall be actively engaged in farming, the majority of whom
36 shall own a portion of the land that they farm, and two of whom
37 shall represent the general public. With respect to the members
38 actively engaged in farming, the State Board of Agriculture shall
39 recommend to the Governor a list of potential candidates and their
40 alternates to be considered for each appointment.

41 c. (1) Of the six members first to be appointed, two shall be
42 appointed for terms of two years, two for terms of three years and
43 two for terms of four years. Thereafter, all appointments shall be
44 made for terms of four years. Each of these members shall hold
45 office for the term of the appointment and until a successor shall

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 have been appointed and qualified. A member shall be eligible for
2 reappointment for no more than two consecutive terms. Any
3 vacancy in the membership occurring other than by expiration of
4 term shall be filled in the same manner as the original appointment
5 but for the unexpired term only.

6 (2) When an appointed member actively engaged in farming
7 notifies the **【chairman】** chairperson that the member is unable to
8 attend a publicly noticed meeting, an alternate may be chosen to
9 serve for that member at the meeting. The alternate member shall
10 be chosen by the Governor, in consultation with the President and
11 the Vice President of the State Board of Agriculture, with the
12 advice and consent of the Senate. The alternate member shall be a
13 past member of the State Board of Agriculture who served pursuant
14 to R.S.4:1-4, provided, however, that in no case shall the alternate
15 member have been removed from office pursuant to section 3 of
16 P.L.1948, c.447 (C.4:1-4.1), or a past member of the State
17 Agriculture Development Committee.

18 (3) When an appointed member representing the general public
19 notifies the **【chairman】** chairperson that the member is unable to
20 attend a publicly noticed meeting, an alternate may be chosen to
21 serve for that member at the meeting. The alternate member shall
22 be chosen by the Governor, with the advice and consent of the
23 Senate.

24 (4)Notwithstanding any provision of the "New Jersey Conflicts
25 of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), or a
26 supplemental code of ethics adopted by the committee pursuant
27 thereto, an appointed member actively engaged in farming shall be
28 prohibited from taking an official action on a matter that the
29 member, as a member of a county agriculture development board or
30 agricultural advisory committee, has discussed or acted upon at a
31 county agriculture development board meeting or municipal
32 agriculture advisory committee meeting, only if the member's
33 county agriculture development board or agricultural advisory
34 committee or an owner of farmland in that county could reasonably
35 be expected to accrue a benefit or detriment to a greater extent than
36 any benefit or detriment could reasonably be expected to accrue to
37 any other county agriculture development board, agricultural
38 advisory committee, or owner of farmland in any other county as a
39 result of the action.

40 d. Members of the committee shall receive no compensation
41 but the appointed members may, subject to the limits of funds
42 appropriated or otherwise made available for these purposes, be
43 reimbursed for expenses actually incurred in attending meetings of
44 the committee and in performance of their duties as members
45 thereof.

46 e. The committee shall meet at the call of the **【chairman】**
47 chairperson as soon as may be practicable following appointment of
48 its members and shall establish procedures for the conduct of

1 regular and special meetings, including procedures for the
2 notification of departments of State regulating the activities of
3 commercial agriculture, provided that all meetings are conducted in
4 accordance with the provisions of the "Senator Byron M. Baer Open
5 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

6 f. A true copy of the minutes of every meeting of the
7 committee shall be prepared and forthwith delivered to the
8 Governor. No action taken at such meeting by the committee shall
9 have force or effect until 15 days, exclusive of Saturdays, Sundays
10 and public holidays, after such copy of the minutes shall have been
11 so delivered. If, in said 15-day period, the Governor returns such
12 copy of the minutes with a veto of any action taken by the
13 committee at such meeting, such action shall be null and void and
14 of no force and effect.

15 g. The department shall provide any personnel that may be
16 required as staff for the committee.

17 (cf: P.L.2017, c.385, s.1)

18
19 2. This act shall take effect immediately.
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22 STATEMENT

23
24 This bill clarifies when a member of the State Agriculture
25 Development Committee (SADC) actively engaged in farming must
26 recuse themselves from participating in a matter before the SADC.
27 This bill is in response to advice issued to SADC members at its
28 January 23, 2020 meeting.

29 The SADC's supplemental code of ethics, adopted pursuant to
30 the "New Jersey Conflicts of Interest Law," P.L.1971, c.182
31 (C.52:13D-12 et seq.), provides that: "A State officer or special
32 State officer is required to recuse him/herself on a matter before the
33 SADC if he or she as a member of a county agriculture
34 development board or agricultural advisory committee has
35 discussed or acted upon that particular matter at a county
36 agriculture development board meeting or municipal agriculture
37 advisory committee meeting."

38 As a result of the advice and the SADC's supplemental code of
39 ethics, the four members actively engaged in farming were required
40 to recuse themselves from participating in a discussion concerning
41 special occasion events. This policy means that the SADC
42 members actively engaged in farming, who are also members of
43 their county agriculture development board are significantly,
44 unnecessarily, and improperly hampered in their ability to
45 participate in and vote on important matters before the SADC.

46 Agriculture is an important industry in the State. The law
47 establishing the SADC specifically provides that four of its
48 members are to be actively engaged in farming. The provision

1 currently in the SADC's supplemental code of ethics effectively
2 negates the statutory mandate that the SADC include those who
3 represent agriculture or prohibits members of the SADC from also
4 being on their county agriculture development board. A member
5 who is a farmer cannot properly and fully represent the agricultural
6 industry if that member is prohibited from participating in
7 discussions or voting on agricultural issues before the SADC simply
8 because the issue was the subject of discussion or action by the
9 county agriculture board on which the member also sits.

10 Under this bill, a member actively engaged in farming would
11 only be prohibited from participating in a matter before the SADC
12 if the member's county agriculture development board or
13 agricultural advisory committee or an owner of farmland in that
14 particular county could reasonably be expected to accrue a benefit
15 or detriment to a greater extent than any benefit or detriment could
16 reasonably be expected to accrue to any other county agriculture
17 development board, agricultural advisory committee, or owner of
18 farmland in any other county as a result of the action.