

TITLE 2

DEPARTMENT OF AGRICULTURE

CHAPTER 1

ADMINISTRATION

Authority

N.J.S.A. 4:1-11, 52:14B-3 and 4.

Source and Effective Date

R.2006 d.379, effective September 28, 2006.
See: 38 N.J.R. 1896(b), 38 N.J.R. 4687(a).

Chapter Expiration Date

Chapter 1, Administration, expires on September 28, 2011. Subchapter 4, Disability Discrimination Grievance Procedure, is exempt from expiration under the operation of Executive Order No. 66(1978) and N.J.S.A. 52:14B-5.1.

Chapter Historical Note

Chapter 1, Administration, was adopted prior to September 1, 1969.

Pursuant to Executive Order 66(1978), Subchapter 2, Organization, was readopted by R.1983 d.528, effective November 1, 1983. See: 15 N.J.R. 1538(a), 15 N.J.R. 1939(d).

Pursuant to Executive Order No. 66(1978), Chapter 1, Administration, expired on September 3, 1990.

Chapter 1, Administration, was adopted as new rules by R.1990 d.579, effective November 19, 1990. See: 22 N.J.R. 2865(a), 22 N.J.R. 3478(b).

Subchapter 4, Disability Discrimination Grievance Procedure, was adopted as new rules by R.1993 d.274, effective June 7, 1993. See: 25 N.J.R. 1314(a), 25 N.J.R. 1338(a), 25 N.J.R. 2247(b), 25 N.J.R. 2859(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Organization, and Subchapter 3, Rules of Practice, were readopted as R.1995 d.566, effective October 4, 1995. See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

Subchapter 1, Designation of Additional Organizations to the Annual State Agricultural Convention, was adopted as R.1998 d.483, effective September 21, 1998. See: 30 N.J.R. 2549(a), 30 N.J.R. 3459(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Designation of Additional Organizations to the Annual State Agricultural Convention, Subchapter 2, Organization, and Subchapter 3, Rules of Practice, expired on October 4, 2000.

Subchapter 1, Designation of Additional Organizations to the Annual State Agricultural Convention, Subchapter 2, Organization, and Subchapter 3, Rules of Practice, were adopted as new rules by R.2001 d.115, effective April 2, 2001. See: 33 N.J.R. 149(a), 33 N.J.R. 1081(a).

Administrative Change: Pursuant to Reorganization Plan No. 003-2002, the Division of Markets were renamed Division of Marketing and Development, effective February 17, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

Chapter 1, Administration, was readopted as R.2006 d.379, effective September 28, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DESIGNATION OF ADDITIONAL ORGANIZATIONS TO THE ANNUAL STATE AGRICULTURAL CONVENTION

2:1-1.1 Purpose and scope

(a) This subchapter sets forth the criteria and approval procedure for additional agricultural organizations to participate in the annual New Jersey Agricultural Convention pursuant to P.L. 1997, c.312.

(b) This subchapter applies to any agricultural organization seeking approval to participate in the annual convention.

2:1-1.2 Criteria for agricultural organizations seeking membership in the New Jersey Agricultural Convention

(a) An organization seeking membership in the New Jersey Agricultural Convention shall have as its primary purpose the advancement of an agricultural interest, an agricultural sector, or agricultural production and marketing in the State.

(b) The organization shall be incorporated for a minimum of one year prior to membership application, and maintain its headquarters in New Jersey.

(c) The organization shall include a membership that is Statewide or regional in area, or serve Statewide or regional agricultural interests.

(d) The organization shall have a majority of its membership based in New Jersey.

(e) The organization shall have been organized and active in the State of New Jersey for three years.

(f) The organization shall not represent the identical interest, commodity, or membership as is represented by a current member of the State Agricultural Convention.

2:1-1.3 Procedure for making application

(a) An organization shall make application, on forms provided by the Department of Agriculture, by no later than July 1 in any year. Forms may be obtained by contacting the Office of the Secretary, Department of Agriculture, P.O. Box 330, Trenton, NJ 08625-0330.

(b) An organization shall provide the following information in its application, as characterized in N.J.A.C. 2:1-1.2:

1. The name, address and telephone number of the organization;
2. The primary purpose of the organization;
3. The date the organization was organized, its date of incorporation and where it is headquartered; and
4. Where the majority of its membership live.

(c) The State Board shall determine and report, within 60 days of a request based on a complete application, its decision to the applicant organization.

(d) Approval of an application shall make the organization eligible for a delegate to all future agricultural conventions provided it continues to meet the criteria set forth in N.J.A.C. 2:1-1.2. An organization that does not send delegates for a period of three consecutive years or more will lose its right to send delegates. Any organization losing its right to send delegates pursuant to this subsection may reapply any subsequent year according to the procedures set forth in (a) through (c) above.

Amended by R.2006 d.379, effective November 6, 2006.
See: 38 N.J.R. 1896(b), 38 N.J.R. 4687(a).

In (a), inserted the last sentence; and in (d), inserted the last two sentences.

2:1-1.4 Rules of governance at the State Agricultural Convention

All sessions held during the Annual State Agricultural Convention will be governed by Roberts' Rules of Order.

New Rule, R. 2006 d.379, effective November 6, 2006.
See: 38 N.J.R. 1896(b), 38 N.J.R. 4687(a).

SUBCHAPTER 2. ORGANIZATION

2:1-2.1 Department responsibilities

The State Department of Agriculture is responsible for development, regulatory, service, promotion and information programs in support of agriculture and agribusiness and those natural and renewable resources associated with agriculture and open lands for the benefits of all citizens as prescribed in Titles 4, 5, 13, 24, 54 and other applicable titles in the New Jersey Statutes Annotated.

2:1-2.2 Tables of organization

Tables showing the organization of the Department and the major sections within each Division are appended to the end of this chapter.

2:1-2.3 Functions of departmental units

(a) Functions of the various units within the State Department of Agriculture are as follows:

1. The State Board of Agriculture is the head of the Department and consists of eight farmers of the State engaged in the production of farm crops or livestock. The State Board of Agriculture, with the approval of the Governor, appoints the Secretary of Agriculture who serves as the principal executive officer of the Department and secretary to the Board. The Board has the authority to establish rules and regulations for its own proceedings and for the government, control and program performance of the Department.

2. The Office of the Secretary is responsible for the executive management, policy development, legislative liaison, public information programs and legal services for the Department and the State Board of Agriculture.

3. The Office of Operations provides personnel, budget, accounting, training, information technology, facilities management and administrative support services to the Divisions.

4. The Division of Animal Health is responsible for programs for the monitoring, prevention, control and