

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF MARKETING AND DEVELOPMENT

#### Dairy Licensing Fees and Penalties

#### Adopted Amendments: N.J.A.C. 2:56-1.1 and 1.2

Proposed: August 6, 2018, at 50 N.J.R. 1692(a).

Adopted: December 19, 2018, by the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Filed: December 21, 2018, as R.2019 d.011, **without change**.

Authority: N.J.S.A. 4:1-11.1.

Effective Date: January 22, 2019.

Expiration Date: October 28, 2022.

#### Summary of Public Comment and Agency Response:

COMMENT: Anthony B. Bernice opposes any milk license fee increases for sellers where there is no inspection by the State, and that fees were in essence taxes, and that they should be eliminated when there is no effort by the State. He also stated he was unable provide comments through the NJDA website.

RESPONSE: The purpose of these amendments is to assure an adequate funding level for administration of the Dairy Program. Dairy Program rules protect sellers against unstable markets and destructive competition, which is accomplished through investigations by the Department of Agriculture (Department). The proposed amendments are not a tax, but rather statutorily authorized license fees. Receipts from dairy license fees are appropriated for the cost of administering the program.

The Department prioritizes investigations into alleged destructive practices in the marketplace. In addition, the Department investigates complaints and reported violations of both dealers and stores. Approximately 115 routine inspections are completed monthly to assure licensee compliance, including: assuring that a valid license and milk prices are properly posted, correct fees paid, and milk prices are not below variable cost. Enforcement of Dairy Program rules also protect stores from being abandoned by a milk supplier.

The public notice of proposed amendments indicated that comments could be submitted to the Department via mail or to [proposedrules@ag.nj.gov](mailto:proposedrules@ag.nj.gov), which is an e-mail address for responses to rulemaking actions. The notice further stated that the proposal can be obtained by visiting the Department's website.

#### Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23 (P.L. 1995, c. 65) require administrative agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law.

The adopted amendments, which are solely related to an increase in State-regulated fees, are not subject to any Federal requirements or standards. Therefore, no Federal standards analysis is required.

Full text of the adoption follows:

#### SUBCHAPTER 1. DAIRY LICENSING FEES

2:56-1.1 Licensing fees of dealers who buy for shipment, sale, resale, or manufacture

Persons licensed pursuant to N.J.S.A. 4:12-2 shall, in compliance with all other provisions of N.J.S.A. 4:12-3, pay a license fee of \$100.00. This fee will supersede the fee required by N.J.S.A. 4:12-3.

2:56-1.2 Licensing fees to operate as a milk dealer or store

(a) Persons licensed pursuant to N.J.S.A. 4:12A-33 shall, in compliance with all other provisions of N.J.S.A. 4:12A-36 pay a yearly license fee, as follows:

1. Stores selling 500 quart equivalents or less per week: \$30.00;

2. Stores selling 501 to 1,500 quart equivalents per week: \$60.00;
3. Stores selling 1,501 to 3,000 quart equivalents per week: \$90.00;
4. Stores selling 3,001 quart equivalents or more per week: \$120.00.

(b) Any person applying for a license to engage in business as a store at a new location shall pay a fee of \$30.00 for the first year of operation, but any person acquiring an existing store shall pay a fee based upon the average volume of milk sold during the previous two months in accordance with the store fee schedule in (a) above.

(c) Every milk dealer shall pay a fee of \$0.025 per hundredweight of milk sold for consumption within the State excluding dealer to dealer sales, but a milk dealer processing milk for sale to other dealers shall pay a minimum fee of \$1,625 per year and a milk dealer selling to stores and consumers shall pay a minimum fee of \$75.00 per year.

(d) A milk dealer engaged in handling milk in the State of New Jersey but selling milk only in another state or engaged only in manufacturing shall pay a license fee of \$375.00 per year.

- (e) These fees shall supersede the fees required by N.J.S.A. 4:12A-36.

## ENVIRONMENTAL PROTECTION

### (b)

#### NATURAL AND HISTORIC RESOURCES

#### GREEN ACRES PROGRAM

#### Notice of Readoption

#### Green Acres Program Rules

#### Readoption: N.J.A.C. 7:36

Authority: N.J.S.A. 13:8A-1 et seq., 13:8A-19 et seq., 13:8A-35 et seq., 13:8C-1 et seq., and 13:8C-43 et seq.; and P.L. 1961, c. 46, P.L. 1971, c. 165, P.L. 1974, c. 102, P.L. 1978, c. 118, P.L. 1983, c. 354, P.L. 1987, c. 265, P.L. 1989, c. 183, P.L. 1992, c. 88, P.L. 1995, c. 204, P.L. 1999, c. 152., P.L. 2007, c. 119, and P.L. 2009, c. 117.

Authorized By: Catherine R. McCabe, Commissioner, Department of Environmental Protection.

Effective Date: December 18, 2018.

New Expiration Date: December 18, 2025.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the Green Acres Program rules at N.J.A.C. 7:36 are readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on February 7, 2019. The Department of Environmental Protection (Department) has reviewed these rules and determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Green Acres Program rules establish standards and procedures utilized to: (1) provide Green Acres funding, in the form of loans or matching grants, or both, to local government units, and matching grants to nonprofits, to assist in their efforts to acquire and develop lands to increase and preserve permanent outdoor recreation areas for public use and enjoyment, and conservation areas for the protection of natural resources, such as waterways, wildlife habitat, wetlands, forests, and viewsheds for the benefit of the current and future citizens of the State; (2) ensure that lands acquired or developed with Green Acres funding, and all other lands held by a local government unit for recreation and conservation purposes at the time the local government unit received Green Acres funding, remain permanently in use for recreation and conservation purposes; and (3) allow, in limited circumstances, a local government unit or nonprofit to provide sufficient compensation and obtain approval of the Commissioner and the State House Commission to