**RESOLUTION # 21**

**AGRICULTURE AND THE STATE MINIMUM WAGE**

**WHEREAS,** New Jersey agriculture is heavily concentrated in the production of fruit and vegetable crops meant for fresh-market sale, as well as nursery, greenhouse and horticultural stock; and

**WHEREAS**, dairy farms are also labor-intensive operations and most dairy farms rely on hired labor to help with the day-to-day operations throughout the entire year; and

**WHEREAS**, these sectors, as well as others, including equine and agritourism, are labor-intensive operations, as the products being produced, or experiences being offered, rely upon aesthetic appeal to the consumer as much as, or sometimes more than, any other attribute; and

**WHEREAS**, there is a necessity for hand-picking and/or hand-tending of these agricultural products and experiences; and

**WHEREAS**, most New Jersey farms are family-owned operations, in which there are not enough family members to provide all the needed labor; and

**WHEREAS**, this creates the need for the hiring of outside labor; and

**WHEREAS**, many produce farm operators pay a “piece-rate,” in which workers are paid based on the amount of fruits or vegetables they pick and, during peak harvest, good workers can make significantly more than the minimum wage under this piece-rate system; and

**WHEREAS**, by contrast, the farm operator must pay **at least** the state minimum wage for those workers who pick less, and during times when there are not enough crops to be picked, all workers’ wages, regardless of how much they pick, must be equal to at least the minimum per-hour wage; and

**WHEREAS,** the New Jersey State Board of Agriculture, working with representatives of agricultural-interest groups in New Jersey, has created a list of measures that it believes are essential to bolster the industry’s economic viability in response to the passage and signing of the new minimum wage in the state, and these measures have been drafted into proposed legislation; and

**WHEREAS**, that list includes:

* **Tax Credits for Farmworker Housing and Transportation** – Many farmers currently provide both for some workers. Credits would offset the cost of those provisions that benefit farmworkers beyond their base wages.
* **Accelerated Depreciation Allowances** – Adopt current federal tax allowances (e.g. Section 179) for New Jersey Business tax returns to allow for more rapid depreciation of capital expenses, especially for equipment that will improve efficiency.
* **Expanded Property Tax Exemption for Single-Purpose Ag Structures** – Would extend the types of buildings under the current definition of Exempt Structures, lowering the farm’s tax burden.
* **Definition of Agricultural Labor** – Updating the definition of “farmworker” to better match the range of workers (e.g. on-farm processing, farm-market clerks, etc.) involved in today’s evolving farm operations.
* **Seasonal Farmworker Job Retention Incentives** – Annual incentives to New Jersey farmers based on the difference between the 2013 constitutionally mandated minimum wage levels and the new increases for seasonal workers; and.

**WHEREAS**, minors are employed by farms and other industries at entry-level jobs, as their first jobs, and have little or no experience and do not have to support themselves through these jobs.

**WHEREAS,** Rutgers University’s New Jersey Agriculture Experiment Station, working with the Department, New Jersey Farm Bureau, and other agricultural organizations, has been working for the past two years to compile and analyze information regarding the viability of farm operations in the state, with at least a status report on that effort expected at the 2024 State Agricultural Convention.

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 109th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2024, support the efforts of the New Jersey State Board of Agriculture to pursue – through regulation, legislation, or other means – the measures enumerated above to bolster economic viability in the state’s agricultural industry and to enhance New Jersey agriculture’s competitive position with farms in other states that have not passed laws to increase their state’s minimum wages.

**BE IT FURTHER RESOLVED**, that we strongly urge the Legislature to pass, and the Governor to sign, all pending bills that would effectuate these measures.

**BE IT FURTHER RESOLVED**, that we urge the New Jersey Department of Labor to clearly define whether employees who work on a farm, but are not involved in the actual production of crops or livestock (such as employees in a retail operations on a farm, or those involved in agritourism activities on the farm) are to be counted as agricultural employees, especially in terms of training wages, the length of time such a training wage can be paid, etc.)

**BE IT FURTHER RESOLVED**, that we urge the Legislature hold a public hearing on the results of the upcoming review by the Labor and Agriculture departments on the impact of the new State Agricultural Minimum Wage on the agricultural industry.

**BE IT FURTHER RESOLVED**, that we and other business and industries see the need for an age-based “minors” wage, and urge legislation to enact such a wage.