

**Agriculture Industry Impact**

The expired rules proposed herein as new rules will have a positive impact on the agricultural industry, by allocating available funding to “Official Agricultural Fairs,” which serve the dual purpose of supporting agricultural education to youths and also promote and provide information on agricultural activities to the general public. “Official Agricultural Fairs” often increase consumer demand for New Jersey-grown or produced products.

**Regulatory Flexibility Analysis**

Some carnival operators and fair promoters are small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The expired rules proposed herein as new rules may have an economic impact on such businesses, dependent upon whether or not Department of Agriculture certification is obtained for their fair. There are minimal costs associated with the process. Applicants will incur the administrative and documentary costs of the application process. Those granted certification must annually provide a fair status report and a copy of their annual audit report. Therefore, the expired rules proposed herein as new rules impose minimal reporting requirements upon applicants for and organizations designated as “Official Agricultural Fairs.”

The expired rules proposed herein as new rules are simple and comply with legislative mandates of N.J.S.A. 5:8-121 et seq. The Amusement Games Licensing law allows agricultural fairs approved by the Department of Agriculture to be licensed to conduct games of amusement at a greatly reduced fee. The expired rules proposed herein as new rules do not differentiate between small and large businesses, but rather make a distinction between “Official Agricultural Fairs” and other commercial fair or carnival enterprises.

There will be no adverse economic impact on small businesses as a result of the expired rules proposed herein as new rules. There will be no expenditures for professional services or capital outlays as a result of the expired rules proposed herein as new rules.

**Housing Affordability Impact Analysis**

The expired rules proposed herein as new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the expired rules proposed herein as new rules provide the requirements that must be met for a fair to qualify as an “Official Agricultural Fair.”

**Smart Growth Development Impact Analysis**

The expired rules proposed herein as new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the expired rules proposed herein as new rules provide the requirements that must be met for a fair to qualify as an “Official Agricultural Fair.”

**Full text** of the expired rules proposed herein as new rules may be found in the New Jersey Administrative Code at N.J.A.C. 2:33.

**CHILDREN AND FAMILIES**

**(a)**

**COMMISSIONER  
Rulemaking Procedures**

**Proposed New Rules: N.J.A.C. 3A:2**

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner,  
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7.f, 52:14B-3(2), and 52:14B-4(a)(1) and (3) and (f).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-178.

Submit written comments by January 6, 2017, to:

Pamela Wentworth, M.S.W., L.S.W.  
Office of Policy and Regulatory Development  
Department of Children and Families  
PO Box 717  
Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

The Department of Children and Families (Department) was created by the Department of Children and Families Act, N.J.S.A. 9:3A-1 et seq. (the Act), effective July 1, 2006. The Act transferred all functions, powers, and duties of the Office of Children’s Services in the Department of Human Services to the newly-created Department of Children and Families. As a new department of State government, the Department of Children and Families is required by statute, N.J.S.A. 52:14B-3 and 4, to promulgate rules related to the rulemaking process and rules of practice.

This chapter allows the interested public to have information on how the public can interact with the Department’s rulemaking and where the Department of Children and Families maintains its policies, procedures, forms, and form instructions for public access.

N.J.A.C. 3A:2-1.1 states the purpose of the chapter.

N.J.A.C. 3A:2-1.2 states the scope of the chapter.

N.J.A.C. 3A:2-1.3 states definitions used in the chapter.

N.J.A.C. 3A:2-2.1 states the procedures to petition the Department for rulemaking.

N.J.A.C. 3A:2-3.1 states the methods the Department will use to publicize a notice of proposal published in the New Jersey Register.

N.J.A.C. 3A:2-3.2 states that the Department will accept any request for advanced notice of the Department’s rulemaking.

N.J.A.C. 3A:2-4.1 states how the Department handles requests by the public to extend the comment period for a notice of proposal.

N.J.A.C. 3A:2-5.1 states the Department’s response to requests to hold a public hearing on a proposed rulemaking.

N.J.A.C. 3A:2-6.1 states where the Department will maintain its policies, procedures, forms, and form instructions for public access.

The Department has determined that the comment period for this notice of proposal will be 60 days. Therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

**Social Impact**

The Department believes that promulgating information about the public’s right to interact with the Department on rulemaking benefits the public and the Department. The public’s right to affect the Department’s rules implements democracy in State government. The Department also believes that having its policies, procedures, forms, and instructions available benefits the public. The regulated public has access to the regulatory information. The public interacting with the Department can learn what to expect from the Department.

**Economic Impact**

The proposed new rules have no economic impact.

**Federal Standards Statement**

The proposed new rules are not subject to any Federal statutes, requirements, or standards. Therefore, a Federal standards analysis is not required.

**Jobs Impact**

The Department does not expect that any jobs will either be generated or lost as a consequence of the proposed new rules.

**Agriculture Industry Impact**

The proposed new rules have no impact on the agriculture industry.

**Regulatory Flexibility Analysis**

The proposed new rules impose only minimal compliance requirements on small businesses, as defined by N.J.S.A. 52:14B-16 et seq. The proposed new rules require persons to request a public hearing on a proposed rule or to extend the comment period for a proposed rule

within 30 days after publication of the proposed rule in the New Jersey Register.

While the Department may use small businesses to publicize proposals in the New Jersey Register, these rules do not require anything of the small businesses.

Small businesses may request an extension to the comment period or a public hearing on a proposal, or petition to adopt, amend, or repeal a rule. These activities have minimal costs, such as postage and paper to communicate with the Department. They do not require professional services or capital expenditures. There is no distinction between small businesses and other businesses as the proposed new rules do not impose any reporting or recordkeeping requirements on businesses.

The Department accepts communication by e-mail, which allows a small business communicating with the Department to do so without cost.

**Housing Affordability Impact Analysis**

The proposed new rules will not have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed new rules would evoke a change in the average costs associated with housing, because the proposed new rules state the rulemaking procedures and the location of information on the website of the Department of Children and Families.

**Smart Growth Development Impact Analysis**

The proposed new rules will have no impact on smart growth and there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the proposed new rules state the rulemaking procedures and the location of information on the website of the Department of Children and Families.

Full text of the proposed new rules follows:

CHAPTER 2  
RULEMAKING PROCEDURES

SUBCHAPTER 1. GENERAL PROVISIONS

3A:2-1.1 Purpose

The purpose of this chapter is to allow the Department of Children and Families to comply with New Jersey statutes and rules regarding rulemaking.

3A:2-1.2 Scope

(a) The provisions of this chapter apply to:

1. Each petitioner who wants the Department to adopt a new rule or amend or repeal a current rule;
2. Each member of the public who wants the Department to extend the comment period on a rule proposed in the New Jersey Register;
3. Each member of the public who wants the Department to hold a public hearing on a rule proposed in the New Jersey Register; and
4. Each Department representative.

3A:2-1.3 Definitions

The definitions in N.J.A.C. 10:133, Service Delivery General Provisions, are hereby incorporated into this chapter by reference.

SUBCHAPTER 2. PETITION FOR RULEMAKING

3A:2-2.1 Petition for rulemaking procedures

(a) An interested person may petition the Department to adopt a new rule or amend or repeal any rule of the Department. The petitioner shall submit the petition in writing to:

1. The Department of Children and Families, Office of Policy and Regulatory Development, PO Box 717, Trenton, New Jersey 08625;
2. The Department's rules e-mail account, [rules@dcf.state.nj.us](mailto:rules@dcf.state.nj.us); or
3. The electronic mailing list accessed at <http://www.nj.gov/dcf/contact/email.html>.

(b) The petitioner shall submit as part of the petition:

1. His or her name and a return address so that the Department can respond to the petition in writing;

2. The substance of the rulemaking being requested;
3. The reasons for the request; and
4. The statutory authority allowing the Department to take the requested action.

(c) The petitioner may provide the text of a new rule or amended rule for the Department's consideration.

(d) The Department shall submit each valid petition to the Office of Administrative Law in accordance with N.J.A.C. 1:30-4.1(c).

(e) The Department shall consider the content of the petition and determine whether to grant the petition, deny the petition, or deliberate further. The Department shall send the petitioner a written response to the petition within 60 days of the initial submission.

(f) The Department shall file a notice of action on each petition for publication in the New Jersey Register within 60 days, in accordance with N.J.A.C. 1:30-4.2.

SUBCHAPTER 3. PUBLICIZING RULE PROPOSALS

3A:2-3.1 Methods of publicizing a rule proposal

(a) The Department may provide additional publicity of a proposal in the New Jersey Register by:

1. Publishing a notice in one or more newspapers of general circulation when the rule proposal is of a general nature;
2. Publishing a notice in a trade, government, or professional publication when that method would be likely to best reach those affected by the rule;
3. Distributing a press release to the news media when that method would be likely to best reach those affected by the rule; or
4. Posting of the notice of proposal on the Department's website.

3A:2-3.2 Requests for advanced notice

The Department shall send a notice of the notice of proposal to each person who has requested advanced notice of the Department's rulemaking.

SUBCHAPTER 4. EXTENDING THE COMMENT PERIOD FOR A PROPOSAL

3A:2-4.1 Requests for extension of the comment period

(a) The Department shall extend by 30 days the opportunity for the public to comment in writing on a notice of proposal published in the New Jersey Register when at least 10 people have requested an extension in writing. The person making the request shall:

1. Submit the request within 30 days after publication of the notice of proposal in the New Jersey Register to the individual designated to receive comments on the proposal as published in the New Jersey Register; and
2. Use any method listed in N.J.A.C. 3A:2-2.1(a) to communicate with the Department.

SUBCHAPTER 5. PUBLIC HEARINGS ON NOTICES OF PROPOSAL

3A:2-5.1 Public hearings procedures

The Department shall conduct a public hearing on a proposed rulemaking if sufficient public interest is demonstrated by at least 30 people requesting a public hearing. The person making the request shall submit the request in writing by any method of communication with the Department listed in N.J.A.C. 3A:2-2.1(a) within 30 days after publication in the New Jersey Register.

SUBCHAPTER 6. RULES OF PRACTICE

3A:2-6.1 Rules of practice posted

The Department shall maintain its policies, procedures, forms, and form instructions on its internet website, [http://www.nj.gov/dcf/policy\\_manuals/toc.shtml](http://www.nj.gov/dcf/policy_manuals/toc.shtml).