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**DEBRA M. CORNEZ**  
Director

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Chief Counsels  
Regulation Coordinators

Re: SB 1099 (Stats. 2012, c. 295) - Posting of Regulations on State Agency's Website, Change in Effective Dates of Regulations and New Form 400

In case you are not already aware of SB 1099 (Stats. 2012, c. 295, eff. 1/1/2013), we would like to take this opportunity to inform you of the changes SB 1099 has made to the Administrative Procedure Act (APA) that will affect regulatory actions undertaken by your state agency. All changes below are to the Government Code, except where noted, and will take effect January 1, 2013:

1. Section 11343(c)(1): Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. Section 11343(c)(2): Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at **postedregslink@oal.ca.gov**.

Please note: new requirements of section 11343(c)(1) and (2) provided above do not apply to a state agency that does not maintain an Internet Web site. Also, these new requirements of section 11343(c)(1) and (2) do not apply to emergency regulations filed with the Secretary of State (see #4, section 11344(b) below).

3. Section 11343.4: Unless the regulation falls within one of the exemptions listed in section 11343.4(b), a regulation or order of repeal required to be filed with the Secretary of State shall become effective on a quarterly basis as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

The new quarterly effective dates will apply to regulations filed with the Secretary of State after January 1, 2013. It is important to remember that the date a regulation is submitted to OAL for OAL's review does not determine a regulation's effective date. The date the regulation is filed with the Secretary of State determines the regulation's effective date pursuant to section 11343.4(a).

4. Section 11344(b): OAL shall make available on its Internet Web site a list of, and a link to the full text of, each regulation filed with the Secretary of State that is pending effectiveness pursuant to Section 11343.4.

The link to the full text of each regulation filed with the Secretary of State is provided to OAL by the state agencies as required by section 11343(c) (see #2 above).

5. California Code of Regulations, title 1, section 1 and the Form 400 ("Notice Publication/Regulations Submission" STD. 400) was revised to reflect the changes to section 11343(a), noted above in #3, concerning the quarterly effective dates for regulations filed with the Secretary of State. In particular, in B.5. on the Form 400, the language "Effective 30<sup>th</sup> day after filing with Secretary of State" was revised and now reads: "Effective January 1, April 1, July 1 or October 1 (Gov. Code, §11343.4(a))." The new Form 400 has a revision date of "01-2013." Please use the new Form 400 (rev. 01-2013) when submitting notices and regulations to OAL after January 1, 2013. You may use the Form 400 (rev. 01-2013) before January 1, 2013, to file proposed regulations with OAL for review if you think your regulations will be filed with the Secretary of State after January 1, 2013. The Form 400 (rev. 01-2013) is attached for your convenience. This Form 400 (rev. 01-2013) will also be available on the OAL Web site at <http://www.oal.ca.gov/Publications.htm> along with the Form 400 (rev. 01-09) currently in effect.

Once a regulation is filed with the Secretary of State, the Notice of Approval that OAL sends to the state agency will contain the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's Web site once OAL posts the Internet Web site link to the full text of the regulation that is received from the state agency.

Thank you for your attention to these new requirements. If you have any questions, please contact the OAL Reference Attorney at (916) 323-6815 or at [staff@oal.ca.gov](mailto:staff@oal.ca.gov).