

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS

In a Notice published September 9, 2011 the Department of Food and Agriculture (Department) proposes to adopt regulations to add Section 4075 (Annual Device Administrative Fee) into Title 4, Division 9, Chapter 3, Article 3, to implement the fees provided for in Business and Professions Code Section 12241.

As a result of recommendations received during the comment period, the Department believes that the changes to the proposed modified text are substantive changes related to the modified text and that the public was adequately placed on notice that changes could result from the originally proposed regulatory action.

Notice is hereby given that any interested person may present statements or arguments on the modified text to the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at [DMS@cdfa.ca.gov](mailto:DMS@cdfa.ca.gov). Comments may be submitted beginning November 4, 2011 and ending December 19, 2011. All written comments received which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications of the original proposal which appears on the attached amendment in double underlined text "underlined" for additions, and double strikethrough text "~~strikethrough~~" for deletions.

Changes to the modified proposal include the following:

- Section 4075: Reference to Business and Professions Code Section 12211 was removed to reflect the lack of a nexus between certain weighing and measuring devices and the fee.
- Section 4075(e): The subsection was changed to recognize the \$1,000 cap on fees provided for in Business and Professions Code Section 12240(n) and to allow the county office of weights and measures to retain all the fees collected pursuant to this cap.
- Section 4075 Table A: The Table was changed to better classify scales by weight capacity rather than type of scale and to ensure the fees only applied to commercial weighing, measuring and counting devices. This change reduced the fees to be collected for each device.

These documents, in addition to the rulemaking file which contains all written comments on the original proposal, are available for public inspection at the Division between the hours of 8:00 a.m. and 4:30 p.m. Inquires about this action may be directed to:

David R. Lazier, Assistant Director  
Division of Measurement Standards  
6790 Florin Perkins Road, Suite 100  
Sacramento, CA 95828  
(916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS

11/03/2011  
Date

  
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Kristin J. Macey, Director