

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections**

**Division 8
California Prison Industry Authority**

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801, 2808, and 2809 in order to implement, interpret and make specific Penal Code Sections 2801, 2808, and 2809, propose to adopt Section 8106.1 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Substance Abuse Testing.

PUBLIC HEARING:

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than June 5, 2016.

PUBLIC COMMENT PERIOD:

The public comment period will close, **June 20, 2016 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSON:

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

**Dawn Eger, Legal Analyst
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**John Chimienti, Assistant to General Counsel
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711**

AUTHORITY AND REFERENCE

Penal Code (PC) section 2801 provides CALPIA's purpose as an agency and its implied rulemaking authority.

PC section 2808 provides the PIB with the authority to approve CALPIA's rulemaking proposals concerning personnel.

PC section 2809 provides CALPIA and the PIB with the authority to adopt regulations concerning policies and practices concerning personnel.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW:

The proposed adoption of Section 8106.1 will allow CALPIA to test its employees for additional substances that are not currently regulated by California Department of Human Resources (CalHR). It is necessary to deter and/or detect employee substance abuse for the following reasons:

- Protect and maintain CALPIA's purpose as an agency
- Prevent serious risk of human injury or property damage
- Avoid cost of government to the taxpayers of California
- Prevent negative impact on well-being and productivity
- Fulfill citizens' and civil servants' duties
- Assist CalHR to achieve drug-free workplaces

The proposed amendments will be vetted through the public process of the PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB will vote on these proposed regulations at their Board Meeting on June 30, 2016. Upon approval, the PIB's Record of Vote and applicable portion of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

During the process of developing these regulations and amendments, CALPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing laws and regulations.

Local Mandates:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

Fiscal Impact Statement:

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630:	None
Cost or savings to any state agency:	None
Other nondiscretionary cost or savings imposed on local agencies:	None
Cost or savings in federal funding to the State:	None

Effect on Housing Costs:

The CALPIA has made an initial determination that the proposed action will have no significant effect on housing costs.

Significant Statewide Adverse Economic Impact On Business:

The CALPIA has initially determined that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because the jobs are not affected by the internal management of CALPIA employees.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by the internal management of CALPIA employees.

BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed regulatory action will protect and maintain CALPIA's purpose as an agency, prevent serious risk of human injury or property damage and avoid cost of government to the taxpayers of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

The CALPIA is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of CALPIA employees.

ALTERNATIVES DETERMINATION STATEMENT

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the proposed regulatory action.

Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

AVAILABILITY OF: PROPOSED TEXT **INITIAL STATEMENT OF REASONS** **MATERIALS RELIED UPON**

The Proposed Text, Initial Statement of Reasons, and Materials Relied Upon has been placed in the rulemaking file and is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If the CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. The CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website: www.calpia.ca.gov.