

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 Government Code (GC) Sections 12838 and 12838.6, and Penal Code (PC) Section 2800 et seq. in order implement, interpret and make specific PC Sections 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808 and 2811 proposes to adopt Chapter 1, Article 1, Sections 8000, 8001 and 8002 of the California Code of Regulations (CCR), Title 15, Division 8 concerning CALPIA rules and regulations and the scope of authority of CALPIA and PIB.

PUBLIC HEARING:

Date and Time: August 28, 2009 – 10:00 am to 11:30 am
Place: CALPIA Showroom and Conference Center
1901 Broadway
Sacramento CA, 95818
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period will close, August 28, 2009 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; by fax at (916) 358-1610; or by e-mail at PIAregs@pia.ca.gov before the close of the comment period.

CONTACT PERSON:

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

Ann Cunningham
Regulation and Policy Manager
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711

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

Lynn Braydis
Legal Secretary
California Prison Industry Authority
Telephone (916) 358-1711

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 under the authority of the PIB has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS:

The CALPIA under the authority of the PIB has initially determined that the proposed regulations 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.

EFFECT ON SMALL BUSINESSES:

The CALPIA under the authority of the PIB has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION:

The CALPIA under the authority of the PIB has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES:

The CALPIA under the authority of the PIB must determine that no reasonable alternative considered by the CALPIA, or that has otherwise been identified and brought to the attention of the CALPIA, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:

The CALPIA under the authority of the PIB has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website <http://www.pia.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.

AVAILABILITY OF CHANGES TO PROPOSED TEXT:

After considering all timely and relevant comments received, the PIB may adopt the proposed regulations substantially as described in this Notice. If the CALPIA under the authority of the PIB 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 adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CALPIA under the authority of the PIB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

Pursuant to Government Code (GC) Sections 12838 and 12838.6, and Penal Code (PC) Section 2800 et seq., the CALPIA is within the California Department of Corrections and Rehabilitation; however, the CALPIA continues in existence and retains existing functions, powers, responsibilities, and jurisdiction, except as expressly provided otherwise in statute.

PC Section 2801 authorizes the CALPIA to develop and operate industrial, and service enterprises; to create and maintain working conditions within the enterprises as much like those which prevail in private industry, to assure prisoners employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills; and to operate a work program for prisoners which is self-supporting by generated sufficient funds from the sale of products and services.

PC Section 2808 authorizes the PIB's continued existence, therein maintaining the ability to exercise its duties, and have all of the powers and do all of the things that the board of directors of a private corporation would do, except as specifically limited in this section, specifically (a) through (k).

The CALPIA and the PIB have implied rulemaking authority to adopt regulations to implement, interpret or make specific the laws enforced or administered by CALPIA, or to govern its procedures.

This action proposes the adoption of text as follows:

- The definition section is established for clarity, consistency and ease of reference for commonly used terms within Division 8 of the Title 15.
- The adoption of the initial chapter of the new Division 8, Chapter 1 Rules and Regulations of the California Prison Industry Authority, specifically sections 8001 and 8002 makes specific PC 2800, et seq. and establishes the scope of authority of the CALPIA and the PIB in order to interpret and make specific their policies and procedures that apply to CALPIA and have been approved by the PIB.
- This action will ensure these provisions provide the CALPIA and the PIB with the authority and direction to carry out their purpose as specified in PC Section 2800, et seq.
- These regulations further provide a clear reference by staff, inmates, and the public in general specific to the operation of CALPIA enterprises.