Commission on Peace Officer Standards and Training
1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: **March 9, 2007**

Bulletin: **No. 2007-05**

Subject: **Notice of Proposed Regulatory Action – Participation in the POST Program: Replace Regulation 1010 with Regulations 9030 and 9031**

At its January 2007 meeting, the Commission on Peace Officer Standards and Training (POST) approved proposed amendments to replace Regulation 1010 with Regulation 9030, POST Program Participation, and Regulation 9031, POST Public Safety Dispatcher Program Participation. These amendments are a part of a project to rewrite and to reformat Commission regulations and procedures in support of Objective C-4 of the *POST Strategic Plan 2006 Moving in Bold Directions*. The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing.

Go to www.post.ca.gov/RegulationNotices/RegulationNotices.asp to access these related documents:

POST Bulletin and Notice of Proposed Regulatory Action
Text of Proposed Regulatory Action
Initial Statement of Reasons

Please direct inquiries about this proposed regulatory action to Anna DelPorto, at the Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Anna.DelPorto@post.ca.gov, by telephone at 916.227.4854, or by FAX at 916.227.5271. Patricia Cassidy is the back-up contact person; Patricia is available by telephone at 916.227.4847, or by email at Patti.Cassidy@post.ca.gov

HAL SNOW
Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Participation in the POST Program
Regulation 1010 Replaced by Regulations 9030 and 9031

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend Regulation 1010**, Participation in the POST Program,** in Title 11, Division 2 of the California Code of Regulations (CCR). Regulation 1010 is being replaced with Regulation 9030, POST Program Participation, and 9031, POST Public Safety Dispatcher Program Participation, in Title 11, Division 9, Chapter 3 of the CCR (a newly-assigned section of the CCR for reformatted Commission regulations).

The proposed changes are made pursuant to the authority vested by Penal Code §13503 (Commission on POST powers) and §13506 (Commission on POST authority to adopt regulations). Implementation of this proposal will interpret, implement, and make specific Penal Code §13503 (c)-(g) (secure cooperation and carry out duties and responsibilities), and §13520, §13521, §13522, §13523, §13524, §13525, §13526, §13526.1, and §13526.2 (application requirements and aid to local governments).

Public Comments Due by April 23, 2007

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on April 23, 2007. Please send written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.5271.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Informative Digest/Policy Statement Overview

POST is incrementally improving Commission regulations and procedures through rewriting and reformatting the current regulations and procedures in a more clear, logical, and user-friendly style. The reformatting project fulfills Objective C-4 of the *POST Strategic Plan 2006 Moving in Bold Directions.*

The proposed changes are a reformatting of current Regulation 1010, which becomes two regulations -- Regulation 9030 POST Program Participation, and 9031 POST Public Safety Dispatcher Program Participation. Currently, Commission Regulation 1010 addresses the program participation requirements for agencies who wish to participate for services and benefits for their peace officers and their dispatchers. The proposed changes separate these requirements into two separate programs and two separate regulations. Minor changes will improve the clarity, consistency, and accuracy of referenced sections. These changes have no impact on participating departments.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission

will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847, or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007-05. The rulemaking file, which contains the above-mentioned documents and all information upon which POST is basing this proposal, will be available for inspection during the Commission's normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- Non-Discretionary Costs/Savings to Local Agencies: None

- Local Mandate: None

- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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 of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would not affect housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct inquiries or comments about this proposed regulatory action to Anna DelPorto, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.7083, by FAX at 916.227.5271, or by email at Anna.DelPorto@post.ca.gov. The back-up contact person is Patricia Cassidy; Patricia is available by telephone at 916.227.4847, or by email at Patti.Cassidy@post.ca.gov.