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

Date: December 30, 2010

Bulletin: No. 2010-14

Subject: **Notice of Proposed Regulatory Action – Revision of Certificate Application Attestation Language, Regulations 9070 - 9078**

At the October 28, 2010, meeting, the Commission approved proposed amendments to five certificate application forms. These amendments are being submitted to provide consistency and uniformity to the attestation language on the five forms. The certificate application forms are cited in Section F, Chapter 7 of the POST Administrative Manual (PAM), regulations 9070 through 9078.

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. The following related information is available on the POST website http://www.post.ca.gov/regulatory-actions.aspx.

- 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 Patti Kaida, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271. Darla Engler is the back-up contact person for this proposal. Ms. Engler is available by telephone at (916) 227-3907 or by email at Darla.Engler@post.ca.gov.

PAUL A. CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Revision of Certificate Application Attestation Language
Regulations 9070 - 9078

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 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.

Public Comments Due by February 21, 2011, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

On October 28, 2010, the Commission accepted, pending Office of Administrative Law approval, amendments to the attestation language on five different application forms for professional POST certificates. The current attestation language is not consistent and not uniform. These forms are cited in the POST Administrative Manual (PAM), Section F, Chapter 7, Regulations 9070 through 9078. A committee of the POST Leadership Team was formed to review and recommend new wording. The new wording developed by the committee provides uniformity and consistency, taking into consideration the specific application requirements on each form.

Adoption of Proposed Regulations

Following 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, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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 17500 -17630 Require 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 which does not impact 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.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor 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 any inquiries or comments pertaining to the proposed action to Patti Kaida, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by fax at (916) 227-5271. Darla Engler is the contact for inquiries on the substance of the proposed revisions. Ms. Engler is available by email at Darla.Engler@post.ca.gov or by telephone at (916) 227-3907.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: http://www.post.ca.gov/regulatory-actions.aspx.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

Forms Affected

Certificate Application POST 2-116 (Rev 10/2010)
Certificate Application – Records Supervisor POST 2-117 (Rev 10/2010)
Request for Reissuance of POST Certificate POST 2-250 (Rev 10/2010)
Certificate Application – Reserve Peace Officer POST 2-256 (Rev 10/2010)
Certificate Application – Public Safety Dispatcher POST 2-289 (Rev 10/2010)