

**State of California
Office of Administrative Law**

In re:
California Prison Industry Authority

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 8122

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

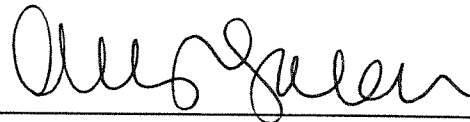
OAL Matter Number: 2021-1119-01

OAL Matter Type: Regular Resubmittal (SR)

In this regular rulemaking action, the California Prison Industry Authority adopts one section prohibiting employees from using nonpublic information at auctions.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2022.

Date: November 30, 2021



**Amy R. Gowan
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: William Davidson, Acting
General Manager**

Copy: Moira Doherty

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2021-0616-01	REGULATORY ACTION NUMBER 2021-1119-01SR	EMERGENCY NUMBER
------------------	---	---	------------------

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 30 2021

1:13 PM

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2021 NOV 19 AM 10:22

NOTICE	REGULATIONS
--------	-------------

AGENCY WITH RULEMAKING AUTHORITY
California Prison Industry Authority

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON M. Doherty		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Prohibition on Use of Nonpublic Information	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2021-0820-01 per agency request <i>all</i>
--	---

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 8122
	AMEND
	REPEAL 15

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code § 11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)	<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, § 100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> § 100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
---	--	--	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON M. Doherty	TELEPHONE NUMBER 916-413-1140	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) moira.doherty@calpia.ca.gov
--	---	-----------------------	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>William Davidson</i>	DATE 11/4/2021
TYPED NAME AND TITLE OF SIGNATORY William Davidson, General Manager (A) and Prison Industry Board Chair Delegate	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 30 2021

Office of Administrative Law

TEXT OF PROPOSED REGULATIONS

In the following text:

strikeout indicates deleted text

underlining indicates added text

Title 15. Crime Prevention and Corrections
Division 8.0 California Prison Industry Authority
Chapter 1, Article 6, Personnel

8122. Employee Prohibition on Use of Nonpublic Information at Auctions

(a) An employee shall not engage in a financial transaction involving a CALPIA auction using nonpublic information, nor allow the improper use of nonpublic information to further that employee's own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) For purposes of this section, nonpublic information is information that the employee gains by reason of state employment and that this employee knows or reasonably should know has not been made available to the general public. It includes information that this employee knows or reasonably should know:

(1) Is routinely exempt from disclosure under the California Public Records Act § 6250 et seq., or otherwise protected from disclosure by statute, Executive order or regulation;

(2) Is designated as confidential by an agency; or

(3) Has not actually been disseminated to the general public and is not

authorized to be made available to the public on request.

Authority Section 2801, 2808, and 2809 Penal Code.

Reference: Sections 2806 and 2808, Penal Code.