

Minutes Open Session	Rules and Regulations Committee Meeting	Date: August 20, 2013
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**DRAFT MINUTES TO BE APPROVED AT
NEXT COMMITTEE MEETING**

Committee members present

Capt. Steve Roberts, Chairman
Mr. Dave Connolly
Mr. John Schneider

Staff present

Allen Garfinkle, Executive Director
Dennis Eagan, Board Counsel
Sigrid Hjelle, Office Technician
Kelly Dolcini, Staff Services Analyst

Others present

Capt. Joe Long

Public present

1. Call to order and roll call

Chairman Roberts called the meeting to order at 9:30 a.m.

2. Approval of minutes of the February 26, 2013 Joint Pilot Fitness/Rules and Regulations Committee meeting

No minutes were approved, as there was an error in the agenda which identified an incorrect set of minutes to be approved.

3. Review and discuss rulemaking calendar for 2013.

Executive Director Garfinkle presented the Committee with the 2013 Rulemaking calendar and explained the purpose of the calendar and the mandate to produce one for the Office of Administrative Law each calendar year. The Committee reviewed the current calendar and identified the Board's progress on each item in relation to the projected timeline contained in the calendar. The Committee then discussed proposed additions to the next rulemaking calendar which included drafting regulations regarding how the Department of Motor Vehicles drivers license pull-notice program (mandated by SB 1408) would be addressed.

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4. **Review status of Pilot Fitness regulatory package and any comments received since the beginning of public comment period for submission (July 26, 2013).**

Committee members discussed proposed changes to pilot fitness regulations. Since the beginning of the public comment period, no comments have been received. The final date for public comment is September 9, 2013. It was suggested that a joint Rules and Regulations/Pilot Fitness Committee meeting be scheduled for a time shortly following that date to discuss any comments that may be received.

5. **Review status of Pilot Trainee Qualifications amendments (Harbors and Navigation Code section 213.) and draft any additional language necessary to advance regulations to the Office of Administrative Law. Possible recommendation to the Board to accept language change made, if any.**

The proposed pilot trainee qualifications amendment regulation package is at Agency awaiting approval before it is published for public comment. Committee members suggested that the proposed amendments could be included in the advertising for the upcoming exam so that applicants are fully aware of their scope. Board Counsel Eagan advised against advertising the changes to regulation because there is no determination of when they will be approved by the Office of Administrative Law.

6. **Review of Trainee Exam fee proposal and draft language of regulation for charging a fee for sitting for the Trainee Program entrance exam.**

The Committee discussed the proposed addition of a fee for participation in the trainee training program entrance exam and how the fee might be applied. At earlier meetings, the discussion has turned Committee had decided on \$500 for participation in the written portion and, for those that pass, an additional \$500 payable on participation in the simulator exam.

Board Counsel Eagan supplied alternative proposal for the fee, which recommended a one-time fee of \$1,000. In the alternative language, if an applicant does not participate in the written exam, the entire \$1,000 will be refunded and, if the applicant takes the written exam but not the simulator portion, then \$500 will be refunded.

Mr. Connolly noted that it is well within the purview of the Board to apply these fees and that they have been determined to be reasonable.

MOTION: Mr. Connolly moved to recommend the regulations alternative language to the Board for its approval at the August 22, 2013 meeting. Mr. Schneider seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

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7. Comments on matters not on the agenda

Mr. Miller commented that, based on his experience trying to correct a payroll issue, that we had better warn applicants to the exam that there could be a significant lag time with regard to any refunds they might have coming.

8. Proposals for next month's agenda

There were no proposals for next month's agenda.

8. Adjournment

There being no further business to come before the Committee, it adjourned at 11:04 a.m.

Prepared by: Kelly Dolcini