

Contents

1.1 SECTION 9 OF THE CALIFORNIA CONSTITUTION: UNIVERSITY OF CALIFORNIA	1
1868	3
1879	4
1918	4
1972	5
1974	6
1976	8
1.2 BILLS AND LEGISLATION.....	10
1.2.1 1993 – SB 504 – OPEN COMPENSATION MEETINGS.....	10
1.2.2 2008 – AB 2372 – COLLEGE AFFORDABILITY	10
1.2.3 2009 – SB 218 PUBLIC RECORDS.....	13
1.2.4 2009 – AB 690 – REGENT REPS ATTENDANCE	19
1.2.5 2009 – AB 69 – FEE SETTING	21
1.2.6 2009 – AB 462.....	24
1.2.7 2009 – AB 656.....	24
7.4.8 2009 – ACA 17 – SEVERANCE COI.....	32
7.4.9 2009 – SB 86 EXECUTIVE PAY FREEZE	35
7.4.10 2009 SB 219 UC WHISTLE BLOWER PROTECTION	37
7.4.11 2009 - SCA 21 LEGISLATURE & AUTONOMY.....	39

1.1 Section 9 of the California Constitution: University of California

Current

CALIFORNIA CONSTITUTION

ARTICLE 9 EDUCATION

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and

any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

1868

Organic Act

Sec. 11. Board of Regents

The general government and superintendence of the University shall vest in a Board of Regents, to be denominated the "Regents of the University of California," who shall become incorporated under the general laws of the State of California by that corporate name and style. The said Board shall consist of twenty-two members, all of whom shall be citizens and permanent residents of the State of California, as follows:

1. **First--Members ex officio.** Of the following ex officio members, namely: His Excellency the Governor; the Lieutenant-Governor, or the person acting as such; the Speaker, for the time being, of the Assembly; the State Superintendent of Public Instruction; the President, for the time being, of the State Agricultural Society; and the President, for the time being, of the Mechanics' Institute of the City and County of San Francisco;
2. **Secondly--Appointed.** Of eight other appointed members, to be nominated by the Governor, by and with the advice and consent of the Senate, who shall hold their office for the term of sixteen years; *provided*, that such members first so appointed shall be classified by lot at the first meeting of the Board of Regents, so that one of the numbers so appointed shall go out of office at the end of every successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office;
3. **Thirdly--Honorary.** Of eight additional honorary members, to be chosen from the body of the State by the official and appointed members, who shall hold their office for the term of sixteen years; *provided*, that such honorary members first so chosen shall be classified by lot, when so appointed, by the Board of Regents so appointing them, so that one of the members so chosen shall go out of office at the end of each successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office. Each member of the said Board, whether official, appointed or honorary, shall, if present, be entitled to one vote at all the meetings of said Board. The first official year, from which the terms of office shall be computed to run, shall be the first day of March, in the year eighteen hundred and sixty-eight. **Vacancies.** Vacancies in the office of appointed members of the Board, occurring in the recess of the Legislature, shall be filled for the rest of the term by appointment of the Governor. Vacancies in the office of honorary members occurring from any cause other than expiration of the term by limitation shall be filled for the rest of the term by appointment of the Board of Regents. In case the Senate shall adjourn before the Governor shall have nominated the first appointed members of

the Board of Regents under this Act, or before it shall have confirmed his nominations in their behalf, the Governor shall appoint the same by his sole act. No member of the Board of Regents, or of the University, shall be deemed a public officer by virtue of such membership, or required to take any oath of office, but his employment as such shall be held and deemed to be exclusively a private trust; and no person who at the time holds any executive office or appointment under the State shall be a member of said Board, except the Executive officers above mentioned. The Governor shall be President of the Board of Regents, and in his absence the Board shall appoint a President pro tempore.

1879

Constitution
Article IX, Section 9

The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents and in the administration of its affairs; provided, that all the moneys derived from the sale of the public lands donated to this state by act of congress, approved July second, eighteen hundred and sixty-two (and the several acts amendatory thereof), shall be invested as provided by said acts of congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said acts of congress; and the legislature shall provide that if, through neglect, misappropriation, or any other contingency any portion of the funds so set apart shall be diminished or lost the state shall replace such portion so lost or misappropriated so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the university on account of sex.

1918

November 5,
Section 9 amended

The University of California shall constitute a public trust, to be administered by the existing corporation known as The Regents of the University of California, with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its

funds. Said corporation shall be in form a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the State Board of Agriculture, the President of the Mechanics Institute of San Francisco, the President of the Alumni Association of the University and the Acting President of the University, and 16 appointive members appointed by the Governor; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The term of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this State by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

1972

June 6

Section 9 amended

(a) The University of California shall constitute a public trust, to be administered by the existing corporation known as The Regents of the University of California, with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the State Board of Agriculture, the President of the Mechanics Institute of San Francisco, the President of the Alumni Association of the University and the Acting President of the University, and 16 appointive members appointed by the

Governor and approved by the Senate, a majority of the membership concurring; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The terms of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this State by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

1974

Nov 5

Section 9 amended

(a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of seven ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor

and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit

and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

1976

Nov 2

(a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

1.2 Bills and Legislation

1.2.1 1993 - SB 504 - Open Compensation Meetings

Hayden

1.2.2 2008 - AB 2372 - College Affordability

BILL NUMBER: AB 2372 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 14, 2008

INTRODUCED BY Assembly Member Coto
(Coauthors: Assembly Members
Davis and Portantino)
(Coauthor: Senator Cedillo
)

FEBRUARY 21, 2008

An act to add Article 3.5 (commencing with Section 66026) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, and to add Section 17044 to the Revenue and Taxation Code, relating to public postsecondary education, and making an appropriation therefor, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2372, as amended, Coto. Public postsecondary education: systemwide fees: limitations: tax levy.

(1) The existing Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. The act establishes the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as 2 of the segments of public postsecondary education in this state. The act provides that it applies to the University of California only to the extent that the regents act, by resolution, to make it applicable.

This bill would establish the College Affordability Act of 2008.

The bill would limit, notwithstanding any law and commencing with the 2009-10 fiscal year, the systemwide tuition and fees charged to resident undergraduate students at the California State University and the University of California to those in effect during the 2008-09 academic year. Commencing with the 2014-15 fiscal year, the bill would limit any increase in statewide tuition and fees to the annual percentage change in the California Consumer Price Index. The bill would apply to the University of California only if the regents, by resolution, make it applicable.

The bill would create the College Affordability Funding Accountability Panel. The panel would be required to annually review the expenditure of funds received pursuant to the tax created in (2) and provide an accountability update to the public that would be posted on the California State University and University of California Internet Web sites.

(2) The Personal Income Tax Law provides for specified treatment and calculations with respect to the taxation of the income of residents, nonresidents, and part-year residents.

This bill would, in addition, for each taxable year beginning on or after January 1, 2009, impose an additional tax at the rate of 1% on that portion of a taxpayer's taxable income in excess of \$1,000,000. Revenue from the additional tax would be deposited in the General Fund. Sixty percent of these revenues would be credited to the College Affordability Fund, which the bill would create. The bill would continuously appropriate this revenue to be disbursed on an annual basis by the Legislature to the California State University and the University of California. The bill would require that the funds be used to offset increased costs of educating resident undergraduate students attending the California State University and the University of California thereby mitigating the need for increases in student tuition and fees. In the event that the provisions of the bill would not apply to the University of California, the bill would require the California State University to receive all of the revenues that would have been allocated to the University of California. This bill would provide that its provisions are severable.

(3) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 3.5 (commencing with Section 66026) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 3.5. College Affordability Act of 2008

66026. This act shall be known, and may be cited as, the College Affordability Act of 2008.

66027. The Legislature finds and declares as follows:

(a) Education is the foundation of our society and maximum efforts should be made to help all students attend college.

(b) The State of California has a historical commitment to making higher education accessible and affordable for all eligible students.

(c) California's ~~21~~ 21st century economy needs a strong public university system that is accessible and ~~that~~ affordable to all Californians and can provide an educated workforce.

(d) Student tuition and fees, at the University of California and the California State University has almost doubled in the past six years, making it much more difficult for California families to send their children to college.

(e) According to a recent study released by the Public Policy Institute of California, nearly two-thirds of Californians believe that a person must have a college education to succeed in today's workplace and that the cost of college prevents qualified, motivated students from pursuing higher education. Eighty-four percent of residents, an overwhelming share, believe college affordability is a problem.

(f) This article will help give all of California's children the opportunity to attend college by freezing statewide mandatory tuition and fees paid by resident undergraduate students at the California State University and University of California and provide additional funding for these institutions.

66028. (a) For purposes of this article, "base year" means the statewide mandatory tuition and fees paid by resident undergraduate students to attend the California State University or the University of California in the 2008-09 academic year.

(b) Notwithstanding any law, commencing with the 2009-10 fiscal year and continuing for a period of five years, there shall be no increase in systemwide tuition and fees charged to resident undergraduate students at the California State University and University of California. The systemwide tuition and fees charged to those students shall not exceed the tuition and fees in effect as of the base year. Commencing with the 2014-15 fiscal year, any increase in statewide tuition and fees charged to resident undergraduate students at the California State University and University of California shall not exceed the annual percentage change in the California Consumer Price Index.

(c) This article and Section 17044 of the Revenue and Taxation Code shall apply to the University of California only if the Regents of the University of California, by appropriate resolution, make them applicable.

66029. (a) There is hereby established the College Affordability Funding Accountability Panel. The panel shall be comprised of six members appointed by the Governor for a term of two years, including two members representing administrators, two members representing faculty, and two members representing resident undergraduate students from the California State University and University of California.

(b) The panel shall annually review the expenditure of funds that the California State University and the University of California receive pursuant to Section 17044 of the Revenue and Taxation Code. The panel shall annually provide an accountability update to the public that details the expenditure of these funds on a campus-by-campus basis for the preceding fiscal year. The

accountability update shall be posted on the California State University and University of California Internet Web sites.

SEC. 2. Section 17044 is added to the Revenue and Taxation Code, to read:

17044. (a) For each taxable year beginning on or after January 1, 2009, in addition to any other taxes imposed by this part, an additional tax shall be imposed at the rate of 1 percent on that portion of a taxpayer's taxable income in excess of one million dollars (\$1,000,000).

(b) The revenue from the additional tax imposed under subdivision (a) shall be deposited in the General Fund of the State Treasury. Sixty percent of these revenues shall be credited to the College Affordability Fund, which is hereby created. These funds are hereby continuously appropriated to be disbursed on an annual basis by the Legislature to the California State University and University of California for the purposes of The College Affordability Act of 2008 (Article 3.5 (commencing with Section 66026) of Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code). The funds shall be used to offset increased costs of educating resident undergraduate students attending the California State University and University of California mitigating the need for other unnecessary increases in student tuition and fees. Costs eligible for funding shall include, but need not be limited to, the funding of student instructional materials, new technology, student scholarships and grants, libraries, campus safety improvements, and faculty salaries.

(c) The ratio of revenues allocated to the California State University and University of California pursuant to this section shall be the same ratio of the resident undergraduate statewide mandatory fee revenue collected by the California State University to the University of California in the 2006-07 academic year.

(d) In the event that the Regents of the University of California do not pass a resolution pursuant to subdivision (c) of Section 66028 of the Education Code, the University of California shall receive no revenues provided pursuant to this section. In this event, the California State University shall receive all of the revenues that would have been allocated to the University of California.

(e) The funding established pursuant to the College Affordability Act of 2008 shall be used to supplement, and not supplant, existing levels of federal, state, and local funding for the California State University or the University of California.

(f) Moneys in the College Affordability Fund shall not be used for any purpose other than the purposes authorized pursuant to the College Affordability Act of 2008 and shall not be loaned to any other public entity or fund of that entity.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

1.2.3 2009 - SB 218 Public Records

BILL NUMBER: SB 218 ENROLLED
BILL TEXT

PASSED THE SENATE SEPTEMBER 8, 2009
PASSED THE ASSEMBLY SEPTEMBER 3, 2009
AMENDED IN ASSEMBLY SEPTEMBER 2, 2009
AMENDED IN ASSEMBLY AUGUST 26, 2009
AMENDED IN ASSEMBLY AUGUST 17, 2009
AMENDED IN ASSEMBLY JULY 14, 2009
AMENDED IN ASSEMBLY JUNE 30, 2009
AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE MAY 20, 2009
AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 27, 2009

INTRODUCED BY Senator Yee
(Coauthors: Senators Calderon, DeSaulnier, Dutton, and Runner)
(Coauthors: Assembly Members Beall, DeVore, Furutani, Nielsen,
Portantino, Silva, Smyth, Torrico, and Tran)

FEBRUARY 23, 2009

An act to amend Sections 72670, 72670.5, and 89901 of, and to add Section 92034 to, the Education Code, and to amend Section 6252 of, and to add Section 6254.30 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 218, Yee. Public records: state agency: auxiliary organizations.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. The act defines the terms "local agency" and "state agency" for purposes of the act.

This bill would revise the definition of the term "local agency" to additionally include specified auxiliary organizations established for the purpose of providing support services and specialized programs for the general benefit of a community college.

This bill would revise the definition of the term "state agency" to additionally include specified auxiliary organizations and other specified entities.

The bill would exempt from disclosure under the California Public Records Act the names of individuals who donate to specified entities if those individuals request anonymity. However, the bill would provide that this exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

This bill would also provide that it is the intent of the Legislature to reject the court's interpretation of state law regarding the application of the act to auxiliary organizations, such as the CSU Fresno Association, at issue in California State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810. The bill would also provide that it is the intent of the Legislature that specified organizations be included in the

definition of "state agency" solely for the purposes of the California Public Records Act.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 72670 of the Education Code is amended to read:

72670. The governing board of a community college district may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of its college or colleges. As used in this article, "auxiliary organization" may include, but is not limited to, the following entities:

(a) Any entity in which any official of a community college district participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 4 (commencing with Section 76060) of Chapter 1 of Part 47.

(c) Any entity that operates a commercial service for the benefit of a community college or district on a campus or other property of the district.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) Its purpose is to promote or assist a community college or district, or to receive gifts, property, and funds to be used for the benefit of the community college or district or any person or organization having an official relationship therewith.

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the governing board of the district, an official of the district, or selected, ex officio, from the membership of the student body or the faculty or the governing board or the administrative staff of the district.

(e) Any entity that is designated as an auxiliary organization by the district governing board.

(f) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 2. Section 72670.5 of the Education Code is amended to read:

72670.5. (a) The Board of Governors of the California Community Colleges may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of the mission of the California Community Colleges.

(b) As used in this article:

(1) "Auxiliary organization" may include, but is not limited to, the following entities:

(A) Any entity whose governing instrument provides in substance both of the following:

(i) That its purpose is to promote or assist the Board of Governors of the California Community Colleges, or to receive gifts, property, and funds to be used for the benefit of the Board of Governors of the California Community Colleges or any person or organization having an official relationship therewith.

(ii) That any of its directors, governors, or trustees are either

appointed or nominated by, or subject to, the approval of the Board of Governors of the California Community Colleges or an official of the California Community Colleges, or selected, ex officio, from the membership of the Board of Governors or the administrative staff of the California Community Colleges.

(B) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the Board of Governors of the California Community Colleges.

(2) "District governing board" includes the Board of Governors of the California Community Colleges, unless the context requires otherwise.

(c) Any agreement between the Board of Governors of the California Community Colleges and an auxiliary organization established pursuant to this section shall provide for full reimbursement from the auxiliary organization to the Board of Governors of the California Community Colleges for any services performed by the employees of the board under the direction of, or on behalf of, the auxiliary organization.

(d) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 3. Section 89901 of the Education Code is amended to read:

89901. As used in this article, the term "auxiliary organization" includes the following entities:

(a) Any entity in which any official of the California State University participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 1 (commencing with Section 89300) of Chapter 3.

(c) Any entity that operates a commercial service for the benefit of a campus of the California State University on a campus or other property of the California State University.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist any campus of the California State University, or to receive gifts, property, and funds to be used for the benefit of such campus or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of an official of any campus of the California State University, or selected, ex officio, from the membership of the student body or the faculty or the administrative staff of campus.

(e) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist the trustees of the California State University, or to receive gifts, property, and funds to be used for the benefit of the trustees of the California State University or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the trustees or an official of the California State University, or selected, ex officio, from the membership of the trustees or the administrative staff of the California State University.

(f) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the trustees.

(g) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 4. Section 92034 is added to the Education Code, to read:

92034. As used in this article, the term "auxiliary organization" includes the following entities:

(a) An entity in which an official of the University of California participates as a director as part of his or her official duties.

(b) An entity that operates a commercial service for the benefit of a campus of the University of California on a campus or other property of the University of California.

(c) An entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist any campus of the University of California, or to receive gifts, property, and funds to be used for the benefit of that campus or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to the approval of, an official of any campus of the University of California, or serve, ex officio, from the membership of the student body or the faculty or the administrative staff of a campus.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist the Regents of the University of California, or to receive gifts, property, and funds to be used for the benefit of the Regents of the University of California, or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the Regents or an official of the University of California, or serve, ex officio, from the membership of the regents or the administrative staff of the University of California.

(e) An entity that is designated by the regents as an auxiliary organization of the University of California.

(f) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 5. Section 6252 of the Government Code is amended to read:

6252. As used in this chapter:

(a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; an entity described in subdivision (b), (d), or (e) of Section 72670 of the Education Code; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

(b) "Member of the public" means any person, except a member,

agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public agency" means any state or local agency.

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

(f) "State agency" means all of the following:

(1) (A) Every state office, officer, department, division, bureau, board, and commission or other state body or agency.

(B) An organization described in subdivision (b), (d), (e), or (f) of Section 89901 of the Education Code.

(C) An organization described in subdivision (c), (d), or (e) of Section 92034 of the Education Code.

(D) An organization described in paragraph (1) of subdivision (b) of Section 72670.5 of the Education Code.

(2) "State agency" does not include those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(g) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

SEC. 6. Section 6254.30 is added to the Government Code, to read:

6254.30. Nothing in this chapter shall be construed to require disclosure of the names of individuals who donate to an entity described in paragraph (1) of subdivision (b) of Section 72670.5, Section 72670, 89901, or 92034 of the Education Code, if those individuals request anonymity. This exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

SEC. 7. It is the intent of the Legislature in enacting this act to construe and clarify the meaning and effect of existing law and to reject the court's interpretation of state law regarding the application of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) to auxiliary organizations, such as the CSU Fresno Association, at issue in California State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810.

SEC. 8. It is the intent of the Legislature in enacting this act to clarify that an organization described in paragraph (1) of subdivision (b) of Section 72670.5, Section 89901, or Section 92034 of the Education Code be included in the definition of "state agency" solely for the purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 9. The Legislature finds and declares that Section 6 of this act imposes a limitation on the public's right of access to writings of public officials and agencies within the meaning of Section 3 of

Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following finding to demonstrate the interest protected by this limitation and the need for protecting that interest: The Legislature finds and declares that in order to protect the privacy of individuals who donate to specified entities and request anonymity, it is necessary to exempt those individuals' names from disclosure.

1.2.4 2009 - AB 690 - Regent Reprs Attendance

BILL NUMBER: AB 690 ENROLLED
BILL TEXT

PASSED THE SENATE SEPTEMBER 2, 2009
PASSED THE ASSEMBLY SEPTEMBER 8, 2009
AMENDED IN SENATE AUGUST 17, 2009
AMENDED IN ASSEMBLY MAY 12, 2009

INTRODUCED BY Assembly Member Ammiano

FEBRUARY 26, 2009

An act to amend Section 66602 of, and to add Section 92022 to, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 690, Ammiano. Trustees of the California State University and Regents of the University of California: meetings.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the trustees are composed of a total of 25 members, which include 5 specified ex officio members, a representative of the alumni associations of the university, 16 members appointed by the Governor, subject to confirmation by 2/3 of the membership of the Senate, for 8-year terms, and 2 California State University students and one California State University faculty member appointed by the Governor for 2-year terms.

This bill would authorize each ex officio trustee, except the Chancellor of the California State University, to designate a person, as prescribed, to attend a meeting or meetings of the trustees in his or her absence. The bill would prohibit an ex officio trustee from designating more than one person to attend meetings of the trustees in any calendar year.

(2) Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require the membership of the board to be composed of 18 appointive members,

appointed by the Governor and approved by the Senate, and the following 7 ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, and the president and vice president of the alumni association of the university and the acting president of the university. These provisions also require the corporation to have all powers necessary or convenient for the effective administration of its trust, including the power to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise.

This bill would express legislative intent that each ex officio member of the board, to the extent authorized pursuant to those provisions of the California Constitution, designate a person to attend a meeting or meetings of the board in the member's absence.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66602 of the Education Code is amended to read:

66602. (a) (1) The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University; a representative of the alumni associations of the state university, selected for a two-year term by the alumni council, California State University, which representative shall not be an employee of the California State University during the two-year term; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.

(2) (A) Each ex officio member, except the Chancellor of the California State University, may designate a person, who is an officer or member of the same office or elective body as the member, to attend a meeting or meetings of the trustees in the member's absence. A person designated pursuant to this paragraph shall not have the power to vote on behalf of the member and shall not be counted as a member of the board for purposes of establishing a quorum. An ex officio member may designate only one person in a calendar year to attend a meeting or meetings of the trustees in the member's absence.

(B) For purposes of this paragraph, "officer or member of the same office or elective body of the member" means the following with respect to each ex officio member:

(i) Governor: a secretary of an executive agency appointed by the Governor.

(ii) Lieutenant Governor: a member of the Senate.

(iii) Superintendent of Public Instruction: an elected county superintendent of schools.

(iv) Speaker of the Assembly: a member of the Assembly.

(b) (1) Two students from the California State University, who shall have at least a junior year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor for two-year terms.

(2) In the selection of students as members of the board, the

Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the person's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the second year of his or her term of office may serve the remainder of the term.

(4) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but may not vote. During the second year of a student member's term, a student member may exercise the same right to attend meetings of the board, and its committees, and shall have the same right to vote as the members appointed pursuant to subdivision (a).

(5) Notwithstanding paragraph (4), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(c) (1) A faculty member from the California State University, who shall be tenured at the California State University campus at which he or she teaches, shall also be appointed by the Governor for a two-year term. In the selection of a faculty member as a member of the board, the Governor shall appoint the faculty member from a list of names of at least two persons furnished by the Academic Senate of the California State University.

(2) The faculty member of the board appointed by the Governor pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the faculty member of the board shall commence on July 1, and shall expire on June 30 two years thereafter.

SEC. 2. Section 92022 is added to the Education Code, to read:

92022. It is the intent of the Legislature that each ex officio member of the Regents of the University of California, to the extent authorized pursuant to Section 9 of Article IX of the California Constitution, designate a person to attend a meeting or meetings of the regents in the member's absence.

1.2.5 2009 - AB 69 - fee setting

BILL NUMBER: AB 69 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 2, 2009

INTRODUCED BY Assembly Member Duvall

DECEMBER 12, 2008

An act to ~~repeal and add Section 66025 of the Education Code,~~ add Section 66208 to the Education Code, and to add Section 13337.1 to the Government Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 69, as amended, Duvall. ~~Statewide student fee policy.~~
Postsecondary education: enrollment growth.

~~Existing~~

(1) *Existing* law provides for a public postsecondary education system in this state. This system includes the University of California, which is administered by the Regents of the University of California, and the California State University, which is administered by the Trustees of the California State University. ~~Existing law authorizes the segments of the public postsecondary education system to charge various fees to their students.~~

~~This bill would delete a provision that required the systemwide fees and tuition charged to resident undergraduate students at the University of California and the California State University to be reduced in the 1998-99 and 1999-2000 fiscal years.~~

~~The bill would require, notwithstanding any law, commencing with the 2010-11 fiscal year, the level of mandatory systemwide fees and tuition for undergraduate students at the University of California and the California State University to be set over a 4-year period in order to allow students at these institutions to budget accordingly for the entirety of their education. The bill would provide that the University of California and the California State University have the discretion to establish the set level of mandatory systemwide fees and tuition. The bill would express the intent of the Legislature that the level of student fees for undergraduate students at the University of California and the California State University also be set over a 4-year period. The bill would apply to the University of California only to the extent that the Regents of the University of California act, by resolution, to make its provisions applicable.~~

This bill would request the regents, and require the trustees to submit information regarding the number of students who graduated for the most recent academic year, and the number of students who left school without graduating, as part of the annual enrollment growth reports required by the annual Budget Act.

(2) *Existing* law requires the Governor's Budget to be submitted to the Legislature within the first 10 days of each regular session. *Existing* law requires the Governor's Budget to be prepared in

compliance with guidelines and instructions adopted by the Department of Finance.

This bill would require the department, before the submission of the Governor's Budget, to develop projections for enrollment at the University of California and the California State University that are based on the number of students expected to graduate from high school in the ensuing fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66208 is added to the Education Code , to read:

66208. (a) The Regents of the University of California are requested to, and the Trustees of the California State University shall, include in their annual enrollment reports, as required by the annual Budget Act, the following information for the most recent academic year:

(1) The number of students who graduated with a degree.

(2) The number of students who did not continue their education from the prior academic year and did not obtain a degree.

(b) The information shall be calculated and presented separately for undergraduate students and graduate students.

SEC. 2. Section 13337.1 is added to the Government Code , to read:

13337.1. Prior to the submission of the Governor's Budget to the Legislature, the Department of Finance shall develop projections for enrollment growth at the University of California and the California State University. The projections shall be based on demographic data on the projected growth in the number of high school students in the state that are expected to graduate in the ensuing fiscal year.

~~SECTION 1. Section 66025 of the Education Code is repealed.~~

~~SEC. 2. Section 66025 is added to the Education Code, to read:~~

~~66025. (a) Notwithstanding any law, commencing with the 2010 11 fiscal year, the level of mandatory systemwide fees and tuition for undergraduate students at the University of California and the California State University shall be set over a four year period in order to allow students at these institutions to budget accordingly for the entirety of their education.~~

~~(b) The University of California and the California State University shall have the discretion to establish the set level of fees and tuition established in subdivision (a).~~

~~(c) It is the intent of the Legislature that the level of student fees for undergraduate students at the University of California and the California State University also be set over a four year period to allow students to budget accordingly.~~

~~(d) No provision of this section shall apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make that provision applicable.~~

51.
52. (2) Existing law imposes various taxes, including taxes on the
53. privilege of engaging in certain activities. The Fee Collection
54. Procedures Law, the violation of which is a crime, provides
55. procedures for the collection of certain fees and surcharges.

56. This bill would impose an oil and gas severance tax ,
57. on and after January 1, 2010, upon any producer for the privilege of
58. severing oil or gas from the earth or water in this state for sale,
59. transport, consumption, storage, profit, or use, as provided, at a
60. specified rate of 9.9% of the gross product . The tax
61. would be administered by the State Board of Equalization, and would
62. be collected pursuant to the procedures set forth in the Fee
63. Collection Procedures Law. The bill would require the board to
64. deposit all tax revenues, penalties, and interest collected pursuant
65. to these provisions, except as specified, in the California Higher
66. Education Fund.

67. Because this bill would expand application of the Fee Collection
68. Procedures Law, the violation of which is a crime, it would impose a
69. state-mandated local program.

70. (3) This bill would result in a change in state taxes for the
71. purpose of increasing state revenues within the meaning of Section 3
72. of Article XIII A of the California Constitution, and thus would
73. require for passage the approval of 2/3 of the membership of each
74. house of the Legislature.

75. (4) The California Constitution requires the state to reimburse
76. local agencies and school districts for certain costs mandated by the
77. state. Statutory provisions establish procedures for making that
78. reimbursement.

79. This bill would provide that no reimbursement is required by this
80. act for a specified reason.

81. ~~(5) This bill would take effect immediately as a tax~~
82. ~~levy.~~

83. (5) This bill would declare that it is to take effect immediately
84. as an urgency statute.

85. Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
86. State-mandated local program: yes.

87.
88.

89. THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

90.

91. SECTION 1. The Legislature hereby finds and declares all of the
92. following:

93. (a) A recent study by the Public Policy Institute of California
94. stated that California's need for college-educated workers is
95. outpacing the state's ability to produce them, and that gap is
96. expected to widen in the future.

97. (b) Forty-one percent of California workers will need a bachelor's
98. degree to meet the state's projected economic demand in the year
99. 2025 if current trends continue, yet changes in the California
100. workforce make it unlikely that this demand will be met.

101. (c) The percentage of college-educated workers has increased
102. significantly in recent years, from 28 percent in 1990 to 34 percent
103. in 2006, but *the rate of increase* is expected to slow
104. because people between 50 years of age and 64 years of age currently
105. have the highest levels of education, and that group will reach
106. retirement age by 2025.

107. (d) Groups such as Latinos will make up 40 percent of the state's

108. labor force by 2020, but only 12 percent of Latinos are on pace to
109. hold a bachelor's degree by that date.

110. (e) As the growth *in the number* of college-educated
111. workers slows, the supply of workers with a high school diploma or
112. less education is projected to exceed economic demand, resulting in
113. lower wages and fewer job opportunities for those workers, and
114. resulting in higher wages for college-educated workers as demand for
115. their skills increases.

116. (f) The lack of an educated workforce will deny the state the
117. ability to draw upon the critical resources that are necessary to
118. assist with the state's current economic crisis and to support future
119. economic growth.

120. (g) The current budget proposals will jeopardize the enrollment of
121. 10,000 students into the California State University system.

122. SEC. 2. It is the intent of the Legislature that this act provide
123. additional sources of higher education funding in order to keep up
124. with the growing demand for a skilled labor force.

125. SEC. 3. Chapter 8 (commencing with Section 99500) is added to Part
126. 65 of Division 14 of Title 3 of the Education Code, to read:

127. CHAPTER 8. THE CALIFORNIA HIGHER EDUCATION ENDOWMENT

128. CORPORATION

129.

130.

131.

132. Article 1. General Provisions

133.

134.

135. 99500. As used in this chapter, the following terms have the
136. following meanings:

137. (a) "Board" means the oversight board described in subdivision (a)
138. of Section 99505.

139. (b) "Corporation" means the California Higher Education Endowment
140. Corporation established pursuant to Section 99502.

141. (c) "Director" means the chief executive officer of the
142. corporation appointed pursuant to Section 99506.

143. (d) "Fund" means the California Higher Education Fund established
144. pursuant to Section 42147 of the Revenue and Taxation Code.

145. (e) "Green collar job" means a job in the renewable energy field,
146. including a job in the renewable energy manufacturing, construction,
147. installation, maintenance, or operation sectors.

148. (f) "Public postsecondary education institution" means the
149. California Community Colleges, the California State University, and
150. the University of California.

151. 99502. The California Higher Education Endowment Corporation is
152. hereby established for purposes of implementing this chapter.

153.

154. Article 2. Oversight Board

155.

156.

157. 99505. (a) (1) The corporation shall be governed by an oversight
158. board, which shall be composed of the following voting members:

159. (A) Two members appointed by the Board of Trustees of the
160. California State University.

161. (B) Two members appointed by the Regents of the University of
162. California.

163. (C) Two members appointed by the Senate Committee on Rules.

164. (D) Two members appointed by the Speaker of the Assembly.

~~165.~~ (E) One member appointed by the Treasurer.
~~166.~~ ~~(2) (A) At least one member appointed pursuant to paragraph (1)~~
~~167. shall be a student enrolled in a public postsecondary educational~~
~~168.~~
169. (F) One member appointed by the Chancellor of the California
170. Community Colleges.
171. (G) One member who is a student
172. enrolled in a public postsecondary educational institution at
173. the time of the ~~appointment, and~~ appointment.
174. The member appointed pursuant to this subparagraph shall be
175. enrolled in a public postsecondary educational institution for the
~~176.~~ duration of his or her term, which shall be two years.
177. ~~(B)~~
178. (2) (A) At least one member
~~179.~~ appointed pursuant to paragraph (1) shall be a ~~member of the~~
180. ~~faculty employed by~~ nonmanagement employee of
~~181.~~ the California State University.
182. ~~(C)~~
183. (B) At least one member appointed pursuant to paragraph
184. (1) shall be a ~~member of the faculty employed by~~
185. nonmanagement employee of the University of California.
186. (b) The oversight board shall also include the following ex
187. officio, nonvoting members:
188. (1) The Chancellor of the California State University.
189. (2) The President of the University of California.
190. (3) The Chancellor of the California Community Colleges.
191. (c) The Legislature requests that the Regents of the
192. University of California and the President of the University of
193. California ~~to~~ comply with the membership
194. requirements in subparagraph (B) of paragraph (1) of subdivision (a)
195. and paragraph (2) of subdivision (b).
~~196.~~ (d) Except as specified in subparagraph ~~(A) of paragraph~~
197. ~~(2)~~ (G) of paragraph (1) of subdivision (a),
198. each of the members identified in subdivisions (a) and (b) shall be
199. appointed to serve a term of four years.
200. (e) The members of the board shall annually select a member to
201. serve as the chairperson of the board.
202. 99506. (a) The board shall appoint a director, who shall be the
203. chief executive officer of the corporation. This position is
204. designated as a confidential position and is exempt from civil
205. service under subdivision (e) of Section 4 of Article VII of the
206. California Constitution.
207. (b) The director shall serve at the pleasure of the board.
208. (c) The board may delegate to the director any power, duty,
209. purpose, function, or jurisdiction that the board may lawfully
210. delegate, including the authority to enter into and sign contracts on
211. behalf of the corporation.
212. (d) The director may delegate to his or her designee any power,
213. duty, purpose, or jurisdiction that may be lawfully delegated.
214. 99508. The board may adopt regulations necessary to implement its
215. powers and duties under this chapter.
216.
217. Article 3. Powers and Duties of the California Higher
218. Education Endowment Corporation
219.
220.
221. 99510. The corporation may hire employees as it deems necessary

222. to implement this chapter.

223. 99512. (a) The corporation shall annually allocate the moneys in
224. the California Higher Education Fund as follows:

225. ~~(1) An amount not to exceed _____ percent of the moneys in the fund~~
226. ~~to the California Community Colleges for all of the following~~
227. ~~purposes:~~

228. ~~(A) Curriculum supporting California's leadership in the~~
229. ~~development of renewable energy technologies and the creation of~~
230. ~~green collar jobs.~~

231. ~~(B) Career technical education and advancement programs in~~
232. ~~renewable energy manufacturing, construction, installation,~~
233. ~~maintenance, and operation.~~

234. ~~(2) Moneys remaining in the fund after the allocation pursuant to~~
235. ~~paragraph (1) shall be annually allocated as follows:~~
236.

237. ~~(A) _____ percent to the California State University.~~
238.

239. ~~(B) _____ percent to the University of California.~~
240.

241. ~~(b) Nothing in this section shall cause state expenditures for~~
242. ~~postsecondary education from all other sources to be reduced below~~
243. ~~the expenditures provided from those sources prior to the~~
244. ~~establishment of the fund.~~

245. *(1) Sixty percent to the California State University.*

246. *(2) Thirty percent to the University of California.*

247. *(3) Ten percent to the California Community Colleges.*

248. *(b) Nothing in this section shall cause appropriations for*
249. *postsecondary education to be reduced below the amount appropriated*
250. *by the Legislature during the fiscal year immediately preceding the*
251. *establishment of the fund.*

252. 99514. (a) The board has exclusive control of the investment of
253. the fund. Except as otherwise restricted by the California
254. Constitution and by law, the board may, in its discretion, invest the
255. assets of the fund through the purchase, holding, or sale of any
256. investment, financial instrument, or financial transaction, if the
257. investment, financial instrument, or financial transaction is prudent
258. in the informed opinion of the board.

259. (b) The board may itself make any investment authorized by law or
260. sell any security, obligation, or real property in which moneys in
261. the fund are invested, by affirmative vote of a majority of the
262. board, or by the same affirmative vote, may from time to time adopt
263. an investment resolution that shall contain detailed guidelines by
264. which to designate the securities and real property that are
265. acceptable for purchase or sale. While the resolution is in effect,
266. securities and real property may be purchased for investment by an
267. officer or employee of the board designated by it for that purpose,
268. and sales of securities may be consummated by the officer or employee
269. under the conditions prescribed. Purchases and sales of securities
270. shall be reported to the board, on a monthly basis, at its next
271. regular meeting.

272. (c) Any investment transaction decisions made during a closed
273. session pursuant to paragraph (16) of subdivision (c) of Section
274. 11126 of the Government Code shall be by rollcall vote entered into
275. the minutes of that meeting. The board, within 12 months of the close
276. of an investment transaction or the transfer of system assets for an
277. investment transaction, whichever occurs first, shall disclose and
278. report the investment transaction at a public meeting.

279. (d) In addition to the other investments authorized by this
280. article, the board may invest in real estate, leases of real estate,
281. and improvements on real estate for business or residential purposes
282. as an investment for the production of income.

283. SEC. 4. Part 21 (commencing with Section 42001) is added to
284. Division 2 of the Revenue and Taxation Code, to read:

285.

286. PART 21. Oil And Gas Severance Tax Law

287.

288.

289. 42001. This part shall be known, and may be cited, as the Oil and
290. Gas Severance Tax Law.

291. 42002. For purposes of this part, the following definitions shall
292. apply:

293. (a) "Board" means the State Board of Equalization.

294. (b) "California Higher Education Fund" or "CHEF" means the account
295. that is created by Section 42147 for purposes of depositing proceeds
296. generated from the taxes levied pursuant to this part to fund
297. instruction for higher education.

298. (c) "Gas" means all natural gas, including casing head gas, and
299. all other hydrocarbons not defined as oil in subdivision (g).

300. (d) "Green collar jobs" means jobs in the renewable energy field,
301. including within California's renewable energy manufacturing,
302. construction, installation, maintenance, and operation sectors.

303. (e) "Gross value" means the sale price at the mouth of the well,
304. including any bonus, premium, or other thing of value, paid for the
305. oil or gas, as determined by a rolling 30-day average daily value
306. , as established by the market price of the product. The
307. board shall determine the base indexes from which the average shall
308. be calculated. If the oil or gas is exchanged for something other
309. than cash, if there is no sale at the time of severance, or if the
310. relation between the buyer and the seller is such that the
311. consideration paid, if any, is not indicative of the true value or
312. market price, then the board shall determine the value of the oil or
313. gas subject to the tax based on the cash price paid to the producer
314. for like quality oil or gas in the vicinity of the well.

315. (f) "Higher education" means the California Community Colleges,
316. the California State University, and the University of California.

317. (g) "Oil" means petroleum, or other crude oil, condensate, casing
318. head gasoline, or other mineral oil that is mined, produced, or
319. withdrawn from below the surface of the soil or water in this state.

320. (h) "Producer" means any person who takes oil or gas from the
321. earth or water in this state in any manner; any person who owns,
322. controls, manages, or leases any oil or gas well in the earth or
323. water of this state; any person who produces or extracts in any
324. manner any oil or gas by taking it from the earth or water in this
325. state; any person who acquires the severed oil or gas from a person
326. or agency exempt from property taxation under the United States
327. Constitution or other laws of the United States or under the
328. California Constitution or other laws of the State of California; and
329. any person who owns an interest, including a royalty interest, in
330. oil or gas or its value, whether the oil or gas is produced by the
331. person owning the interest or by another on his, her, or its behalf
332. by lease, contract, or other arrangement.

333. (i) "Product" means either a barrel of oil, which means 42 United
334. States gallons of 231 cubic inches per gallon computed at a
335. temperature of 60 degrees Fahrenheit or gas, as measured per thousand

336. cubic feet (Mfc) at a base pressure of 15.025 pounds per square inch
337. absolute and at a temperature base of 60 degrees Fahrenheit.

338. (j) "Production" means the total gross amount of oil or gas
339. produced, including the gross amount thereof attributable to a
340. royalty or other interest.

341. (k) "Severed" or "severing" means the extraction or withdrawing
342. from below the surface of the earth or water of any oil or gas,
343. regardless of whether the extraction or withdrawal shall be by
344. natural flow, mechanical flow, forced flow, pumping, or any other
345. means employed to get the oil or gas from below the surface of the
346. earth or water, and shall include the extraction or withdrawal by any
347. means whatsoever of oil or gas upon which the tax has not been paid,
348. from any surface reservoir, natural or artificial, or from a water
349. surface.

350. (l) "Stripper well" means a well that has been certified by the
351. board as an oil well incapable of producing an average of more than
352. 10 barrels of oil per day during the entire taxable month. Once a
353. well has been certified as a stripper well, that stripper well shall
354. remain certified as a stripper well until the well produces an
355. average of more than 10 barrels of oil per day during an entire
356. taxable month.

357. 42010. On and after January 1, 2010, there is hereby imposed an
358. oil and gas severance tax upon any producer for the privilege of
359. severing oil or gas from the earth or water in this state for sale,
360. transport, consumption, storage, profit, or use. The tax shall be
361. applied equally to all portions of the gross value of the product and
362. shall be imposed at the rate of 9.9
363. percent of the gross product.

364. 42011. Except as otherwise provided in this part, the tax shall
365. be upon the entire production in this state, regardless of the place
366. of sale or to whom sold or by whom used, or the fact that the
367. delivery may be made to points outside the state.

368. 42012. (a) The tax imposed by this part
369. shall be in addition to any other tax that may be imposed with
370. respect to the severing of oil or gas or transactions related
371. thereto, including, without limitation, any ad valorem taxes imposed
372. by the state, or any ~~of its political subdivisions~~
373. *political subdivision of the state*, or any local
374. business license taxes that may be incurred as a privilege of
375. severing oil or gas from the earth or water or doing business in that
376. locality. There shall be no exemption from payment of an ad valorem
377. tax related to equipment, material, or property by reason of the
378. payment of the gross severance tax pursuant to this part.

379. (b) *For purposes of this section, "political subdivision of the*
380. *state" includes any local public entity, as defined in Section 900.4*
381. *of the Government Code.*

382. 42013. The tax imposed by this part shall not be passed through
383. to consumers by way of higher prices for oil, natural gas, gasoline,
384. diesel, or other oil or gas consumable byproducts, such as propane
385. and heating oil. The board shall monitor and, if necessary,
386. investigate any instance where producers or purchasers of the oil or
387. gas have attempted to gouge consumers by using the tax as a pretext
388. to materially raise the price of oil, natural gas, gasoline, diesel,
389. or other oil or gas consumable byproducts, such as propane and
390. heating oil.

391. 42014. Two or more producers that are corporations and are owned
392. or controlled directly or indirectly, as defined in Section 25105, by

393. the same interests shall be considered as a single producer for
394. purposes of application of the tax prescribed in this part.
395. 42015. There shall be exempted from the imposition of the oil and
396. gas severance tax imposed pursuant to this part, oil or gas produced
397. by a stripper well in which the average value of oil or gas is less
398. than three-quarters of the average gross value of the product as of
399. January 1 of the prior year.
400. 42016. There shall be exempted from the imposition of the oil or
401. gas severance tax imposed pursuant to this part, all oil or gas owned
402. or produced by any political subdivision of this state, including
403. that political subdivision's proprietary share of oil or gas produced
404. under any unit, cooperative, or other pooling agreement. For
405. purposes of this section, "political subdivision of the state"
406. includes any local public entity, as defined in Section 900.4 of
407. the Government Code.
408. 42020. The tax imposed by this part is due and payable to the
409. board quarterly on or before the last day of the month next
410. succeeding each calendar quarter.
411. 42022. The board may prescribe those forms and reporting
412. requirements as are necessary to implement the tax, including, but
413. not limited to, information regarding the location of the well by
414. county, the gross amount of oil or gas produced, the price paid
415. therefor, the prevailing market price of oil or gas, and the amount
416. of tax due.
417. 42112. In all proceedings under this part, the board may act on
418. behalf of the people of the State of California.
419. 42145. The board shall administer and collect the tax imposed by
420. this part pursuant to the Fee Collection Procedures Law (Part 30
421. (commencing with Section 55001) of Division 2). For purposes of this
422. part, the references in the Fee Collection Procedures Law to "fee"
423. shall include the tax imposed by this part and to "feepayer" shall
424. include a person required to pay the oil and gas severance tax.
425. 42146. The board shall, upon appropriation, be reimbursed for
426. expenses incurred in the administration and collection of the tax
427. imposed by this part.
~~428.~~ 42147. The California Higher Education Fund is ~~created~~
429. ~~in the General Fund~~ hereby created . Moneys in
430. the fund are continuously appropriated to the California Higher
431. Education Endowment Corporation.
432. 42168. With the exception of payments of refunds and
433. reimbursement to the board for expenses incurred in the
434. administration and collection of the tax imposed by this part, all
435. taxes, interest, penalties, and other amounts collected pursuant to
436. this part shall be deposited into the California Higher Education
437. Fund.
438. SEC. 5. No reimbursement is required by this act pursuant to
439. Section 6 of Article XIII B of the California Constitution because
440. the only costs that may be incurred by a local agency or school
441. district will be incurred because this act creates a new crime or
442. infraction, eliminates a crime or infraction, or changes the penalty
443. for a crime or infraction, within the meaning of Section 17556 of the
444. Government Code, or changes the definition of a crime within the
445. meaning of Section 6 of Article XIII B of the California
~~446.~~ Constitution.
~~447.~~ SEC. 6. ~~This act provides for a tax levy within~~
~~448.~~ ~~the meaning of Article IV of the Constitution and shall go into~~
~~449.~~ ~~immediate effect.~~

450. SEC. 6. This act is an urgency statute necessary
451. for the immediate preservation of the public peace, health, or safety
452. within the meaning of Article IV of the Constitution and shall go
453. into immediate effect. The facts constituting the necessity are:
454.
455. In order to quickly mitigate the impacts of funding reductions to
456. institutions of higher education, it is necessary that this act take
457. effect immediately.

7.4.8 2009 - ACA 17 - severance COI

458. BILL NUMBER: ACA 17 INTRODUCED

459. BILL TEXT

460.

461.

462. INTRODUCED BY Assembly Member Nestande

463.

464. MARCH 25, 2009

465.

466. A resolution to propose to the people of the State of California
467. an amendment to the Constitution of the State, by amending Section 9
468. of Article IX thereof, relating to the University of California.

469.

470.

471. LEGISLATIVE COUNSEL'S DIGEST

472.

473.

474. ACA 17, as introduced, Nestande. University of California:
475. severance and early retirement incentives.

476. The California Constitution constitutes the University of
477. California as a public trust to be administered by the Regents of the
478. University of California with full powers of organization and
479. government, subject only to specified legislative control. Existing
480. law requires the meetings of the regents to be public with exceptions
481. and notice requirements as may be provided by statute. Existing law
482. states the intent of the Legislature that any proposal relating to
483. the salary, benefits, perquisites, severance payments, as specified,
484. or retirement benefits, or any other form of compensation paid to an
485. officer of the University of California shall not become effective
486. unless notice of the meeting at which the proposal is to be
487. considered has been given to each regent and information and
488. materials regarding the proposal, including a full disclosure of the
489. fiscal impact, have been made available to each regent in advance.

490. This measure would prohibit any employee of the University of
491. California who receives any financial benefit with a value in excess
492. of \$50,000 as part of a temporary voluntary separation program, as
493. defined, from the University of California from thereafter being
494. employed by, or contracting for personal services with, the
495. university, in any compensated capacity, unless the person returns
496. the entire financial benefit.

497. Vote: 2/3. Appropriation: no. Fiscal committee: yes.

498. State-mandated local program: no.

499.
500.
501.

502. Resolved by the Assembly, the Senate concurring, That the
503. Legislature of the State of California at its 2009-10 Regular Session
504. commencing on the first day of December 2008, two-thirds of the
505. membership of each house concurring, hereby proposes to the people of
506. the State of California that the Constitution of the State be
507. amended as follows:

508. That Section 9 of Article IX thereof is amended to read:

509. SEC. 9. (a) The University of California shall constitute a
510. public trust, to be administered by the existing corporation known as
511. "The Regents of the University of California," with full powers of
512. organization and government, subject only to such legislative control
513. as may be necessary to insure the security of its funds and
514. compliance with the terms of the endowments of the university and
515. such competitive bidding procedures as may be made applicable to the
516. university by statute for the letting of construction contracts,
517. sales of real property, and purchasing of materials, goods, and
518. services. Said corporation shall be in form a board composed of seven
519. ex officio members, which shall be: the Governor, the Lieutenant
520. Governor, the Speaker of the Assembly, the Superintendent of Public
521. Instruction, the president and the vice president of the alumni
522. association of the university and the acting president of the
523. university, and 18 appointive members appointed by the Governor and
524. approved by the Senate, a majority of the membership concurring;
525. provided, however that the present appointive members shall hold
526. office until the expiration of their present terms.

527. (b) The terms of the members appointed prior to November 5, 1974,
528. shall be 16 years; the terms of two appointive members to expire as
529. heretofore on March 1st of every even-numbered calendar year, and two
530. members shall be appointed for terms commencing on March 1, 1976,
531. and on March 1 of each year thereafter; provided that no such
532. appointments shall be made for terms to commence on March 1, 1979, or
533. on March 1 of each fourth year thereafter, to the end that no
534. appointment to the regents for a newly commencing term shall be made
535. during the first year of any gubernatorial term of office. The terms
536. of the members appointed for terms commencing on and after March 1,
537. 1976, shall be 12 years. During the period of transition until the
538. time when the appointive membership is comprised exclusively of
539. persons serving for terms of 12 years, the total number of appointive
540. members may exceed the numbers specified in the ~~preceding~~
541. *preceding* paragraph.

542. In case of any vacancy, the term of office of the appointee to
543. fill such vacancy, who shall be appointed by the Governor and
544. approved by the Senate, a majority of the membership concurring,
545. shall be for the balance of the term for which such vacancy exists.

546. (c) The members of the board may, in their discretion, following
547. procedures established by them and after consultation with
548. representatives of faculty and students of the university, including
549. appropriate officers of the academic senate and student governments,
550. appoint to the board either or both of the following persons as
551. members with all rights of participation: a member of the faculty at
552. a campus of the university or of another institution of higher
553. education; a person enrolled as a student at a campus of the
554. university for each regular academic term during his service as a
555. member of the board. Any person so appointed shall serve for not less

556. than one year commencing on July 1.

557. (d) Regents shall be able persons broadly reflective of the
558. economic, cultural, and social diversity of the State, including
559. ethnic minorities and women. However, it is not intended that
560. formulas or specific ratios be applied in the selection of regents.

561. (e) In the selection of the Regents, the Governor shall consult an
562. advisory committee composed as follows: The Speaker of the Assembly
563. and two public members appointed by the Speaker, the President Pro
564. Tempore of the Senate and two public members appointed by the Rules
565. Committee of the Senate, two public members appointed by the
566. Governor, the chairman of the regents of the university, an alumnus
567. of the university chosen by the alumni association of the university,
568. a student of the university chosen by the Council of Student Body
569. Presidents, and a member of the faculty of the university chosen by
570. the academic senate of the university. Public members shall serve for
571. four years, except that one each of the initially appointed members
572. selected by the Speaker of the Assembly, the President Pro Tempore of
573. the Senate, and the Governor shall be appointed to serve for two
574. years; student, alumni, and faculty members shall serve for one year
575. and may not be regents of the university at the time of their service
576. on the advisory committee.

577. (f) The Regents of the University of California shall be vested
578. with the legal title and the management and disposition of the
579. property of the university and of property held for its benefit and
580. shall have the power to take and hold, either by purchase or by
581. donation, or gift, testamentary or otherwise, or in any other manner,
582. without restriction, all real and personal property for the benefit
583. of the university or incidentally to its conduct; provided, however,
584. that sales of university real property shall be subject to such
585. competitive bidding procedures as may be provided by statute. Said
586. corporation shall also have all the powers necessary or convenient
587. for the effective administration of its trust, including the power to
588. sue and to be sued, to use a seal, and to delegate to its committees
589. or to the faculty of the university, or to others, such authority or
590. functions as it may deem wise. The Regents shall receive all funds
591. derived from the sale of lands pursuant to the act of Congress of
592. July 2, 1862, and any subsequent acts amendatory thereof. The
593. university shall be entirely independent of all political or
594. sectarian influence and kept free therefrom in the appointment of its
595. regents and in the administration of its affairs, and no person
596. shall be debarred admission to any department of the university on
597. account of race, religion, ethnic heritage, or sex.

598. (g) Meetings of the Regents of the University of California shall
599. be public, with exceptions and notice requirements as may be provided
600. by statute.

601. (h) *Any employee of the University of California who receives any*
602. *financial benefit with a value in excess of fifty thousand dollars*
603. *(\$50,000) as part of a temporary voluntary separation program from*
604. *the University of California shall not thereafter be employed by, or*
605. *enter into a personal services contract with, the university, in any*
606. *compensated capacity, unless that person returns the entire financial*
607. *benefit to the university. For the purposes of this subdivision:*
608.

609. (1) *"Temporary voluntary separation program" means any program*
610. *that is offered for not more than three years, and that is not part*
611. *of the employee's regular compensation or retirement benefits, under*
612. *which an employee receives a financial benefit as an inducement to*

613. retire or end employment with the university.
614. (2) "Financial benefit" means anything of value, including, but
615. not limited to, money or increased retirement benefits.

7.4.9 2009 – SB 86 Executive Pay Freeze

8 BILL NUMBER: SB 217 AMENDED
9 BILL TEXT

10
11 AMENDED IN SENATE MAY 6, 2009
12 AMENDED IN SENATE APRIL 20, 2009
13

14 INTRODUCED BY Senators Yee and Romero
15 (Coauthors: Senators DeSaulnier and Denham)

16
17 FEBRUARY 23, 2009
18

19 An act to add ~~Sections 71090.3 and~~ Section
20 89500.5 to, and to add Article 2 (commencing with Section
21 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the
22 Education Code, relating to public postsecondary education.
23

24
25

26 LEGISLATIVE COUNSEL'S DIGEST

27
28

29 SB 217, as amended, Yee. Public postsecondary education: executive
30 officer compensation.

31 Existing law establishes the University of California, which is
32 administered by the Regents of the University of California, the
33 California State University, which is administered by the Trustees of
34 the California State University, and the California Community
35 Colleges, which is administered by the Board of Governors of the
36 California Community Colleges, as the 3 segments of public
37 postsecondary education in this state. Existing law authorizes the
38 regents, the trustees, and the board to employ officers and other
39 employees.

40 This bill would prohibit the trustees ~~and the board~~
41 from increasing the monetary compensation, as defined, of,
42 or approving a monetary bonus for, any executive officer, as defined,
43 of ~~their respective segments~~ the California
44 State University in any fiscal year in which the General Fund
45 appropriation to the ~~respective segment~~
46 California State University in the annual Budget Act is less
47 than, or equal to, the General Fund appropriation to ~~that~~
48 ~~segment~~ the university in the annual Budget Act
49 for the immediately preceding fiscal year. The bill would request the
50 regents to not increase the monetary compensation of, or approve a
51 monetary bonus for, any executive officer, as defined, of the
52 University of California, in any fiscal year in which the General
53 Fund appropriation to the University of California in the annual
54 Budget Act is less than, or equal to, the General Fund appropriation
55 to the university in the annual Budget Act for the immediately
56 preceding fiscal year.

57 Vote: majority. Appropriation: no. Fiscal committee: yes.
58 State-mandated local program: no.

59
60

61 THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

62

63 ~~SECTION 1.~~ Section 71090.3 is added to the
64 Education Code, to read:

65 ~~71090.3.~~ (a) The board of governors shall not increase the
66 monetary compensation of, or approve payment of a monetary bonus to,
67 any executive officer in any fiscal year in which the amount of
68 General Fund moneys appropriated to the California Community Colleges
69 in the annual Budget Act is less than, or equal to, the amount of
70 the General Fund moneys appropriated to the California Community
71 Colleges in the annual Budget Act for the immediately preceding
72 fiscal year.

73 (b) As used in this section, the following terms have the
74 following meanings:

75 (1) "Executive officer" includes, but is not limited to, the
76 Chancellor of the California Community Colleges, an executive vice
77 chancellor, a senior vice chancellor, the general counsel of the
78 colleges.

79 (2) "Monetary compensation" includes, but is not limited to, a
80 salary, a vehicle allowance, and a housing allowance.

81 (c) Subdivision (a) shall apply only to executive officers that
82 enter into or renew a contract for employment with the California
83 Community Colleges on or after January 1, 2010.

84 ~~SEC. 2.~~ SECTION 1. Section 89500.5
85 is added to the Education Code, to read:

86 89500.5. (a) The trustees shall not increase the monetary
87 compensation of, or approve payment of a monetary bonus to, any
88 executive officer in any fiscal year in which the amount of General
89 Fund moneys appropriated to the California State University in the
90 annual Budget Act is less than, or equal to, the amount of General
91 Fund moneys appropriated to the California State University in the
92 annual Budget Act for the immediately preceding fiscal year.

93 (b) As used in this section, the following terms have the
94 following meanings:

95 (1) "Executive officer" includes, but is not limited to, the
96 Chancellor of the California State University, a vice chancellor of
97 the university, an executive vice chancellor of the university, the
98 general counsel of the university, the trustees' secretary, a
99 president of a campus, and a managerial employee as defined in
100 Section 3562 of the Government Code.

101 (2) "Monetary compensation" includes, but is not limited to, a
102 salary, a vehicle allowance, and a housing allowance.

103 (c) Subdivision (a) shall apply only to executive officers that
104 enter into or renew a contract for employment with the California
105 State University on or after January 1, 2010.

106 ~~SEC. 3.~~ SEC. 2. Article 2

107 (commencing with Section 92010) is added to Chapter 1 of Part 57 of
108 Division 9 of Title 3 of the Education Code, to read:

109

110 Article 2. Executive Compensation

111

112

113 92010. (a) The Regents of the University of California are

114 requested to not increase the monetary compensation of, or approve
115 payment of a monetary bonus to, any executive officer in any fiscal
116 year in which the amount of General Fund moneys appropriated to the
117 University of California in the annual Budget Act is less than, or
118 equal to, the amount of General Fund moneys appropriated to the
119 University of California in the immediately preceding fiscal year.

120 (b) As used in this section, the following terms have the
121 following meanings:

122 (1) "Executive officer" includes, but is not limited to, the
123 President of the University of California, the chancellor of an
124 individual campus, a vice president of the university, the treasurer
125 of the university, the assistant treasurer of the university, the
126 general counsel of the university, the regents' secretary ,
127 and a managerial employee as defined in Section 3562 of the
128 Government Code.

129 (2) "Monetary compensation" includes, but is not limited to, a
130 salary, a vehicle allowance, and a housing allowance.

131 (c) Subdivision (a) shall apply only to executive officers that
132 enter into or renew a contract for employment with the University of
133 California on or after January 1, 2010.

7.4.10 2009 SB 219 UC Whistle Blower Protection

BILL NUMBER: SB 219 ENROLLED
BILL TEXT

PASSED THE SENATE AUGUST 24, 2009
PASSED THE ASSEMBLY JULY 13, 2009
AMENDED IN ASSEMBLY JUNE 26, 2009
AMENDED IN SENATE MAY 13, 2009

INTRODUCED BY Senator Yee
(Coauthor: Assembly Member Portantino)

FEBRUARY 23, 2009

An act to amend Section 8547.10 of the Government Code, relating
to improper governmental activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, Yee. Disclosure of improper governmental activities:
University of California: damages.

Existing law, the California Whistleblower Protection Act,
authorizes a University of California employee or applicant for
employment to have an available action for damages caused by
intentional acts of reprisal, retaliation, threats, or coercion only
if the university failed to reach a decision regarding a complaint
filed with a specified university officer by the injured party within
the time limits established for that purpose by the Regents of the
University of California.

This bill would also authorize an available action for damages if
the university reached a decision regarding the complaint filed with

the specified university officer and state that these provisions are not intended to prohibit an injured party from seeking a remedy if the university has not satisfactorily addressed the complaint within 18 months.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8547.10 of the Government Code is amended to read:

8547.10. (a) A University of California employee, including an officer or faculty member, or applicant for employment may file a written complaint with his or her supervisor or manager, or with any other university officer designated for that purpose by the regents, alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts for having made a protected disclosure, together with a sworn statement that the contents of the written complaint are true, or are believed by the affiant to be true, under penalty of perjury. The complaint shall be filed within 12 months of the most recent act of reprisal complained about.

(b) Any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a University of California employee, including an officer or faculty member, or applicant for employment for having made a protected disclosure, is subject to a fine not to exceed ten thousand dollars (\$10,000) and imprisonment in the county jail for up to a period of one year. Any university employee, including an officer or faculty member, who intentionally engages in that conduct shall also be subject to discipline by the university.

(c) In addition to all other penalties provided by law, any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a university employee, including an officer or faculty member, or applicant for employment for having made a protected disclosure shall be liable in an action for damages brought against him or her by the injured party. Punitive damages may be awarded by the court where the acts of the offending party are proven to be malicious. Where liability has been established, the injured party shall also be entitled to reasonable attorney's fees as provided by law. An action for damages shall be available to the injured party only if the injured party has first filed a complaint with the university officer identified pursuant to subdivision (a), and the university has either reached a decision regarding the complaint, or failed, within the time limits established by the regents, to reach a decision regarding the complaint. Nothing in this section is intended to prohibit the injured party from seeking a remedy if the university has not satisfactorily addressed the complaint within 18 months.

(d) This section is not intended to prevent a manager or supervisor from taking, directing others to take, recommending, or approving any personnel action or from taking or failing to take a personnel action with respect to any university employee, including an officer or faculty member, or applicant for employment if the manager or supervisor reasonably believes any action or inaction is justified on the basis of evidence separate and apart from the fact that the person has made a protected disclosure.

(e) In any civil action or administrative proceeding, once it has been demonstrated by a preponderance of the evidence that an activity

protected by this article was a contributing factor in the alleged retaliation against a former, current, or prospective employee, the burden of proof shall be on the supervisor, manager, or appointing power to demonstrate by clear and convincing evidence that the alleged action would have occurred for legitimate, independent reasons even if the employee had not engaged in protected disclosures or refused an illegal order. If the supervisor, manager, or appointing power fails to meet this burden of proof in an adverse action against the employee in any administrative review, challenge, or adjudication in which retaliation has been demonstrated to be a contributing factor, the employee shall have a complete affirmative defense in the adverse action.

(f) Nothing in this article shall be deemed to diminish the rights, privileges, or remedies of any employee under any other federal or state law or under any employment contract or collective bargaining agreement.

7.4.11 2009 - SCA 21 Legislature & Autonomy

BILL NUMBER: SCA 21 INTRODUCED
BILL TEXT

INTRODUCED BY Senators Yee and Ashburn
(Principal coauthors: Assembly Members Nestande and Portantino)
(Coauthor: Senator Romero)

MAY 26, 2009

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 21, as introduced, Yee. University of California.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require that corporation to have all powers necessary or convenient for the effective administration of its trust.

This measure would repeal on January 1, 2011, the constitutional provisions relating to the university and the regents and would require the university and the regents to be continued in existence subject to legislative control as may be provided by statute. The measure would require the Legislature to enact legislation to implement these provisions.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2009-10 Regular Session commencing on the first day of December 2008, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First-- That Section 9 of Article IX thereof is amended to read:

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to ~~such~~ that legislative control as may be necessary to ~~insure~~ ensure the security of its funds and compliance with the terms of the endowments of the university and ~~such~~ competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. ~~Said~~ The corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; ~~provided, however that the present appointive members shall hold office until the expiration of their present terms~~.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March ~~1st~~ 1 of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. ~~During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.~~

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which ~~such~~ that vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his or her service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the ~~Regents~~ regents , the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President ~~Pro~~ pro Tempore of the Senate and two public members appointed by ~~the Rules Committee of~~ the Senate *Committee on Rules* , two public members appointed by the Governor, the ~~chairman~~ chairperson of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President ~~Pro~~ pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct ~~→ provided, however, that~~ .
However, sales of university real property shall be subject to ~~such~~ competitive bidding procedures as may be provided by statute. ~~Said~~ The corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, ~~such~~ the authority or functions as it may deem wise. The ~~Regents~~ regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.

(h) *This section shall become inoperative on January 1, 2011, and as of that date is repealed.*

Second-- That Section 9 is added to Article IX thereof, to read:
SEC. 9. (a) The University of California is hereby continued in existence in the state government, and is subject to legislative control as may be provided by statute.

(b) The University of California shall be administered by the existing corporation known as "The Regents of the University of California," which is hereby continued in existence in the state government, and is subject to legislative control as may be provided by statute.

(c) The Legislature shall enact legislation to implement this section.

(d) This section shall become operative on January 1, 2011.