

AGENDA

COMMITTEE ON GOVERNMENTAL RELATIONS

Meeting: 2:45 p.m. Tuesday, November 8, 2005
Glenn S. Dumke Auditorium

Jeffrey L. Bleich, Chair
Melinda Guzman Moore, Vice Chair
Roberta Achtenberg
Herbert L. Carter
Carol R. Chandler
Moctesuma Esparza
Debra S. Farar
William Hauck
Ricardo F. Icaza
Corey Jackson
A. Robert Linscheid
Craig R. Smith

Consent Items

Approval of Minutes of Meeting of September 20, 2005

Discussion Items

1. 2005-2006 Legislative Report No. 6, *Action*

**MINUTES OF THE MEETING OF
COMMITTEE ON GOVERNMENTAL RELATIONS
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

September 20, 2005

Members Present

Jeffrey Bleich, Chair
Melinda Guzman-Moore, Vice Chair
Roberta Achtenberg
Herbert L. Carter
Carol R. Chandler
Debra S. Farar
Robert G. Foster
Murray L. Galinson, Chair of the Board
William Hauck
Corey Jackson
Charles B. Reed, Chancellor

Approval of Minutes

The minutes of July 20, 2005 were approved.

2005/2006 Legislative Report No. 5

Trustee Bleich introduced Ms. Karen Zamarripa, assistant vice chancellor, Advocacy and Institutional Relations, and asked her to present the report.

Ms. Zamarripa provided a short recap on the conclusion of the 2005 legislative session, indicating she would give the Board of Trustees a full report on the outcome of the session after the governor has concluded his actions on October 9.

Ms. Zamarripa noted the legislative session adjourned on September 9, 2005. She reported CSU was successful in moving all four of its sponsored bills to the governor's desk before the session's conclusion and referred to the written report for specific detail on those bills. She provided a brief verbal recap of those bills, specifically:

AB 706 (Parra) Whistleblower Protection; SB 567 ((Torlakson) Affinity Cards – Information Practices Act; SB 724 (Scott) Independent Authority for Professional Doctorates; and AB 961 (Committee on Higher Education) Omnibus Bill.

Chancellor Reed commented on the success of *SB 724 (Independent Authority for Professional Doctorates)* and expressed his gratitude to Senator Jack Scott for his tremendous efforts on

CSU's behalf. Chancellor Reed indicated his intent to invite Senator Scott to a future meeting of this board to formally thank him for his sponsorship of this legislation and getting it enacted for the state and its public schools and community colleges.

Trustee Craig Smith inquired about the status of *AB 196 (Liu) Postsecondary Education Accountability*. Ms. Zamarripa explained the bill is a two-year proposal, which the chairman of the Higher Education Committee, Carol Liu indicated, will be one of her priorities in 2006.

Chair Galinson asked why CSU has not taken a formal position on *AB 593 (Frommer) State Property: California Hope Endowment and California Hope Public Trust*. Ms. Zamarripa responded CSU has been working with both the State Treasurer (the bill sponsor) and the author to provide information and comment on the proposal and has been successful in getting CSU properties exempted from this endowment. Concurrently, there are several issues in the proposal of concern to the system resulting in CSU taking no official position on this measure to date. Chair Galinson expressed his interest in the measure and desire to discuss it further at some point in time.

Chair Galinson also inquired why no position had been taken on three other bills: AB 1088 (Oropeza), SB 96 (Murray), and SB 337 Maldonado. Ms. Zamarripa clarified the circumstances surrounding each bill resulting in the "No Official Position" status.

Trustee Herbert Carter referred to an earlier discussion in the Education Policy Committee regarding hazing and requested that the system consider developing proposed legislation on the topic for next year's legislative program.

The committee recommended approval of the proposed report (RGR 09-05-07).

COMMITTEE ON GOVERNMENTAL RELATIONS

2005-2006 Legislative Report No. 6

Presentation By

Karen Y. Zamarripa
Assistant Vice Chancellor
Advocacy and Institutional Relations

Summary

This item contains a status report on the Trustees' legislative program and priority legislation identified to date.

Trustees' Legislative Program

The following proposals comprise the Trustees' legislative program for 2005.

AB 706 (Parra): Whistleblower Protection: This proposal requires that the CSU ensure the confidentiality of whistleblowers and related information consistent with protections afforded other state employees.

Status: *Assembly Bill 706* was signed into law. Chapter 310, Statutes of 2005.

SB 569 (Torlakson) Affinity Cards – Information Practices Act: CSU and UC are joint sponsors of the bill to allow the trustees, campus alumni associations, and auxiliaries to offer benefits and services to members through affinity programs like other California nonprofit organizations and private colleges and universities.

Status: *Senate Bill 569* was signed into law. Chapter 498, Statutes of 2005.

SB 724 (Scott) Independent Authority for Professional Doctorates: This legislation would authorize CSU to offer education doctorates (Ed.D.) for K-12 and community college leaders. The bill reflects an agreement between the CSU and the University of California. The bill also recognizes the need for highly trained administrators in our public schools and community colleges to ensure student success as well as the expertise and long-standing work CSU faculty and academic leaders in this professional field.

Status: *Senate Bill 724* was signed into law. Chapter 269, Statutes of 2005.

Assembly Bill 961 (Committee on Higher Education) Omnibus Bill: The annual "omnibus" legislation contains several non-controversial and/or technical changes to the various codes. Three proposals are included in this year's omnibus bill: (1) Protection of Subcontractors in Design-Build Contracting; (2) Auxiliary Board Meeting Changes; and (3) Sale of CSU Channel Islands Property.

Status: *Assembly Bill 961* was signed into law. Chapter 318, Statutes of 2005.

Priority Bills

The CSU has been tracking a number of bills through their house of origin. At this point, many of these measures have either failed passage, or have become 2-year bills. What follows are these bill lists reflecting the status of measures of interest to the system. The first is a list of legislation that made it to the Governor's Desk, the second is a list of legislation that has become 2-year bills that we will revisit in January 2006, and the third is legislation that has failed passage.

Priority Bills Acted on by Governor

AB 76 (Frommer) Office of Pharmaceutical Purchasing: The bill would charge the California Health and Human Services Agency, Office of Pharmaceutical Purchasing with serving as the purchasing agent for prescription drugs for state agencies, including the CSU. The CSU has requested that the author amend the bill to exempt the University from the bill.

CSU Position: Oppose Unless Amended
Status: *AB 76* has been vetoed by the Governor.

AB 529 (Goldberg) California State University: Employees: Sponsored by CSUEU, this bill would allow CSU employees to make appeals regarding reasonable accommodations to the State Personnel Board (SPB). The bill would also authorize the SPB to render a decision to determine whether the trustees have complied with the pertinent requirements in that instance.

CSU Position: Oppose
Status: *AB 529* has been vetoed by the Governor.

AB 593 (Frommer) State Property: California Hope Endowment and California Hope Public Trust: This bill would establish the California Hope Public Trust to build an endowment for higher education using state real property investments and management. Recent amendments deleted CSU and its properties from use by the endowment.

CSU Position: No Official Position
Status: AB 593 has been vetoed by the Governor.

AB 708 (Karnette) California State University: Whistleblower Protection: This bill would authorize the California State University to employ an independent investigator for complaints.

CSU Position: No Official Position
Status: AB 708 has been vetoed by the Governor

AB 1088 (Oropeza) Public Postsecondary Education: Mandatory Orientation for Incoming Students: This bill would express the intent of the Legislature to, among other things, establish a mandatory prevention and education program about violence against women for all incoming students of the California Community Colleges, the California State University, and the University of California, working in collaboration with campus and community-based victim advocacy organizations.

CSU Position: No Official Position
Status: AB 1088 was signed into law. Chapter 647, Statutes of 2005.

AB 1166 (Canciamilla) Public Employees Retirement System Amendments: This bill would clarify the PERS board's ability to make appointments and fix compensation notwithstanding several provisions establishing salary limits. This bill contains other related provisions and other existing laws, including a provision that will continue to allow the CSU to bargain for the employer to pick-up member contributions for the 1959 survivor benefit who die while active and without Social Security coverage.

CSU Position: Support
Status: AB 1166 was signed into law. Chapter 328, Statutes of 2005.

SB 661 (Migden) Student Athletes Summer Scholarships. This bill would require the trustees to ensure that all California State University campuses that provide athletic scholarships for student athletes also provide some number of summer athletic scholarships commencing during the 2006 summer term.

CSU Position: No Official Position
Status: SB 661 was signed into law. Chapter 552, Statutes of 2005.

Two-Year Bills

AB 58 (Nunez) Kindergarten – University Public Education Facilities Bond Act of 2006: This bill would place an unspecified amount of general obligation bonds for K-12 and higher education facilities on the November 2006 ballot.

CSU Position: Support
Status: Referred to Assembly Education Committee - Two-year bill.

AB 196 (Liu) Postsecondary Education: Accountability: This bill would charge the California Postsecondary Education Commission with developing and administering an accountability structure for the state's system of postsecondary education.

CSU Position: Support if Amended
Status: Held on Senate Appropriations Suspense File.

AB 358 (Liu) Student Financial Aid: Cal Grant: Revises existing policy that determines the maximum Cal Grant A and B awards for students attending independent colleges and universities, provides a phase-in period for the new policy, and forms a workgroup related to issues in Cal Grant B.

CSU Position: None
Status: AB 358 is a 2-year bill on the Assembly Floor.

AB 511 (Richman) Public Employees' Retirement: This bill requires all employees hired on or after July 1, 2007 to participate in a defined contribution plan rather than the state's current defined benefit program. AB 511 also caps employer contributions to six percent of an employee's base salary, except for sworn police officers and full-time firefighters, whose employer contribution would be nine percent. The bill would permit a public agency to contribute up to an additional three percent of base salary for employees who are not covered by social security.

CSU Position: No Official Position
Status: The hearing was cancelled by a request of the author, the bill is now a two-year bill and remains in the Assembly Public Employees, Retirement and Social Security Committee.

AB 700 (Jerome Horton) Student Financial Aid: Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program: This bill would eliminate the requirements that Cal Grant entitlement recipients enter college within a year of graduating from high school and that students seeking competitive grants be under 24 years of age.

CSU Position: Support
Status: This bill is now a two-year bill and is sitting in the Assembly Higher Education Committee.

AB 701 (Nava) State Buildings: Energy and Design Criteria: This bill would, notwithstanding any other provision of law, require that all state buildings, on which construction or renovation is begun on or after January 1, 2006, attain a LEED Platinum rating, as defined, no later than January 1, 2015.

CSU Position: No Official Position
Status: This bill is a two-year bill and is sitting in the Assembly Business and Professions Committee.

AB 786 (Ruskin) Identity Theft: California State University Employees: Sponsored by CSUEU, this bill would require CSU to provide an employee, upon request, with four hours of time off with pay following a disclosure by the university that there is, or could have been, a breach of security of employee personal information data, as specified.

CSU Position: No Official Position
Status: This bill is a 2-year bill and is sitting in the Assembly Higher Education Committee.

AB 828 (Cohn) Public Postsecondary Education: Tuition and Fee Waiver for Military Veterans: This bill would provide that any person who is honorably serving in, or has been honorably discharged from, the armed forces of the United States, would not be subject to tuition or fees at any campus of the University of California, the California State University, or the California Community Colleges if he or she is a California resident, as defined.

CSU Position: Support If Amended. The CSU has requested amendments to ensure that the system is reimbursed for revenue losses due to the proposed waivers.
Status: This bill is a two-year bill, and is sitting in the Assembly Higher Education Committee

AB 870 (Bermudez) Public Postsecondary Education: Limitations on Tuition and Mandatory Systemwide Fee Increases: This bill would cap tuition and mandatory systemwide fee increases at the University of California and the California State University at no more than two percent per year, unless at least one-third of the new revenue is dedicated to institutional financial aid.

CSU Position: Oppose Unless Amended
Status: This bill is a two-year bill and is sitting in the Assembly Higher Education Committee.

AB 933 (Emmerson) Public Postsecondary Education: Statewide Student Fee Policy: This bill would enact a statutory fee policy based on an unspecified percentage of cost of education at the CSU and UC.

CSU Position: Oppose Unless Amended
Status: *AB 933* is a two-year bill and is sitting in the Assembly Higher Education Committee.

AB 1072 (Liu) Postsecondary Education: Office of the Secretary for Higher Education: This bill would establish the California Commission on Higher Education as the successor to CPEC as of July 1, 2006.

CSU Position: No Official Position
Status: *AB 1072* is a two-year bill and is sitting in the Assembly Higher Education Committee.

AB 1350 (Cogdill) Public Postsecondary Education: Dual Admissions Program: This bill would require that any student who participates in a dual admission program have his or her community college fees waived for up to two academic years, irrespective of financial need.

CSU Position: No Official Position
Status: *AB 1350* is a two-year bill and is sitting in the Assembly Higher Education Committee.

ACA 5 (Richman) Public Retirement Systems: This measure would provide that any new public employee, including employees of the UC and CSU, be enrolled in a defined contribution plan of a public pension system or retirement system. The measure would also set employer and employee contribution limits.

CSU Position: No Official Position
Status: This is a two-year bill and is sitting in the Assembly Public Employees, Retirement, and Social Security Committee.

SB 5 (Morrow) Public Postsecondary Education Standard: Student Bill of Rights: This bill would request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop guidelines and implement specified principles, relating to academic freedom, of a Student Bill of Rights. Proponents of a Student Bill of Rights believe that American colleges and universities should guarantee intellectual diversity by legislating fair and balanced practices

of grading, curriculum development, selection of invited speakers, allocation of university funds, hiring, firing, promotion and tenure review.

CSU Position: Pending

Status: This bill failed passage, but was given reconsideration; it is a two-year bill and is sitting in the Senate Education Committee.

SB 96 (Murray) Peer-to-Peer Networks: File Sharing Software: This bill would set criminal penalties for any person or entity that sells, advertises, or distributes peer-to-peer file sharing software, as defined, that enables the user to electronically disseminate recordings or audiovisual works over the Internet who fails to incorporate available filtering technology into that software to prevent use of the software to commit an unlawful act with respect to a commercial recording or audiovisual work.

CSU Position: No Official Position

Status: *SB 96* is a two-year bill and is currently pending before both the Senate Public Safety and the Senate Judiciary Committees.

SB 337 (Maldonado) Public postsecondary students: dismissal: This bill requires the local governing board of a community college district and the Trustees of the California State University (CSU), and requests the University of California Regents (Regents), to immediately dismiss any student convicted, pleading guilty to, or being adjudicated a delinquent minor with respect to specified rioting provisions of the Penal Code. The bill also prohibits campuses of the CCCs or the CSU from admitting these students for one year, declares legislative intent that the Regents adopt the same or a more stringent admissions policy, and restricts these students' Cal Grant eligibility.

CSU Position: No Official Position

Status: This is a two-year bill and is sitting in the Senate Education Committee.

SB 871 (Scott) Postsecondary Education Accountability: California Postsecondary Education Accountability Act of 2005: This bill proposes a statewide California Postsecondary Education Accountability (CPSEA) structure that would annually provide an assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians consistent with *SB 1331 (Alpert)*, which was vetoed last year.

CSU Position: Support

Status: This is a two-year bill and is sitting in the Senate Education Committee.

SB 882 (Ashburn) Public Employees' Retirement: Final Compensation: This bill would define "final compensation" for state members and school members of the Public Employees'

Retirement System who retire or die on or after January 1, 2006, as the highest annual compensation earnable by the member during a consecutive 36-month period immediately preceding the effective date of his or her retirement.

CSU Position: No Official Position
Status: This bill is a two-year bill and is sitting in the Senate Public Employment and Retirement Committee.

Bills that Failed Passage

AB 214 (Richman) Public Employees' Retirement: Final Compensation: This bill would define "final compensation" for any member of the Public Employees' Retirement System who retires or dies on and after January 1, 2006, as the average compensation earnable by the member during the final three years of employment rather than the highest compensation during a designated twelve-month period.

CSU Position: No Official Position
Status: Failed passage in Assembly Public Employees, Retirement, and Social Security Committee.

AB 222 (Bogh) Public Works: Prevailing Wage: Labor Compliance: This bill repeals existing law that requires the initiation and enforcement of a labor compliance program for all public works projects, and instead, requires an awarding body to post a notice, as specified, advising workers that do not receive the prevailing rate of per diem wages for work performed on a public works project to contact the Division of Labor Standards Enforcement.

CSU Position: No Official Position
Status: Failed passage in Assembly Labor Committee.

AB 589 (Emmerson) Public Postsecondary Education: Nonresident Admissions Criteria: This bill would require a person without lawful immigration status to pay nonresident tuition at the California Community Colleges and the California State University.

CSU Position: No Official Position
Status: Failed passage in Assembly Higher Education Committee.

AB 992 (Spitzer) Law Enforcement Surveillance: This bill would give UC and CSU campus police chiefs the same authority to use wiretaps and other investigative tools currently employed by local law enforcement officials.

CSU Position: Support
Status: Failed passage in the Senate Public Safety Committee.

SB 349 (McClintock) Public Postsecondary Education: Nonresident Admissions Criteria: This bill would require a person without lawful immigration status to pay nonresident tuition at the California Community Colleges and the California State University.

CSU Position: No Official Position
Status: Failed passage in the Senate Education Committee.

SB 445 (Ducheny) Commission on Statewide Postsecondary Education Policy and Planning: This bill would replace the California Postsecondary Education Commission with a new agency, the California Commission on Statewide Postsecondary Education Policy and Planning.

CSU Position: No Official Position
Status: Failed passage in the Senate Education Committee.

SB 860 (Bowen) Credit Card Processing Fees: Prohibits the California State University, the University of California, and the community colleges, or an agent of one of these entities that accepts a credit or debit card from imposing any processing fee or charge for the use of a credit card or debit card if that fee or charge is not also imposed upon persons who pay for the same service or obligation by cash or check.

CSU Position: Oppose
Status: This bill has been dropped by the author

Adoption of the following resolution is recommended:

RESOLVED, By the Board of Trustees of the California State University, that the 2005-2006 Legislative Report No. 6 is adopted.