

## **AGENDA**

### **COMMITTEE ON GOVERNMENTAL RELATIONS**

**Meeting: 4:15 p.m. Tuesday, September 20, 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

#### **Consent Items**

Approval of Minutes of Meeting of July 20, 2005

#### **Discussion Items**

1. 2005/2006 Legislative Report No. 5, *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**

**July 20, 2005**

**Members Present**

Jeffrey Bleich, Chair  
Roberta Achtenberg  
Larry Adamson  
Herbert L. Carter  
Carol R. Chandler  
Debra S. Farar  
Murray L. Galinson, Chair of the Board  
William Hauck  
Corey Jackson  
Charles B. Reed, Chancellor

**Approval of Minutes**

The minutes of May 11, 2005 were approved.

**2005/2006 Legislative Report No. 4**

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

Ms. Zamarripa took a moment to welcome new board member, Craig Smith, and offered her assistance to him for future questions and legislative related activities. She also thanked Interim Alumni Trustee Larry Adamson for his service to the system.

Ms. Zamarripa reported the legislature was on summer break and is scheduled to resume activities on August 15, 2005 for the final phase of the legislative year. The legislature will then have four weeks to move bills through the last fiscal committee and be approved by the full Senate and Assembly; and proceed to the governor for final action by October 9.

Ms. Zamarripa reported that the September agenda for the committee will contain a report on final actions by the governor for this legislative year (the first of a two-year session), and an update on the outcome of CSU sponsored bills.

Ms. Zamarripa turned to the written report in the Agenda noting a new format differentiating between sponsored bills as well as the status of priority bills. Priority bills were divided into

two-year bills, i.e., those that have been held in abeyance until at least January of 2006, and that may, or may not, move forward in their current form, and bills defeated by the legislature.

With regard to our sponsored bills, she reported all four have moved from their respective house of origin and through the policy committees in the second house. They are now pending action in the Appropriations committees of the opposite houses and should then be moving to the floor by the end of August.

Ms. Zamarripa acknowledged that with the leadership of Chancellor Reed and David Spence, CSU was successful in moving our doctorate proposal, SB 724 (Scott), through the higher education policy committee on a vote of 5-2. She noted the Assembly Appropriations Committee would consider the bill August 17.

Chair Galinson asked why CSU was not taking a position on AB 1088. Ms. Zamarripa responded it was because the bill is an unfunded mandate and contains various aspects that are problematic for the system. The bill was substantially amended in its last policy committee, and will require thorough review to determine if CSU should take any formal action.

The committee recommended approval of the proposed legislation (RGR 07-05-06).

Trustee Bleich adjourned the meeting.

## COMMITTEE ON GOVERNMENTAL RELATIONS

### 2005/2006 Legislative Report No. 5

#### 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 seeks to guarantee that the CSU can ensure the confidentiality of whistleblowers and related information consistent with protections afforded state employees.

**Status:** The CSU took amendments to make the formal response letter available under the Public Records Act but with protections on identity and related confidential investigative information, which resulted in CSUEU removing its opposition to the bill. In addition, amendments were taken adding legislative findings and declarations that the purpose of the bill was in compliance with the requirements of SCA 1 (the constitutional amendment) adopted in November 2004. *AB 706* is on its way to the Governor's Desk.

***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 with pending amendments, 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* passed out of the Assembly Appropriations Committee, then off the Assembly Floor on consent, and is now on the Senate Floor for concurrence in Assembly amendments.

***SB 724 (Scott) Independent Authority for Professional Doctorates:*** This legislation would authorize CSU to offer independent professional and clinical doctorate degrees consistent with its graduate education and applied research mission, faculty expertise, resources, workforce needs and accreditation and licensure requirements.

**Status:** As amended in the Assembly Higher Education Committee, Senate Bill 724 authorizes the California State University (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. *SB 724* is on the Senate Floor for concurrence in Assembly amendments. Once passing off the floor, *SB 724* will go to the Governor's Desk for his signature.

***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. Four proposals are included in this year's omnibus bill: (1) Protection of Subcontractors in Design-Build Contracting; (2) Auxiliary Board Meeting Changes; (3) Sale of CSU Channel Islands Property; and, (4) Self-Certification of Disability Access Compliance Documents.

**Status:** *Assembly Bill 961* has been enrolled and is being sent to the Governor's Desk.

#### *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 is still active, 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 that are Still Active*

***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. Without this change, the CSU will continue to oppose this measure.

**CSU Position:** Oppose Unless Amended  
**Status:** AB 76 is currently on the Senate Floor

***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:** On the Senate Floor

***AB 529 (Goldberg) California State University: Employees:*** Sponsored by CSUEU, this bill would allow CSU employees to make appeals regarding disability retirement 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:** On the Senate Floor

***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:** Held on the Suspense File in the Senate Appropriations Committee

***AB 708 (Karnette) California State University: Whistleblower Protection:*** Existing law authorizes a California State University employee to file a written complaint with his or her supervisor or manager, or with any other designated university officer, alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts for having made a protected disclosure under the Whistleblower Protection Act. This bill would authorize the California State University to employ an independent investigator for complaints.

**CSU Position:** Pending Review of Amendments

**Status:** The Senate removed the mandate that all whistleblower complaints go to an independent investigation and instead made it permissive for the CSU to use such third parties as needed. The CSU has removed its opposition to *AB 708* with this amendment. *AB 708* has been sent to enrollment.

***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.

***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:** On the Senate Floor.

***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:** *SB 860* was dropped in the Assembly by the author after much opposition from the higher education community and the banking industry.

#### *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 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:** Pending

**Status:** The hearing was cancelled by a request of the author and remains in the Assembly Public Employees, Retirement and Social Security Committee.

***AB 700 (Jerome Horton) Student Financial Aid: Ortiz-Pacheco-Poohigian-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 was held under submission by the Assembly Appropriations 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:** Pending

**Status:** This bill was held without recommendation in the Assembly Business and Professions Committee on April 26

***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:** Pending

**Status:** This bill was held under submission in the Assembly Appropriations 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  
**Status:** The hearing for this legislation was cancelled at the request of the author in the Assembly Higher Education Committee. The CSU has requested amendments to ensure that the system is reimbursed for revenue losses due to the proposed waivers.

***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 a year, unless at least one-third of new revenue is dedicated to the level charged in the immediately preceding fiscal year, unless at least one-third of new revenue is dedicated to institutional financial aid.

**CSU Position:** Oppose Unless Amended  
**Status:** This bill was held under submission in the Assembly Appropriations Committee. The CSU objects to any statutory fee policy inconsistent with the Board of Trustees policy and the Governor's Compact on Suspense File.

***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:** The hearing for this legislation was cancelled at the request of the author in the Assembly Higher Education Committee. The CSU objects to any statutory fee policy inconsistent with the Board of Trustees policy and the Governor's Compact.

***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:** Pending  
**Status:** Held in the Assembly Higher Education Committee. The author intends to make this a 2-year bill

***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:** Pending

**Status:** The hearing for this piece of legislation was cancelled at the request of the author 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:** Pending

**Status:** This measure remains in the Assembly Public Employee, Retirement, and Social Security 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:** Remains in the Senate Public Safety and Committee.

***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:** Remains 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:** Dropped by author.

***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:** Pending  
**Status:** This bill was held under submission in the Senate Public Employment and Retirement Committee.

*Bills that have 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:** Pending  
**Status:** Referred to the Assembly Public Employees, Retirement and Social Security Committee. *AB 214* and many other retirement reform proposals have yet to be considered in light of initiative proposals and budget deliberations.  
**UPDATE:** Failed passage 2-4 in Assembly PERS.

***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:** Pending  
**Status:** Failed passage 2-6 in Assembly Labor.

***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:** Pending  
**Status:** Held in the Assembly Higher Education Committee. Failed passage 0-6 in Assembly Higher Education 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:** Failed passage with a 4-6 vote in the Senate Education Committee. Reconsideration granted. This is a 2-year bill.

***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 on April 6 by a vote of 2-8.

***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:** Pending  
**Status:** Failed passage 5-4 and placed on the Senate Education Committee Suspense File.

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. 5 is adopted.