

## **AGENDA**

### **COMMITTEE ON GOVERNMENTAL RELATIONS**

**Meeting: 11:45 a.m. Tuesday, November 17, 2009**  
**Glenn S. Dumke Auditorium**

Carol R. Chandler, Chair  
Peter G. Mehas, Vice Chair  
Debra S. Farar  
Melinda Guzman  
Raymond W. Holdsworth  
Linda A. Lang  
A. Robert Linscheid  
Lou Monville

#### **Consent Items**

Approval of Minutes of Meeting of September 22, 2009

#### **Discussion Items**

1. 2009-2011 Legislative Report No. 5, *Action*

**MINUTES OF THE MEETING OF  
COMMITTEE ON GOVERNMENTAL RELATIONS**

**Trustees of the California State University  
Office of the Chancellor  
Glenn S. Dumke Conference Center  
401 Golden Shore  
Long Beach, California**

**September 22, 2009**

**Members Present**

Carol R. Chandler, Chair  
Peter G. Mehas, Vice Chair  
Jeffrey L. Bleich, Chair of the Board  
Melinda Guzman  
Raymond W. Holdsworth  
Linda A. Lang  
A. Robert Linscheid  
Lou Monville  
Charles B. Reed, Chancellor

**Approval of Minutes**

The minutes of May 13, 2009 were approved by consent as submitted.

**2009-11 Legislative Report No. 4**

Trustee Chandler called the meeting of the Governmental Relations to order with the introduction of Vice Chancellor for University Relations and Advancement Garrett P. Ashley. Vice Chancellor Ashley provided a brief introduction to the item followed by a detailed report by Assistant Vice Chancellor Karen Y. Zamarripa.

Ms. Zamarripa reported that the 2009 legislative session adjourned September 11. While it is expected that the legislature will return to Sacramento later this fall for one or more special sessions dealing with water, federal funding and others issues, most bills have either gone to the Governor for action or become two-year bills to be considered after the first of the year. Ms. Zamarripa highlighted six measures in the agenda item for the committee, which were of greatest significance to the CSU.

CSU Board of Trustees sponsored legislation, *Assembly Bill 1222 (B. Lowenthal)* extending the authority of the CSU and other public colleges and universities to offer affinity programs and services to graduates and alumni association members has gone to the Governor with unanimous support from both houses of the legislature.

*Assembly Bill 867 (Nava)*, which authorizes the CSU to offer doctorates in nursing practice to help develop nursing school faculty was held in the Senate Appropriations Committee two weeks prior to adjournment. The Department of Finance (DOF) has taken a position of oppose, the only opposition to the measure, due to cost pressures to the General Fund. Assembly Member Nava worked tirelessly with the CSU and others to move the bill out of the fiscal committee and to the Senate Floor, but was not successful. The measure now becomes a two-year bill.

Ms. Zamarripa then briefly reported on four measures that have gone to the Governor's Desk, which the CSU has requested a veto given the negative impact they would have on system governance and our faculty, staff and students. *Assembly Bill 690 (Ammiano)* is the third in a series of efforts to allow statewide constitutional officers and the Speaker of the Assembly to send alternates in their place as members of the Board of Trustees and the University of California Board of Regents. The primary argument in support of the measure has been meeting date conflicts, but, in fact, the two system boards have resolved this matter by working together on their meeting schedules thus making the bill unnecessary. Further, the CSU believes that the value of having ex-officio members on the governing board will be lost with the use of alternates.

*Senate Bill 147 (De Saulnier)* would require the CSU to adopt separate admissions standards for entering freshmen. Currently, CSU and UC use the same standards to reduce confusion for public schools, parents, and students seeking a four-year education after completing high school. CSU estimated costs up to \$450,000 in the first year and \$200,000 annually thereafter to implement the measure. Proponents argue that CSU should have different standards so that career technical education (CTE) courses can be used for college admission at our campuses. Legislation was passed in 2005 that has resulted in over 7,500 of the 10,000 CTE courses being approved to meet admissions standards for both systems. CSU believes that given this work by the two segments, SB 147 is unnecessary and will be disruptive to our efforts to improve academic preparation and student admissions.

The last two measures that the CSU has requested vetoes on are authored by Senator Leland Yee from San Francisco. *Senate Bill 86* would prohibit CSU and UC from increasing monetary compensation for executives in any fiscal year in which the General Fund appropriation in the annual Budget Act is less than, or equal to, the appropriation in the prior year. The bill was the result of a "gut and amend" in the last week of session after the original measure, SB 217, was held in the Assembly Appropriations Committee in May.

The second measure, *Senate Bill 218* would redefine in statute the entities that would be required to make their records available for public inspection beyond current state and federal law. As a result, CSU foundations and auxiliaries that serve as philanthropic entities and/or manage grants and contracts will be subject to the California Public Records Act (PRA) requirements jeopardizing the ability of the system and its campuses to raise non-state funds to support faculty applied research, campuses programs, student scholarships and capital projects, for example.

Upon completion of her verbal report, several Trustees asked Ms. Zamarripa about further details on SB 86/217. Trustee Carter asked for an update on Assembly Bill 440 (Beall) dealing with community college transfer degrees. Ms. Zamarripa reported that the bill was unsuccessful in the Senate policy committee but expected further action when the legislature reconvenes in January. The CSU has supported the measure and will continue to work with the sponsor, Campaign for College Opportunity, into 2010. Finally, Chair Bleich expressed his concern with SB 147 and offered the board's assistance in encouraging a gubernatorial veto.

The committee recommended approval of the proposed resolution (RGR 09-09-07) adopting the 2009-2010 Legislative Report No.4.

Trustee Chandler adjourned the committee.

## COMMITTEE ON GOVERNMENTAL RELATIONS

### 2009-2011 Legislative Report No. 5

#### Presentation By

Garrett P. Ashley  
Vice Chancellor  
University Relations and Advancement

Karen Y. Zamarripa  
Assistant Vice Chancellor  
Advocacy & State Relations

#### Summary

This item contains an update on the Board of Trustees' 2009 Legislative Program and other legislative measures introduced in 2009 of interest to the California State University. The Governor reviewed over 900 bills as the 2009 session came to a close last month. Below gives a final status on some of the most significant measures of interest to the system. There are many bills, given the state's economic situation, that were held on the fiscal committees' suspense file; still others were held as two-year bills that can be taken up when the legislature officially returns in January.

#### *Board of Trustees' 2009 Legislative Program*

*AB 867 (Nava) California State University: Doctor of Nursing Practice Degree:* would authorize the California State University to award the Doctor of Nursing Practice degree. The bill is designed to enable professionals to earn the degree while working full time; train nurses for advanced practice; and prepare clinical faculty to teach in postsecondary nursing programs. This bill contains other related provisions.

*Status:* The bill is still on the Senate Appropriations suspense file. Staff worked diligently to move the measure out of the Appropriations committee and send it to the Governor prior to the end of this legislative session, but due to concerns about "mission creep" and cost pressures, this is now a two-year bill.

*AB 1222 (Lowenthal, Bonnie) California State University and University of California: Alumni Disclosure:* would ensure that California public institutions are able to continue their efforts to increase non-state resources through services known as affinity programs. The measure extends the current sunset of January 2011 to January 2016.

*Status:* The bill was vetoed by the Governor. The CSU will pursue this extension again next year as the current statute does not expire until January 2011. This bill has no opposition and we do not anticipate any issues getting it re-introduced and passed in 2010.

*Veto Message:* "I am returning Assembly Bill 1222 without my signature. This bill extends the sunset date on a statute that is not expiring until January 1, 2011. Therefore, this bill is premature and unnecessary. For these reasons, I am unable to sign this bill."

### **Other Legislative Measures of Interest**

*AB 20 (Solorio) California State University and University of California: Contracts:* would require the Department of General Services to negotiate and establish a model contract applicable with CSU and UC for research, training or service agreements.

*CSU Position:* SUPPORT

*Status:* The bill was signed into law by the Governor.

*AB 24 (Block) California State University Feasibility Study: Chula Vista:* would have required the CSU, by July 1, 2011, to complete a study about the feasibility of a satellite program, and ultimately, an independent new campus, at Chula Vista. If the Board of Trustees decide that a new campus or off-campus center is needed at Chula Vista, the Trustees would have been required to submit a formal needs study to the California Postsecondary Education Commission.

*CSU Position:* NO OFFICIAL POSITION

*Status:* Vetoed

*Veto Message:* "I am returning Assembly Bill 24 without my signature. Nothing under current law prohibits the California State University (CSU) or any other entity to conduct a study regarding the feasibility of establishing another CSU campus in Chula Vista. I appreciate the author's intention to plan for options for the future, and to ensure that any study would be funded with non-State General Fund dollars. I encourage the author to work with the CSU system, local and regional entities, and all other stakeholder groups to see if this objective is viable. However, a state law mandating such a study is unnecessary. For these reasons, I am unable to sign this bill."

*AB 37 (Furutani) Public Postsecondary Education: Honorary Degrees:* would require the CSU and the community colleges, and request the University of California, to work with their respective colleges and universities to confer honorary degrees upon individuals who were forced to drop-out of college due to their internment during World War II.

*CSU Position:* SUPPORT IF AMENDED  
*Status:* The bill was signed into law by the Governor.

*AB 53 (Portantino) State Employment: Salary Freeze:* would prohibit any state employee, including employees of the CSU, who earn more than \$150,000, from receiving a salary increase and overtime pay, until January 1, 2012. The measure excludes Constitutional officers, employees covered by a memorandum of understanding (unions), and any person who has been exempted by executive order of the Governor.

*CSU Position:* OPPOSE  
*Status:* This measure failed to get out of the house of origin and is currently on the Assembly Appropriations suspense file. This measure is a two-year bill.

*AB 220 (Brownley) Public Education Facilities: Kindergarten-University Public Education Facilities Bond Act:* would place the Kindergarten-University Public Education Facilities Bond Act, on the next statewide General Election ballot for an unspecified amount.

*CSU Position:* SUPPORT  
*Status:* This measure did not move out of its house of origin and is currently sitting in the Assembly Education Committee. This measure is a two-year bill.

*AB 440 (Beall) California Community Colleges: Student Transfer:* would create the College Student Success Act, and would allow a community college district to grant an "associate of arts degree in transfer studies" to a student if they have completed a minimum of 60 semester units, and meet the minimum requirements for transfer to the CSU or UC.

*CSU Position:* SUPPORT  
*Status:* This measure failed passage in the Senate Education committee but has been granted reconsideration. This measure is a two-year bill. The measure is sponsored by the Campaign for College Opportunity.

*AB 656 (Torrico) California Higher Education Endowment Corporation: Oil and Gas Severance Tax:* would institute a new oil and gas severance tax on any oil or gas producer in California with the revenues dedicated to the three public higher education segments: CSU, University of California and the California Community Colleges. The revenues generated by the tax would be allocated per the decisions of a newly created board and without appropriation by the state.

*CSU Position:* NO OFFICIAL POSITION  
*Status:* The bill passed the Assembly Higher Education committee and is now a two-year bill in the Assembly Revenue and Taxation committee. CSU representatives recently met with the author's office to discuss the details

of the bill. Another measure is also expected to be introduced by Assembly Member Pedro Nava during the fiscal special session.

*AB 690 (Ammiano) CSU Trustees and UC Regents: Meetings:* would have authorized ex-officio members of the Board of Trustees, except the Chancellor, to designate a person to attend board meetings in his or her absence.

*CSU Position:* OPPOSE  
*Status:* Vetoed  
*Veto Message:* “I am returning Assembly Bill 690 without my signature. I vetoed similar legislation previously. As I stated before, it is unnecessary to statutorily authorize a person to attend a board meeting in the absence of an ex-officio member since the meetings are open to anyone from the public to attend and provide comment. Moreover, ex-officio members serve by virtue of their experience and qualifications in sharing their perspective on issues impacting higher education. Allowing these members to appoint a substitute to attend in their absence creates a disincentive for the member to actually attend the meetings, and diminishes the value of an ex-officio member’s contribution to the public discourse. For these reasons, I am unable to sign this bill.”

*AB 1207 (Logue) Exemption from Nonresident Student Tuition:* would require a person who otherwise meets the existing eligibility requirements for resident tuition, but who is without lawful immigration status, to pay nonresident tuition until he or she obtains lawful immigration status.

*CSU Position:* OPPOSE  
*Status:* This measure failed to pass out of its house of origin.

*AB 1393 (Skinner) Foster Youth:* would request community college campuses and the CSU to give priority for housing to current and former foster youth. The bill also requests that both systems maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation.

*CSU Position:* SUPPORT  
*Status:* The bill was signed into law by the Governor.

*SB 48 (Alquist) College Textbooks: Electronic Versions:* would require that publishers of textbooks make textbooks available, in whole or in part, in an electronic format by January 1, 2020. The bill would require that electronic versions of textbooks include the same content as the printed versions and would allow the electronic versions to be copy-protected. This bill contains other existing laws.

*CSU Position:* SUPPORT  
*Status:* The bill was signed into law by the Governor.

*SB 86 (Yee) (formerly SB 217) Public Postsecondary Education: Executive Officer Compensation:* would have prohibited the CSU Board of Trustees and requested UC Regents from increasing the monetary compensation, as defined, or approving a monetary bonus for, its executives in any fiscal year in which the General Fund appropriation in the annual Budget Act is less than, or equal to, the General Fund appropriation to the university in the annual Budget Act for the immediately preceding fiscal year.

*CSU Position:* OPPOSE  
*Status:* Vetoed  
*Veto Message:* “I am returning Senate Bill 86 without my signature. This bill would limit the ability of the University of California (UC) and the California State University (CSU) to continue to provide a high level of quality education that our students deserve when they choose to attend California public universities. A blanket prohibition limiting the flexibility for the UC and CSU to compete, both nationally and internationally, in attracting and retaining high level personnel does a disservice to those students seeking the kind of quality education that our higher education segments offer. The Regents and the Trustees should be prudent in managing their systems, given the difficult fiscal crisis we face as a state, but it is unnecessary for the State to micromanage their operations. Finally, this measure is flawed by failing to adequately specify what appropriations would be considered in triggering its provisions. It is possible that capital outlay appropriations and lease purchase debt appropriations, which have little to do with discretionary instructional program expenditures, could vary considerably from year to year, thereby making the appropriations test specified in this bill ambiguous and subject to legal interpretation. For these reasons, I am unable to sign this bill.”

*SB 128 (Padilla) California Climate Change Institute:* would create the California Climate Change Institute, which would manage research and development programs to help California achieve targets for reducing emissions of greenhouse gases and mitigating the effects of those emissions. This body would identify and support, through a merit-based peer-reviewed competitive grant process, research and education to be undertaken at academic and research institutions and laboratories throughout the state.

*CSU Position:* SUPPORT  
*Status:* This measure was held in the Assembly Appropriations Committee due to costs. This measure is a two-year bill.

*SB 147 (DeSaulnier) CSU: Career Technical Education Courses:* would bifurcate the current standards for admission to public colleges and universities by requiring CSU to adopt separate admissions standards from University of California (UC) in regard to career technical education (CTE) courses. Additionally, it would require the CSU to duplicate the approval process at the UC for the CSU-only “g” general elective category, thus mandating new costs on the CSU estimated to be over \$450,000 for initial development and approximately \$230,000 thereafter to review and approve courses annually.

*CSU Position:* OPPOSE  
*Status:* The bill was signed into law by the Governor

*SB 160 (Cedillo) Student Financial Aid: Institutional Financial Aid Eligibility:* would allow students who do not pay the out-of-state fee, per the provisions established by AB 540, to be eligible to receive institutional aid, like the CSU’s State University Grant.

*CSU Position:* SUPPORT  
*Status:* This measure failed to pass the Senate Appropriations committee and is a two-year bill.

*SB 195 (Florez) Equity in Higher Education Act:* would require a postsecondary educational institution to provide assurance that each program and activity at the institution be conducted in compliance with federal law prohibiting discrimination on the basis of sex. This assurance must be signed by specified officers of the institution (Chancellor at the CSU) and would apply to all programs and activities, including academic and athletic programs. "Knowingly" providing a false declaration on the assurance would be punishable by a civil penalty of \$50,000.

*CSU Position:* OPPOSE  
*Status:* This measure was held in Senate Appropriations due to costs and is a two-year bill.

*SB 216 (Liu) Public Postsecondary Education: Textbooks:* would require the CSU campuses to post a list of required textbooks and the cost of the textbook on their website, at least 30 days prior to the first day of class for each term. For bundled materials, the bill would require the course instructor to confirm his or her intent to use each individual item sold as part of the bundled package before adoption of the material is finalized.

*CSU Position:* NO OFFICIAL POSITION  
*Status:* This measure was held in Senate Appropriations due to costs and is a two-year bill.

*SB 217 (Yee) Public Postsecondary Education: Executive Officer Compensation:* would prohibit the Board of Trustees and request UC Regents from increasing the monetary compensation, as defined, or approving a monetary bonus for, any employee not part of a union of the California State University in any fiscal year in which the General Fund appropriation in the annual Budget Act is less than, or equal to, the General Fund appropriation to the university in the annual Budget Act for the immediately preceding fiscal year.

*CSU Position:* OPPOSE  
*Status:* The bill was held in the Assembly Appropriations committee suspense file given the estimated employee recruitment and replacement costs.

*SB 218 (Yee) Public Records: State Agency: Auxiliary Organizations:* would have redefined what entities would have been required to make their records available for public inspection under the California Public Records Act (CPRA). Specifically, this measure would have included CSU and UC auxiliaries that serve as philanthropic entities and/or manage grants and contracts under CPRA.

*CSU Position:* OPPOSE  
*Status:* Vetoed  
*Veto Message:* “I am returning Senate Bill 218 without my signature. While I am a firm believer in providing openness and transparency when it involves public entities and public funding, this bill inappropriately defines private auxiliary organizations as a state or local public agency for purposes of the California Public Records Act (CPRA). Subjecting the altruistic activities of private donors and volunteers to the CPRA will have a chilling effect on their support and service, if they believe their personal privacy could be compromised. Hindering private giving of time and resources becomes a detriment to our higher education institutions. Enacting this bill would result in a loss of private donations and volunteer activities supporting California public institutions of higher education, at a time when the University of California, California State University and community college campuses are facing significant reductions in state funding during this difficult fiscal situation. For these reasons, I am unable to sign this bill.”

*SB 261 (Dutton) Water Use: Water Management Plans:* would designate the CSU system as the lead entity for the collection and management of statewide water use data, using its Water Resources Policy Initiative (WRPI), as part of a state goal established by the Governor, which calls for a reduction in per capita water use of 20 percent by the year 2020.

*CSU Position:* SUPPORT

*Status:* The measure passed the Assembly Water, Parks & Wildlife committee and is currently in the Assembly Appropriations committee suspense file. Provisions of the bill remain in play as the Governor, legislators and others continue to work on a water infrastructure agreement.

*SB 271 (Ducheny) Public Postsecondary Education: Public Education Facilities Bond Acts:* would require that for any public education facilities bond act enacted on or after January 1, 2010 that priority for funding be given to proposals for facilities that will be jointly used by the CCC, UC and the CSU. It would also dictate that dollars from a new bond must be used to address any off-site mitigation necessary to facilitate a campus expansion project.

*CSU Position:* SUPPORT

*Status:* This measure was held by the house of origin's Appropriations Committee but can be pursued by the author next year.

*SB 386 (Runner) Postsecondary Education: Textbooks:* would require CSU faculty members who adopt a new textbook edition within three years after initial adoption to provide a cost-benefit analysis to be submitted to the academic senate, administration and student government. The cost-benefit analysis shall include three parts: 1) justification for changing textbook edition within the three-year period; 2) comparison of the differences between the old and new editions; and 3) disclosure of any financial interest of the faculty member related to requiring the new textbook edition.

*CSU Position:* NO OFFICIAL POSITION

*Status:* This measure was held by the house of origin's Appropriations Committee and is a two-year bill.

*SB 646 (Denham) Student Financial Aid: Veterans and Dependents:* would enact the Golden State GI Bill of Rights for Higher Education, which would prohibit the CSU, CCC and UC from charging *any* mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to a member of the Armed Forces of the United States who enlisted into the service when they were a California resident. It was amended to provide a backfill to higher education for any loss of revenue to the segments.

*CSU Position:* SUPPORT

*Status:* This measure failed to advance out of its house of origin's Appropriations Committee. This measure is a two-year bill.

**RESOLVED,** By the Board of Trustees of the California State University, that the 2009-2011 Legislative Report No. 5 is adopted.