

AGENDA

COMMITTEE ON GOVERNMENTAL RELATIONS

Meeting: 11:45 a.m., Tuesday, September 18, 2012
Glenn S. Dumke Auditorium

Steven M. Glazer, Chair
Henry Mendoza, Vice Chair
Bernadette Cheyne
Debra S. Farar
William Hauck
Peter G. Mehas
Lou Monville
Jillian Ruddell

Consent Items

Approval of Minutes of Meeting of July 17, 2012

Discussion Items

1. 2011-2012 Legislative Report No. 11, *Information*

**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**

July 17, 2012

Members Present

Steven M. Glazer, Chair
Henry Mendoza, Vice Chair
Bernadette Cheyne
Debra S. Farar
William Hauck
Bob Linscheid, Chair of the Board
Peter G. Mehas
Lou Monville
Jillian Ruddell
Charles B. Reed, Chancellor

Approval of Minutes

The minutes of May 8, 2012 were approved as amended.

2011-2012 Legislative Report No. 10

Mr. Garrett P. Ashley, vice chancellor for university relations and advancement began the presentation stating that legislature has adjourned for summer recess and upon their return they will have four weeks to complete the 2011-12 session.

Ms. Karen Zamarripa, assistant vice chancellor for advocacy and state relations welcomed and congratulated the new Board of Trustee members before presenting highlights from the written Legislative Report #10. Ms. Zamarripa commented on the following measures:

The two CSU sponsored bills *Assembly Bill 633 by Assembly Member Kristin Olsen and Assembly Bill 2126 by Assembly Member Marty Block*, which retain the system's authority to purchase vehicles and adopt regulations respectively are both one step from the governor's desk.

Several other measures were also highlighted for the board:

AB 2497 (Solorio): California State University: Early Start Program which when introduced would have prohibited the implementation of Early Start unless the state specifically allocated funds for this program. The bill faced stiff opposition in the first policy committee and was

eventually amended to simply require a report on the impact of the program on students and academic preparation.

AB 2427 (Butler): California State University: Special Session Fees which is sponsored by the CFA (California Faculty Association), initially proposed that self-support programs and courses in the CSU could not be priced higher than the state-supported State University Fee (SUF), effectively eliminating these options for students. This measure also faced strong opposition in the Assembly Higher Education Committee and was amended to provide a report to the legislature on self-support fees.

Two bills that relate to child abuse reporting that are the result of events at Penn State are coming to fruition: *AB 1434 (Feuer): Child Abuse Reporting-Mandated Reporters*; *AB 1435 (Dickinson): Child Abuse Reporting-Athletic Personnel*.

AB 1723 (Fuentes) Postsecondary Educational Institutions: Meetings: Live Audio Transmission mandates that the CSU provide audio and video streaming of all board meetings. The CSU has taken no position on this measure.

AB 1965 (Pan): California State University: Trustees allows ex-officio board members to send alternates to attend and vote on their behalf at board meetings, and allow the second, currently non-voting, student representative to vote in the absence of the voting student trustee. Provisions regarding ex officio alternates have been deleted from the bill; thus CSU has removed its opposition to this measure.

SB 1515 (Yee): California State University: Board of Trustees: Membership substantially restructures the Board, adding additional faculty, staff and students. There is concern that this would represent a radical shift away from a “public” board to one more focused on the institution’s constituencies. The bill was defeated in the Senate Education Committee in the spring.

All bills dealing with executive compensation have been defeated with the exception of *SB 952 (Alquist): California State University: Compensation* which remains active and would prohibit an increase of more than 10 percent from general fund sources for any employee whose annual salary exceeds \$200,000. This bill was approved after a reconsideration vote by the Assembly Higher Education Committee and will be considered by the Assembly fiscal committee in August.

There are a number of bills regarding fees with one still moving through the process, *SB 960 (Rubio): California State University: Campus-Based Mandatory Fees*. This bill would prohibit revenues from campus-based mandatory fees that are approved by an affirmative vote of the student body from being *reallocated* without an affirmative vote of either the student body or a campus fee advisory committee. The advisory committee must be comprised of a majority of students elected by their peers.

AB 970 (Fong): University of California and California State University: Systemwide Student Fees: Student Financial Aid Report. This measure provides notification and consultation in the adoption of student fee increases by the CSU and UC governing boards. In its current form, notice must be given 10 days prior, and consultation with students must occur at least 30 days prior to an information item before the board and followed by an action item two months later. Once the board acts, fee increases cannot be implemented for at least 90 days. These factors are off the table if there are budget cuts to the system in the annual budget or midyear.

One measure remains in the area of governance: Trustee Monville questioned regarding the Penn State issue and whether something might be forthcoming from the NCAA. Chancellor Reed indicated that he has read the Freeh report and it has some good recommendations. NCAA has a procedural problem in that it is a matter of institutional control and not of the individual athletes; they are trying to determine how to focus on the former without penalizing the latter.

2012 Elections and November Initiatives

Assistant vice chancellor Zamarripa provided a report on the elections noting that there will be at least thirty-four new members of the Assembly, and between nine to twelve new members in the Senate. There is a great deal of effort going into the Senate races to see if the Democrats can achieve the two-thirds majority to pass urgency legislation and tax levies without Republicans. While it is possible it may be short lived given that there will be two special senate elections immediately after the November election given two members who are running for Congress. She explained that additionally there will be new leadership in the house after next year which probably will come from some of the new assembly members.

Ms. Zamarripa then turned to the action item before the board regarding November initiatives. She presented the report, highlighting: Proposition 32 (Paycheck Protection), Proposition 31 (California Forward). Proposition 34 (repeal of death penalty) and Proposition 39 (sales tax with proceeds used for energy and sustainability). Proposition 30 is the governor's tax initiative which directly relates to budget and, if it fails, will set off the \$250 million trigger cut for the CSU. Although there is not a direct link to more dollars, there is a direct link to fewer dollars. Ms. Zamarripa recommended that the board consider action on Proposition 30 given its implications for the system.

Discussion ensued surrounding the propositions, and the implications for the CSU. Trustee Torlakson strongly urged endorsement in terms of it being a balanced approach with an eye toward the future. Trustee Achtenberg stated her support, but expressed concern that it is a rather tepid response in terms of the challenges that higher education faces. CSSA President Allison noted that they had come out in unanimous support of this measure in that it is in the best interest of the students. Trustee Hauck stated that he is no fan of this policy given that the state is already too dependent upon income taxes, however will support it because we cannot stand another \$250 million cut. Trustee Morales indicated his support of the initiative given what a tough time it is for the system.

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Vote was taken, Trustees Mehas and Mendoza voted nay, the item was approved.

RESOLVED, By the Board of Trustees endorse the Brown/CFT Temporary Taxes to Fund Education, Guaranteed Local Public Safety Funding Initiative given its direct relationship to the systems' fiscal stability and funding levels in 2012-2012 and beyond. (RGR 07-12-05)

COMMITTEE ON GOVERNMENTAL RELATIONS

2011-2012 Legislative Report No. 11

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' 2011-2012 Legislative Program and bills of interest to the CSU.

Background

The 2011-12 legislative session adjourned on August 31. At the writing of this report, most bills had been acted upon and were either dead or had passed out of the Legislature and are awaiting final action by the Governor. The Governor has until September 30 to take action on all the bills presented to him. The Legislature took action on more than 500 bills in the last week of session, including cap and trade issues, pension reform, and workers' compensation.

Below is a status report on key legislation CSU has been most interested in this year.

Sponsored Legislation

Assembly Bill 633 (Olsen): Vehicle Purchasing

AB 633 extends the CSU's authority for three years (until July 1, 2015) to procure and manage its motor vehicle assets. The bill requires the CSU, to the extent feasible, to purchase vehicles using Department of General Services (DGS) statewide commodity contracts and directs the system to report vehicle procurement to the Administration and Legislature for three years with an interim report on January 1, 2014 and a final report on January 1, 2015.

Status: The measure passed out of the Legislature and is on the Governor's desk awaiting final action.

AB 2126 (Block): Board of Trustees' Regulatory Authority

As a public higher education entity with its own governing board, the CSU was provided the authority to adopt its own regulations in 1996. This authority is set to expire on January 1, 2013. This proposal would grant CSU the continuing authority to issue its own regulations for an additional five years.

Status: The measure passed out of the Legislature and is on the Governor's desk awaiting final action.

Academic Issues

AB 2093 (Skinner) Foster Youth Higher Education Preparation and Support Act of 2012. This measure would have required the CSU and requested the California Community Colleges (CCC) and University of California (UC) to create a foster youth campus support program on each campus.

CSU Position: SUPPORT IF AMENDED

Status: This measure failed.

AB 2132 (Lara) Public Postsecondary Education: Tenure Policy. The proposal requires the CSU and requests the UC to develop and adopt tenure policies that encourage and reward faculty for their service. The author accepted CSU amendments that better align the measure to CSU policy regarding service in the retention, tenure and promotion process.

CSU Position: NO OFFICIAL POSITION

Status: This measure passed out of Legislature and is on the Governor's desk.

AB 2497 (Solorio) California State University: Early Start Program. This measure, sponsored by the California Faculty Association (CFA), as introduced would have prohibited the CSU from operating the Early Start Program unless the state appropriated funding specifically for this purpose. The author amended the measure in the first policy committee to instead require the Legislative Analyst Office, in consultation with the CSU, to conduct an annual evaluation of the Early Start Program over the next few years.

CSU Position: SUPPORT

Status: The measure passed the Legislature and is on the Governor's desk.

Child Abuse Reporting

AB 1434 (Feuer): Child Abuse Reporting: Mandated Reporters. This bill would make all CSU and higher education employees mandated reporters, as to any child abuse or neglect occurring on campuses. While training would only be encouraged, all employees would have to sign a certification acknowledging their reporting responsibilities.

CSU Position: NO OFFICIAL POSITION

Status: The measure passed the Legislature and is on the Governor's desk.

AB 1435 (Dickinson): Child Abuse Reporting: Athletic Personnel. This bill adds administrators or employees of public or private youth centers, youth recreation programs or youth organizations, including athletic coaches, administrators or athletic directors at the CSU as child abuse and neglect mandated reporters. It would also require that these individuals receive training relating to child abuse and neglect within six months of being employed, and every two years thereafter.

CSU Position: NO OFFICIAL POSITION

Status: The measure passed the Legislature and is on the Governor's desk.

AB 1564 (Lara): Child Abuse Reporting: Mandated Reporters: Tax-Exempt Organizations. This measure would have included volunteers of public or private organizations, including nonprofit organizations, whose duties require direct contact with, and supervision of, children, as mandatory reporters. The bill also required employers to provide training in child abuse and neglect identification.

CSU Position: NO OFFICIAL POSITION

Status: This measure failed.

SB 1264 (Vargas): Child Abuse Reporting: Mandated Reporters. This measure adds athletic coaches, assistant coaches and graduate assistants at postsecondary institutions to the list of mandated reporters.

CSU Position: SUPPORT

Status: The measure passed the Legislature and is on the Governor's desk.

Compensation

AB 1561 (R. Hernandez): California State University and University of California: Compensation. This proposal would have prohibited the CSU, and requested the UC to refrain, from increasing compensation for any administrator when the state provides less money than it did the prior year, or tuition fees have increased. In years when increases are allowable they

cannot exceed 10 percent, and subsequent to that, annual increases cannot exceed the rate of inflation.

CSU Position: OPPOSE
Status: The measure failed.

AB 1787 (Portantino): State Employment: Salary Freeze. This measure would have forbidden any state employee making more than \$100,000 from receiving a salary increase until January 1, 2015.

CSU Position: OPPOSE
Status: The measure failed.

SB 952 (Alquist): California State University: Compensation. This bill would have prohibited the CSU from providing a compensation increase for any employee whose annual salary exceeded \$200,000 from General Fund sources through June 30, 2014. It would have also prohibited from June 1, 2014 to July 1, 2018, the CSU from providing a compensation increase of more than 10 percent for any employee whose annual salary exceeded \$200,000 from General Fund sources, regardless of circumstances.

CSU Position: OPPOSE
Status: The measure failed.

SB 967 (Yee): Public Postsecondary Education: Executive Officer Compensation. This proposal would have prohibited a monetary compensation augmentation for an executive officer within two years of an increase in a mandatory systemwide fee at CSU or UC.

CSU Position: OPPOSE
Status: The measure failed.

SB 1368 (Anderson) State employees: Salaries: This proposal would have restricted any employee of the State, except for constitutionally elected positions, from earning more than the Governor of the State of California or \$174,000 including any overtime.

CSU Position: OPPOSE
Status: The measure failed.

Fees and Financial Aid

AB 970 (Fong): University of California and California State University: Systemwide Student Fees: Student Financial Aid Report. This measure requires notification and consultation in the adoption of student fee increases by the CSU and UC governing boards.

Students from both segments sponsored this measure to help ensure to the extent possible, that students and families could plan for increases. The bill prescribes a timeline for consultation prior to an information item on proposed fee increases followed by an action item no less than 45 days later. It also prescribes information to be provided for such consultation, revisions in the timetable in cases where the budget is lower than the prior year or cut midyear, urges the systems to continue investing in financial aid and finally directs both boards to develop factors to be used in setting fee levels in the future.

CSU Position: SUPPORT

Status: The bill now reflects the work of the CSU with the author, speaker's office and student advocates for the last year. The measure passed the Legislature and is moving to the Governor's desk.

AB 1500 (J. Pérez): Corporation Taxes: Single Sales Factor: Middle Class Scholarship Fund. This bill implements the single sales tax factor for out-of-state businesses. This change is estimated to bring in up to \$1 billion in new revenues to the state that would be deposited into the Middle Class Scholarship Fund created by AB 1501 (below).

CSU Position: SUPPORT

Status: The measure failed.

AB 1501 (J. Pérez): Student Financial Aid: Middle Class Scholarship Program. This bill would establish the Middle Class Scholarship Program. If enacted, commencing with the 2012-13 academic year, all resident undergraduate students enrolled at the CSU or UC with a household income of \$150,000 or less would be given a scholarship award that combined with other financial aid would cover at least 60% of the student's mandatory systemwide fees.

CSU Position: SUPPORT

Status: This measure failed.

AB 2427 (Butler): California State University: Special Session Fees. This measure is one of CFA's sponsored measures to essentially prohibit self-support programs at the CSU. While the bill was amended to require an annual report about CSU's Extended and Continuing Education programs, it was held in the Senate Appropriations Committee. In response, the author and CFA

pursued and were granted an audit by the Joint Legislative Audit Committee to determine the impact of CSU's extended education programs on students and the university.

CSU Position: OPPOSE
Status: This measure failed.

SB 960 (Rubio): California State University: Campus-Based Mandatory Fees. This bill would prohibit revenues from any newly created campus-based mandatory fees that are approved by an affirmative vote of the student body from being *reallocated* without an affirmative vote of either the student body or a campus fee advisory committee.

CSU Position: NO OFFICIAL POSITION
Status: The measure passed the Legislature and is on the Governor's desk.

SB 1461 (Negrete McLeod): Public Postsecondary Education: Tuition and Mandatory Systemwide Fees. This bill would have required the CSU, and requested the UC, to limit annual increases for resident undergraduate students to two percent above the percentage change in the state per capita personal income for the prior fiscal year.

CSU Position: OPPOSE
Status: The measure failed.

Governance

AB 1723 (Fuentes) Postsecondary educational institutions: meetings: live audio transmission: This measure requires all public meetings of the CSU, UC, CCC and the Student Aid Commission (CSAC) to be transmitted live over the internet, and that recordings of all such meetings be retained and accessible to the public for up to 12 months on their respective websites.

CSU Position: NO OFFICIAL POSITION
Status: The measure passed the Legislature and is on the Governor's desk.

AB 1965 (Pan): California State University: Trustees. As amended, this measure would have allowed the second, currently non-voting, student representative to vote, in the absence of the voting student trustee.

CSU Position: NO OFFICIAL POSITION
Status: The measure was amended by the author to address an issue unrelated to the CSU deleting provisions introduced at the request of students.

SB 1515 (Yee): California State University: Board of Trustees: Membership. This measure would have reduced the number of general appointments the Governor can make to the Board of Trustees from 16 to 14. Further, the bill would have mandated that seven of the members of the Board of Trustees be faculty, represented nonacademic staff and students.

CSU Position: OPPOSE
Status: The measure failed.

Miscellaneous

AB 1955 (Block): Public Postsecondary Education: Campus Law Enforcement Agency and Student Liaison. This measure would require each CSU campus to designate a liaison to work between campus public safety officers and student protestors exercising First Amendment rights. The UC would be requested to do the same.

CSU Position: NO OFFICIAL POSITION
Status: The measure passed the Legislature and is on the Governor's desk.

SB 1138 (Liu) Educational Data: State Department of Education: California Postsecondary Education Commission. This measure would have imposed several new requirements regarding education oversight, data management and financial reporting.

CSU Position: WATCH
Status: The measure failed.

SB 1456 (Lowenthal) Community Colleges: Seymour-Campbell Student Success Act of 2012. This bill would provide statutory authority to the California Community College Board of Governors to implement recommendations from the CCC Student Success Task Force to increase student outcomes.

CSU Position: SUPPORT
Status: The measure passed the Legislature and is on the Governor's desk.

SB 1525 (Padilla) Postsecondary Education: Student Athletic Bill of Rights. This bill would enact the Student Athlete Bill of Rights, which commencing with the 2013-14 academic year requires intercollegiate athletic programs at 4-year institutions of higher education that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights for intercollegiate athletics, to provide an equivalent scholarship to a student athlete if an athletic program does not renew the athletic scholarship of a student athlete who suffers an incapacitating injury or illness resulting from his or her participation in the athletic program. Currently, only

four institutions are captured by this measure: Stanford, University of Southern California, University of California, and University of California Los Angeles.

CSU Position: NO OFFICIAL POSITION

Status: The measure passed the Legislature and is on the Governor's desk.

SB 1572 (Pavley) California Global Warming Solutions Act of 2006: AB 32 Investment Fund. This bill requires revenues collected by the California Air Resources Board (CARB) from the auction or sale of carbon pollution allowances (cap and trade program) to be deposited into the Greenhouse Gas Reduction Account. SB 1572 establishes a subaccount known as the Higher Education Climate Solutions Fund for the CSU and the University of California to use in meeting their cap and trade program costs. Funds from this subaccount will be used for university projects or activities that reduce the procurement of carbon-neutral electricity that displaces conventional electricity generation at university facilities.

CSU Position: SUPPORT

Status: The measure failed.

Textbooks

SB 1052 (Steinberg) Public Postsecondary Education: California Open Education Resources Council. This measure would create the California Open Education Resources Council comprised of faculty of each public postsecondary institution in the state (three from each segment as selected by the Academic Senate). The Council would be charged with the identification of the strategically selected lower division courses and to ensure the creation of open digital material of "high-quality" for students in said courses.

CSU Position: SUPPORT

Status: The measure passed the Legislature and is on the Governor's desk.

SB 1053 (Steinberg) Public Postsecondary Education: California Digital Open Source Library. This measure creates the California Open Source Digital Library, which would be administered by the CSU in coordination with the UC and Community Colleges. The library would house open source materials while providing a web-based way for students, faculty and staff to easily find, adopt, utilize or modify course materials for little or no cost. Funding of \$5 million made available in budget trailer bill.

CSU Position: SUPPORT

Status: The measure passed the Legislature and is on the Governor's desk.

AB 2471 (Lara) Postsecondary Education: E-Textbooks. This measure would have restricted the offering of an “e-textbook” unless certain requirements were met, such as being available via cloud storage and having a clear refund policy provided by the publisher.

CSU Position: NO OFFICIAL POSITION

Status: The measure failed.

Veterans

AB 2133 (Blumenfield) Veterans Priority Registration. This bill allows veterans to use their four years of priority registration enrollment at the CSU and the California Community Colleges within 15 years of leaving active duty. Also requires that priority registration be provided by the institution after the military or veteran status of the student has been verified by the institution he or she attends.

CSU Position: NO OFFICIAL POSITION

Status: The measure passed the Legislature and is awaiting final action from the Governor.

AB 2462 (Block) Military Training: Course Credit. Requires, by July 1, 2015 the Chancellor of the California Community Colleges, using common course descriptors and pertinent standards of the American Council on Education (ACE), to determine for which courses credit should be awarded for prior military experience.

CSU Position: NO OFFICIAL POSITION

Status: The measure passed the Legislature and is awaiting final action from the Governor.