

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3044**

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**Introduced by Committee on Higher Education (Alquist (Chair),  
Bogh (Vice Chair), Havice, Jackson, Liu, Matthews,  
Negrete McLeod, Robert Pacheco, and Wyman)**

March 13, 2002

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An act to add Section 92440.5 to the Education Code, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

AB 3044, as amended, Committee on Higher Education. University of California: rules and regulations: misdemeanor.

Existing law establishes the University of California as a public trust administered by the Regents of the University of California. Existing law authorizes the regents to adopt rules and regulations in order to exercise the regents' powers and duties.

This bill would establish a procedure for the regents to adopt rules and regulations pertaining to the governance and maintenance of the buildings and grounds of the University of California violations of which are misdemeanors. Because this bill would authorize the creation of new crimes, this bill would impose a state-mandated local program.

*The bill would provide that its provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

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

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

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 92440.5 is added to the Education Code,  
2 to read:

3 92440.5. (a) Notwithstanding any other provision of law, the  
4 regents may adopt a rule or regulation pertaining to the governance  
5 and maintenance of the buildings and grounds of the University of  
6 California a violation of which is a misdemeanor, if that rule or  
7 regulation is adopted, amended, or repealed pursuant to this  
8 section.

9 (b) (1) A proposed rule or regulation subject to this section  
10 shall be reviewed by the regents’ office of general counsel for  
11 necessity, authority, clarity, consistency, reference, and  
12 nonduplication. The office of general counsel may recommend to  
13 the regents any action it deems appropriate concerning the  
14 proposed rule or regulation.

15 (2) For purposes of paragraph (1), “necessity,” “authority,”  
16 “clarity,” “consistency,” “reference,” and “nonduplication”  
17 have the same meaning as those words are defined by Section  
18 11349 of the Government Code.

19 (c) Notice of the proposed rule or regulation described in this  
20 section shall be available to the public in electronic format and  
21 shall be published at least 45 days prior to a public hearing in a  
22 newspaper of general circulation in each county in which the  
23 regents maintain a campus. The notice shall include the right of the  
24 public to comment orally or in writing on the proposed rule or  
25 regulation either prior to or during the public hearing.

26 (d) The public shall be provided the opportunity to comment on  
27 the proposed rule or regulation at that public hearing.

28 (e) The regents shall maintain a rulemaking file containing the  
29 public notice, public comments, and minutes of the public hearing,  
30 including the action taken.



1 (f) The rulemaking file maintained pursuant to subdivision (e)  
2 shall contain a summary of each objection or recommendation  
3 made with an explanation of how the proposed rule or regulation  
4 was changed to accommodate each objection or recommendation,  
5 or the reason or reasons for making no change.

6 (g) The proposed rule or regulation shall be accompanied by an  
7 estimate of the effect of the proposed rule or regulation with regard  
8 to the costs or savings to the regents, other state or local agency,  
9 or any combination.

10 (h) The regents shall transmit the rule or regulation, as adopted,  
11 to the Secretary of State for filing, and, upon publication in the  
12 California Code of Regulations, a violation of the rule or  
13 regulation is a misdemeanor.

14 (i) *This section may not be utilized to impinge upon the lawful*  
15 *exercise of constitutionally protected rights of freedom of speech*  
16 *or assembly.*

17 SEC. 2. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.

