

AMENDED IN SENATE MAY 8, 2012

SENATE BILL

No. 1062

Introduced by Senator Liu
(Coauthor: Senator Alquist)

February 13, 2012

An act to amend ~~Sections 70901.5 and~~ *Section 71092* of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1062, as amended, Liu. California Community Colleges: board of governors.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. ~~Existing law prohibits the board of governors from adopting regulations that the Department of Finance determines would create a state-mandated local program cost until the department has certified that a source of funds is available to reimburse that cost.~~

~~This bill would instead require the board of governors to identify that a source of funds is available to reimburse a state-mandated local program cost that the department determines a regulation would create.~~

Existing law requires the board of governors to designate the headquarters for each of its employees, except as provided.

This bill would remove that requirement and would authorize the board of governors to appoint a person without permanent civil service status to a position classified as a career executive assignment, for the position of vice chancellor or ~~assistant~~ *assistant* vice chancellor, if the person has a minimum of 5 years of specified work experience, previously held permanent status in the civil service, was employed by

the Legislature for 2 or more consecutive years, or held for 2 or more consecutive years one or more nonelected exempt positions in the executive branch.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

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

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

1 ~~SECTION 1. Section 70901.5 of the Education Code is~~
2 ~~amended to read:~~

3 ~~70901.5. (a) The board of governors shall establish procedures~~
4 ~~for the adoption of rules and regulations governing the California~~
5 ~~Community Colleges. Among other matters, the procedures shall~~
6 ~~implement the following requirements:~~

7 ~~(1) Written notice of a proposed action shall be provided to each~~
8 ~~community college district and to all other interested parties and~~
9 ~~individuals, including the educational policy and fiscal committees~~
10 ~~of the Legislature and the Department of Finance, at least 45 days~~
11 ~~in advance of adoption. The regulations shall become effective no~~
12 ~~earlier than 30 days after adoption.~~

13 ~~(2) The proposed regulations shall be accompanied by an~~
14 ~~estimate, prepared in accordance with instructions adopted by the~~
15 ~~Department of Finance, of the effect of the proposed regulations~~
16 ~~with regard to the costs or savings to any state agency, the cost of~~
17 ~~any state-mandated local program as governed by Part 7~~
18 ~~(commencing with Section 17500) of Division 4 of Title 2 of the~~
19 ~~Government Code, any other costs or savings of local agencies,~~
20 ~~and the costs or savings in federal funding provided to state~~
21 ~~agencies.~~

22 ~~(3) The board of governors shall ensure that all proposed~~
23 ~~regulations of the board meet the standards of “necessity,”~~
24 ~~“authority,” “clarity,” “consistency,” “reference,” and~~
25 ~~“nonduplication,” as those terms are defined in Section 11349 of~~

1 the Government Code. A district governing board or any other
2 interested party may challenge any proposed regulatory action
3 regarding the application of these standards.

4 (4) Prior to the adoption of regulations, the board of governors
5 shall consider and respond to all written and oral comments
6 received during the comment period.

7 (5) The effective date for a regulation shall be suspended if,
8 within 30 days after adoption by the board of governors, at least
9 two-thirds of all governing boards vote, in open session, to
10 disapprove the regulation. With respect to any regulation so
11 disapproved, the board of governors shall provide at least 45
12 additional days for review, comment, and hearing, including at
13 least one hearing before the board itself. After the additional period
14 of review, comment, and hearing, the board may do any of the
15 following:

16 (A) Reject or withdraw the regulation.

17 (B) Substantially amend the regulation to address the concerns
18 raised during the additional review period, and then adopt the
19 revised regulation. The regulation shall be treated as a newly
20 adopted regulation, and shall go into effect in accordance with
21 those procedures.

22 (C) Readopt the regulation as originally adopted, or with those
23 nonsubstantive, technical amendments deemed necessary to clarify
24 the intent of the original regulation. If the board of governors
25 decides to readopt a regulation, with or without technical
26 amendments, it shall also adopt a written declaration and
27 determination regarding the specific state interests it has found
28 necessary to protect by means of the specific language or
29 requirements of the regulation. A readopted regulation may then
30 be challenged pursuant to existing law in a court of competent
31 jurisdiction, and shall not be subject to any further appeal within
32 the California Community Colleges.

33 (6) As to any regulation which the Department of Finance
34 determines would create a state-mandated local program cost, the
35 board of governors shall identify that a source of funds is available
36 to reimburse that cost.

37 (7) Any district or other interested party may propose a new
38 regulation or challenge any existing regulation.

39 (b) Except as expressly provided by this section, and except as
40 provided by resolution of the board of governors, the provisions

1 of Chapter 3.5 (commencing with Section 11340) of Part 1 of
2 Division 3 of Title 2 of the Government Code shall not apply to
3 regulations adopted by the board of governors.

4 ~~SEC. 2.~~

5 SECTION 1. Section 71092 of the Education Code is amended
6 to read:

7 71092. (a) The board of governors shall employ and fix the
8 compensation, in accordance with law, of assistants, clerical, and
9 other employees as it deems necessary for the effective conduct
10 of the work of the board and the chancellor’s office.

11 (b) (1) Notwithstanding any other law, except as provided in
12 paragraph 2 (2), the Board of Governors of the California
13 Community Colleges may appoint a person without permanent
14 civil service status to a position classified as a career executive
15 assignment, for the positions of vice chancellor or assistant vice
16 chancellor, if the person meets any of the following:

17 (A) Has a minimum of five years of work experience in any of
18 the following:

- 19 (i) A local community college.
- 20 (ii) A higher education policy position.
- 21 (iii) A technical or occupational capacity for which there is a
22 shortage of qualified workers.

23 (B) Previously held permanent status in the civil service.

24 (C) Was employed by the Legislature for two or more
25 consecutive years.

26 (D) Held for two or more consecutive years one or more
27 nonelected exempt positions in the executive branch.

28 (2) This subdivision does not limit the application of any law
29 applicable to career executive assignments, including the provisions
30 of the Government Code and rules of the State Personnel Board,
31 except as to authorize the appointments described in this
32 subdivision.

33 ~~SEC. 3. If the Commission on State Mandates determines that~~
34 ~~this act contains costs mandated by the state, reimbursement to~~
35 ~~local agencies and school districts for those costs shall be made~~
36 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
37 ~~4 of Title 2 of the Government Code.~~