

**Introduced by Senators Lara and Cannella
(Coauthor: Senator Anderson)**

December 4, 2014

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 1, as introduced, Lara. University of California: legislative control.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust, and require the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require that corporation to have all powers necessary or convenient for the effective administration of its trust.

This measure would repeal on January 1, 2017, the constitutional provisions relating to the university and the regents, and would require the university and the regents to be continued in existence subject to legislative control as may be provided by statute. The measure would require the Legislature to enact legislation to implement these provisions, but would prohibit the Legislature from enacting any law that restrains academic freedom, as defined, or imposes educational or curricular requirements on students enrolled at the University of California. The measure would also require the University of California to focus its

recruitment efforts on the enrollment of California residents as students of the university.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2015–16 Regular
3 Session commencing on the first day of December 2014, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 First— That Section 9 of Article IX thereof is amended to read:

8 SEC. 9. (a) The University of California shall constitute a
9 public trust, to be administered by the existing corporation known
10 as “The Regents of the University of California,” with full powers
11 of organization and government, subject only to ~~such that~~ *that*
12 legislative control as may be necessary to ~~insure~~ *ensure* the security
13 of its funds and compliance with the terms of the endowments of
14 the university and ~~such~~ competitive bidding procedures as may be
15 made applicable to the university by statute for the letting of
16 construction contracts, sales of real property, and purchasing of
17 materials, goods, and services. ~~Said~~ *The* corporation shall be in
18 form a board composed of seven ex officio members, which shall
19 be: the Governor, the Lieutenant Governor, the Speaker of the
20 Assembly, the Superintendent of Public Instruction, the president
21 and the vice president of the alumni association of the university,
22 and the acting president of the university, and 18 appointive
23 members appointed by the Governor and approved by the Senate,
24 a majority of the membership concurring; ~~provided, however that~~
25 ~~the present appointive members shall hold office until the~~
26 ~~expiration of their present terms.~~

27 (b) The terms of the members appointed prior to November 5,
28 1974, shall be 16 years; the terms of two appointive members to
29 expire as heretofore on March ~~1st~~ *1* of every even-numbered
30 calendar year, and two members shall be appointed for terms
31 commencing on March 1, 1976, and on March 1 of each year
32 thereafter; provided that no such appointments shall be made for
33 terms to commence on March 1, 1979, or on March 1 of each
34 fourth year thereafter, to the end that no appointment to the regents
35 for a newly commencing term shall be made during the first year

1 of any gubernatorial term of office. The terms of the members
2 appointed for terms commencing on and after March 1, 1976, shall
3 be 12 years. ~~During the period of transition until the time when~~
4 ~~the appointive membership is comprised exclusively of persons~~
5 ~~-serving for terms of 12 years, the total number of appointive~~
6 ~~members may exceed the numbers specified in the preceeding~~
7 ~~paragraph.~~

8 In case of any vacancy, the term of office of the appointee to fill
9 such vacancy, who shall be appointed by the Governor and
10 approved by the Senate, a majority of the membership concurring,
11 shall be for the balance of the term for which ~~such~~ *that* vacancy
12 exists.

13 (c) The members of the board may, in their discretion, following
14 procedures established by them and after consultation with
15 representatives of faculty and students of the university, including
16 appropriate officers of the academic senate and student
17 governments, appoint to the board either or both of the following
18 persons as members with all rights of participation: a member of
19 the faculty at a campus of the university or of another institution
20 of higher education; a person enrolled as a student at a campus of
21 the university for each regular academic term during his *or her*
22 service as a member of the board. Any person so appointed shall
23 serve for not less than one year commencing on July 1.

24 (d) Regents shall be able persons broadly reflective of the
25 economic, cultural, and social diversity of the State, including
26 ethnic minorities and women. However, it is not intended that
27 formulas or specific ratios be applied in the selection of regents.

28 (e) In the selection of the ~~Regents~~ *regents*, the Governor shall
29 consult an advisory committee composed as follows: The Speaker
30 of the Assembly and two public members appointed by the
31 Speaker, the President ~~Pro pro~~ *Tempore* of the Senate and two
32 public members appointed by ~~the Rules Committee~~ of the Senate
33 *Committee on Rules*, two public members appointed by the
34 Governor, the ~~chairman~~ *chairperson* of the regents of the
35 university, an alumnus of the university chosen by the alumni
36 association of the university, a student of the university chosen by
37 the Council of Student Body Presidents, and a member of the
38 faculty of the university chosen by the academic senate of the
39 university. Public members shall serve for four years, except that
40 one each of the initially appointed members selected by the Speaker

1 of the Assembly, the President ~~Pro~~ *pro* Tempore of the Senate,
2 and the Governor shall be appointed to serve for two years; student,
3 alumni, and faculty members shall serve for one year and may not
4 be regents of the university at the time of their service on the
5 advisory committee.

6 (f) The Regents of the University of California shall be vested
7 with the legal title and the management and disposition of the
8 property of the university and of property held for its benefit, and
9 shall have the power to take and hold, either by purchase or by
10 donation, or gift, testamentary or otherwise, or in any other manner,
11 without restriction, all real and personal property for the benefit
12 of the university or incidentally to its conduct; ~~provided, however,~~
13 ~~that. However,~~ sales of university real property shall be subject to
14 ~~such~~ competitive bidding procedures ~~as that~~ may be provided by
15 statute. ~~Said~~ The corporation shall also have all the powers
16 necessary or convenient for the effective administration of its trust,
17 including the power to sue and to be sued, to use a seal, and to
18 delegate to its committees or to the faculty of the university, or to
19 others, ~~such the~~ authority or functions as it may deem wise. The
20 ~~Regents regents~~ shall receive all funds derived from the sale of
21 lands pursuant to the act of Congress of July 2, 1862, and any
22 subsequent acts amendatory thereof. The university shall be entirely
23 independent of all political or sectarian influence and kept free
24 therefrom in the appointment of its regents and in the
25 administration of its affairs, and no person shall be debarred
26 admission to any department of the university on account of race,
27 religion, ethnic heritage, or sex.

28 (g) Meetings of the Regents of the University of California shall
29 be public, with exceptions and notice requirements as may be
30 provided by statute.

31 (h) *This section shall become inoperative on January 1, 2017,*
32 *and as of that date is repealed.*

33 Second— That Section 9 is added to Article IX thereof, to
34 read:

35 SEC. 9. (a) The University of California is hereby continued
36 in existence in the state government, and is subject to legislative
37 control as may be provided by statute.

38 (b) The University of California shall be administered by the
39 existing corporation known as “The Regents of the University of
40 California,” which is hereby continued in existence in the state

1 government, and is subject to legislative control as may be provided
2 by statute.

3 (c) (1) The Legislature shall enact legislation to implement
4 this section.

5 (2) Notwithstanding subdivisions (a) and (b), or any other
6 provision of this Constitution, the Legislature shall not enact any
7 law that restrains academic freedom within the University of
8 California or imposes educational or curricular requirements on
9 students enrolled at the University of California.

10 (3) As used in this subdivision, “academic freedom” means the
11 freedom to discuss all relevant matters in the classroom, to explore
12 all avenues of scholarship, research, and creative expression, and
13 to speak or write without institutional discipline or restraint on
14 matters of public concern as well as matters related to professional
15 duties of faculty and staff and the functioning of the university.

16 (d) The University of California shall focus its recruitment
17 efforts on the enrollment of California residents as students of the
18 university.

19 (e) This section shall become operative on January 1, 2017.