

AMENDED IN SENATE MAY 19, 2016

AMENDED IN SENATE MAY 5, 2016

AMENDED IN SENATE MARCH 10, 2016

Senate Constitutional Amendment

No. 1

**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 Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 1, as amended, Lara. University of California: terms of regents.

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.

Existing provisions of the California Constitution provide that the regents consist of 7 ex officio members, and 18 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 12-year terms. The California Constitution authorizes the board of regents to appoint a student or faculty member of the university, or both, to the board, as specified.

This measure would ~~prohibit~~ *reduce the terms of regents* appointed by the Governor for terms commencing on or after the effective date

of the measure *to 10 years, and would prohibit these regents from serving more than ~~one term~~ 2 terms on the ~~board~~ board, as specified.* The measure would provide that regents serving on the board on the effective date of the measure *who had served more than one term, as specified, could continue to serve until the expiration of their terms and, if they had served less than 12 years on the board as of that date, would make these members terms, but would not be eligible for reappointment to the board.* The measure would also provide that regents serving in their first terms on the board on the effective date of the measure, as specified, would be eligible for reappointment to the board for no more than one additional term. ~~The~~

Notwithstanding the provisions of the measure described above, the measure would also make a member appointed to fill a vacancy on the board on or after the effective date of the measure eligible for reappointment only if the balance of the term for which he or she has been appointed to fill the vacancy is less than 6 years: to the board for no more than one term.

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 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 that legislative
12 control as may be necessary to ensure the security of its funds and
13 compliance with the terms of the endowments of the university
14 and competitive bidding procedures as may be made applicable
15 to the university by statute for the letting of construction contracts,
16 sales of real property, and purchasing of materials, goods, and
17 services. The corporation shall be in form a board composed of
18 seven ex officio members, which shall be: the Governor, the
19 Lieutenant Governor, the Speaker of the Assembly, the
20 Superintendent of Public Instruction, the president and the vice

1 president of the alumni association of the university, and the acting
2 president of the university, and 18 appointive members appointed
3 by the Governor and approved by the Senate, a majority of the
4 membership concurring.

5 (b) (1) The terms of the members appointed prior to November
6 5, 1974, shall be 16 years; the terms of two appointive members
7 to expire as heretofore on March 1 of every even-numbered
8 calendar year, and two members shall be appointed for terms
9 commencing on March 1, 1976, and on March 1 of each year
10 thereafter; provided that no such appointments shall be made for
11 terms to commence on March 1, 1979, or on March 1 of each
12 fourth year thereafter, to the end that no appointment to the regents
13 for a newly commencing term shall be made during the first year
14 of any gubernatorial term of office. ~~The~~ *Except as set forth in*
15 *paragraphs (2) and (3), the terms of the members appointed for*
16 *terms commencing on and after March 1, 1976, shall be 12 years.*

17 (2) (A) ~~Except as set forth in paragraph (3), no~~ *The terms of*
18 *members appointed for terms commencing on or after the effective*
19 *date of the measure that adds this paragraph shall be 10 years.*
20 *No member appointed on or after the effective date of the measure*
21 *that adds this paragraph shall serve more than one term two terms*
22 *on the board.*

23 (B) A member appointed before the effective date of the measure
24 that adds this paragraph who, as of that date, has served as a regent
25 for ~~12 or more years,~~ *more than one term,* may continue to serve
26 until the expiration of his or her term, but shall not be eligible for
27 reappointment to the board.

28 (C) A member appointed before the effective date of the measure
29 that adds this ~~paragraph,~~ *paragraph* who, ~~as of on~~ that date, ~~has~~
30 ~~served as a regent for less than 12 years,~~ *is serving in his or her*
31 *first term as a regent,* may continue to serve until the expiration
32 of his or her term, and shall be eligible for reappointment to the
33 board for no more than one additional term.

34 (3) ~~In~~ *Notwithstanding paragraph (2), in case of any vacancy,*
35 *the term of office of the appointee to fill that vacancy, who shall*
36 *be appointed by the Governor and approved by the Senate, a*
37 *majority of the membership concurring, shall be for the balance*
38 *of the term for which that vacancy exists. A member who has been*
39 *appointed pursuant to this paragraph on or after the effective date*
40 *of the measure that adds paragraph (2) shall be eligible for*

1 reappointment to the ~~board~~, *board* for no more than one ~~term~~, only
2 if the balance of the term for which he or she has been appointed
3 to fill the vacancy is less than six years. *term*.

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

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

19 (e) In the selection of the regents, the Governor shall consult
20 an advisory committee composed as follows: ~~The~~ *the* Speaker of
21 the Assembly and two public members appointed by the Speaker,
22 the President pro Tempore of the Senate and two public members
23 appointed by the Senate Committee on Rules, two public members
24 appointed by the Governor, the chairperson of the regents of the
25 university, an alumnus of the university chosen by the alumni
26 association of the university, a student of the university chosen by
27 the Council of Student Body Presidents, and a member of the
28 faculty of the university chosen by the academic senate of the
29 university. Public members shall serve for four years, except that
30 one each of the initially appointed members selected by the Speaker
31 of the Assembly, the President pro Tempore of the Senate, and the
32 Governor shall be appointed to serve for two years; student, alumni,
33 and faculty members shall serve for one year and may not be
34 regents of the university at the time of their service on the advisory
35 committee.

36 (f) The Regents of the University of California shall be vested
37 with the legal title and the management and disposition of the
38 property of the university and of property held for its benefit, and
39 shall have the power to take and hold, either by purchase or by
40 donation, or gift, testamentary or otherwise, or in any other manner,

1 without restriction, all real and personal property for the benefit
2 of the university or incidentally to its conduct. However, sales of
3 university real property shall be subject to competitive bidding
4 procedures that may be provided by statute. The corporation shall
5 also have all the powers necessary or convenient for the effective
6 administration of its trust, including the power to sue and to be
7 sued, to use a seal, and to delegate to its committees or to the
8 faculty of the university, or to others, the authority or functions as
9 it may deem wise. The regents shall receive all funds derived from
10 the sale of lands pursuant to the act of Congress of July 2, 1862,
11 and any subsequent acts amendatory thereof. The university shall
12 be entirely independent of all political or sectarian influence and
13 kept free therefrom in the appointment of its regents and in the
14 administration of its affairs, and no person shall be debarred
15 admission to any department of the university on account of race,
16 religion, ethnic heritage, or sex.

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