

AMENDED IN ASSEMBLY MARCH 23, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1691

Introduced by Assembly Member Ammiano

January 27, 2010

An act to amend Section 66602 of, and to add Section 92022 to, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1691, as amended, Ammiano. Trustees of the California State University and Regents of the University of California: meetings.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the trustees are composed of a total of 25 members, which include 5 specified ex officio members, a representative of the alumni associations of the university, 16 members appointed by the Governor, subject to confirmation by $\frac{2}{3}$ of the membership of the Senate, for 8-year terms, and 2 California State University students and one California State University faculty member appointed by the Governor for 2-year terms.

This bill would authorize each ex officio trustee, except the Chancellor of the California State University, to designate a person, as prescribed, to attend a meeting or meetings of the trustees in his or her absence. *The bill would prohibit the designated person from having the power to vote on behalf of the ex officio trustee, being counted for purposes of establishing a quorum, and attending closed sessions of the board.* The bill would prohibit an ex officio trustee from designating more than one person to attend meetings of the trustees in any calendar year.

(2) Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires 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 the membership of the board to be composed of 18 appointive members, appointed by the Governor and approved by the Senate, and the following 7 ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, and the president and vice president of the alumni association of the university and the acting president of the university. These provisions also require the corporation to have all powers necessary or convenient for the effective administration of its trust, including the power to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise.

This bill would express legislative intent that each ex officio member of the board, to the extent authorized pursuant to those provisions of the California Constitution, designate a person to attend a meeting or meetings of the board in the member's absence.

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

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

1 SECTION 1. Section 66602 of the Education Code is amended
2 to read:
3 66602. (a) (1) The board shall be composed of the following
4 five ex officio members: the Governor, the Lieutenant Governor,
5 the Superintendent of Public Instruction, the Speaker of the
6 Assembly, and the person named by the trustees to serve as the
7 Chancellor of the California State University; a representative of
8 the alumni associations of the state university, selected for a
9 two-year term by the alumni council, California State University,
10 which representative shall not be an employee of the California
11 State University during the two-year term; and 16 appointive
12 members appointed by the Governor and subject to confirmation
13 by two-thirds of the membership of the Senate.
14 (2) (A) Each ex officio member, except the Chancellor of the
15 California State University, may designate a person, who is an

officer or member of the same office or elective body as the member, to attend a meeting or meetings of the trustees in the member's absence. A person designated pursuant to this paragraph shall not have the power to vote on behalf of the member ~~and~~, shall not be counted as a member of the board for purposes of establishing a quorum, *and shall not be permitted to attend closed sessions of the board*. An ex officio member may designate only one person in a calendar year to attend a meeting or meetings of the trustees in the member's absence.

(B) For purposes of this paragraph, "officer or member of the same office or elective body of the member" means the following with respect to each ex officio member:

(i) Governor: a secretary of an executive agency appointed by the Governor.

(ii) Lieutenant Governor: a Member of the Senate.

(iii) Superintendent of Public Instruction: an elected county superintendent of schools.

(iv) Speaker of the Assembly: a Member of the Assembly.

(b) (1) Two students from the California State University, who shall have at least a junior year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor for two-year terms.

(2) In the selection of students as members of the board, the Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the person's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the

1 second year of his or her term of office may serve the remainder
2 of the term.

3 (4) During the first year of a student member's term, a student
4 member shall be a member of the board and may attend all
5 meetings of the board and its committees. At these meetings, a
6 student member may fully participate in discussion and debate,
7 but may not vote. During the second year of a student member's
8 term, a student member may exercise the same right to attend
9 meetings of the board, and its committees, and shall have the same
10 right to vote as the members appointed pursuant to subdivision
11 (a).

12 (5) Notwithstanding paragraph (4), if a student member resigns
13 from office or a vacancy is otherwise created in that office during
14 the second year of a student member's term, the remaining student
15 member shall immediately assume the office created by the vacancy
16 and all of the participation privileges of the second-year student
17 member, including the right to vote, for the remainder of that term
18 of office.

19 (c) (1) A faculty member from the California State University,
20 who shall be tenured at the California State University campus at
21 which he or she teaches, shall also be appointed by the Governor
22 for a two-year term. In the selection of a faculty member as a
23 member of the board, the Governor shall appoint the faculty
24 member from a list of names of at least two persons furnished by
25 the Academic Senate of the California State University.

26 (2) The faculty member of the board appointed by the Governor
27 pursuant to this subdivision shall not participate on any
28 subcommittee of the board responsible for collective bargaining
29 negotiations.

30 (3) The term of office of the faculty member of the board shall
31 commence on July 1, and shall expire on June 30 two years
32 thereafter.

33 SEC. 2. Section 92022 is added to the Education Code, to read:
34 92022. It is the intent of the Legislature that each ex officio
35 member of the Regents of the University of California, to the extent
36 authorized pursuant to Section 9 of Article IX of the California
37 Constitution, designate a person to attend a meeting or meetings
38 of the regents in the member's absence.

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