

AGENDA

COMMITTEE ON GOVERNMENTAL RELATIONS

Meeting: 8:30 a.m., Wednesday, July 19, 2000
Glenn S. Dumke Conference Center

Martha C. Fallgatter, Chair
Roberta Achtenberg, Vice Chair
Debra S. Farar
Bob Foster
Murray L. Galinson
William Hauck
Neel I. Murarka
Dee Dee Myers
Ralph R. Pesqueira

Consent Items

Approval of Minutes of Meeting of May 9, 2000

Discussion Items

1. 1999-2000 Legislative Report No. 10, *Action*

**MINUTES OF MEETING OF
COMMITTEE ON GOVERNMENTAL RELATIONS**

**Trustees of The California State University
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

May 9, 2000

Members Present

Martha C. Fallgatter, Vice Chair
Roberta Achtenberg
William D. Campbell
Debra S. Farar
William Hauck, Chairman of the Board, ex officio
Neel I. Murarka
Dee Dee Myers
Ralph R. Pesqueira
Charles B. Reed, Chancellor, ex officio

Members Absent

Bob Foster

Other Trustees Present

Frederick W. Pierce IV

Chancellor's Office Staff

David S. Spence, Executive Vice Chancellor and Chief Academic Officer
Richard P. West, Executive Vice Chancellor and Chief Financial Officer
Jackie R. McClain, Vice Chancellor, Human Resources
Douglas X. Patiño, Vice Chancellor, University Advancement
Christine Helwick, General Counsel
Karen Yelverton-Zamarripa, Assistant Vice Chancellor, Governmental Affairs

Vice Chair Fallgatter called the meeting to order at 2:02 p.m.

Approval of Minutes

The minutes of March 15, 2000, were approved.

1999-2000 Legislative Report No. 9

Vice Chair Fallgatter announced that Ms. Karen Yelverton-Zamarripa would present an update on the current status of the Trustees' Legislative Program and priority legislation introduced this year.

Ms. Yelverton-Zamarripa provided the committee with a status report on the Trustees' Legislative Program for 2000:

AB 632 (Romero). This measure would provide out-of-state residents who are in the CalStateTEACH program and are currently working in a school district with a waiver of their nonresident tuition fee. The bill is pending consideration by the Senate Education Committee.

AB 2384 (Assembly Higher Education Committee). This year's Higher Education Omnibus Bill includes several items of importance to the CSU. Among other provisions, it would authorize auxiliary organization boards to meet in closed session to protect donor confidentiality, and clarify/streamline the CSU's authority on procurement. The bill has been moved from the Assembly Appropriations Committee to the Assembly Floor and is on consent due to its limited fiscal impact.

SB 1547 (Costa). This bill contains one of the CSU's major proposals for this year. If approved, this bill would allow the CSU to manage its property and assets as relates to the exchange, sale, and purchase of property with state revenues.

SB 1779 (Johnston). This bill would permit CSU campuses to have greater flexibility in how revenue from nonstate funded self-support programs is used to support the construction, maintenance, repair and acquisition of facilities within those programs. The bill was approved by the Senate Education Committee on a unanimous vote.

Ms. Yelverton-Zamarripa also briefly updated the committee on several bills associated with efforts to reduce student fees and with various K-12 initiatives.

Members of the committee posed questions regarding the following priority bills:

SB 860 (Hughes). Trustee Pesqueira noted that the language in the bill, which pertains to penalties for repeated unfair labor practices, appears to be quite broad. He inquired about what impact this bill might have on CSU. Ms. Yelverton-Zamarripa explained that while the description in the committee's agenda was broad, the bill is specific to either party in repeated unfair labor practices of the same nature. Current law technically allows for penalties to be imposed at the discretion of PERB. The bill would amend the Higher Education Employee Relations Act (HEERA) and would mandate that such penalties be implemented by PERB.

AB 1773 (Romero). Trustee Pesqueira said it was his understanding that as written, this bill would prohibit note taking or recording of class lectures without the prior written permission of the faculty member. Ms. Yelverton-Zamarripa explained this has been a very significant legislative proposal

and one that will likely incur a great deal of further discussion and debate. CSU does not support the bill.

AB 2409 (Migden/Runner). Pertains to phasing in of year-round operations. Trustee Myers asked how the bill would affect planning issues should it pass. Ms. Yelverton-Zamarripa said the bill is extremely broad and CSU has indicated to the authors that it is not necessary. She said suggestions have been made to explore other mechanisms to encourage year-round operations, including exploring some student incentives.

The committee recommended approval of the proposed resolution (RGR 05-04-00).

Initiative Constitutional Amendment: Local School Facilities Bonds: 55 Percent Vote

Ms. Yelverton-Zamarripa explained the proposed initiative, which changes the voter approval threshold from 2/3 to a 55 percent vote for local school bonds (K-12 and community colleges). The initiative is consistent with Proposition 26, which was previously endorsed by the board.

Chairman Hauck expressed his commitment and support of the initiative, noting the urgent need in California for new facilities for K-12 education. The proposal has the full support of the business community and Governor Davis and he urged the committee to adopt a formal position in favor of the initiative.

The committee recommended approval of the proposed resolution (RGR 05-04-00).

The meeting adjourned at 2:19 p.m.

BRIEF

Action Item

Agenda Item 1
July 18-19, 2000

COMMITTEE ON GOVERNMENTAL RELATIONS

1999-2000 Legislative Report No. 10

Presentation By

Karen Yelverton-Zamarripa, Assistant Vice Chancellor
Governmental Affairs

Summary

This item contains a status report on the Board of Trustees' 2000 Legislative Program and active priority legislation in the 1999-2000 session.

Recommended Action

Adoption of the resolution.

ITEM

2
 Agenda Item 1
 July 18-19, 2000

COMMITTEE ON GOVERNMENTAL RELATIONS

1999-2000 Legislative Report No. 10

Date: 6/27/00

1. 1999-2000 Legislative Program Status Report

BILL	Author-Subject	Introduced	1st Policy Committee	1st Fiscal Committee	Floor Action	2nd Policy Committee	2nd Fiscal Committee	Floor Action	Comments
Carry-Over Legislation									
AB 108	(Mazzoni) Statewide Subject Matter Projects	X	X	X	X	X			Pending consideration by Senate Appropriations Committee.
AB 252	(Scott) Financial Aid: Year-Round Attendance	X	X	X	X				Set for Hearing in the Senate Education Committee, July 5.
AB 632	(Romero, Lowenthal) Exemption from Non-Resident Tuition: Emergency Permit holders	X	X	X	X	X			Approved by Senate Education Committee, June 21.
Items Approved in 2000									
AB 172	(Firebaugh) California-Mexico Students Program	X	X	X	X				Set for Hearing in the Senate Education Committee, July 5.
AB 2384	Omnibus Bill: Authority of Auxiliary Organizations to Meet in Closed Session; CSU Procurement Authority	X	X	X	X	X			Approved by Senate Education Committee, June 21.
SB 303	(Johnston) Use of State School Bonds for Construction on Property Not Owned by a School District	X	X	X	X				Pending consideration by Assembly Appropriations Committee.
SB 1547	(Costa) Authority to Dispose of Non-Gifted Real Property	X	X	X	X	X			Approved by Assembly Higher Education Committee, June 20.
SB 1779	(Johnston) Campus Enterprise Debt Program	X	X	X	X	X			Approved by Assembly Higher Education Committee, June 20.

Policy - That committee which evaluates policy implications of bills (e.g., Education, Judiciary, Retirement)

X - Indicates Action Taken
 H - Indicates Held in Committee

Status of Priority Legislation

Regular Session Legislation Carried Over from 1999

SB 179 (Alpert) Model Alternative Teacher Preparation Programs

As amended 6/15/00, SB 179 no longer contains provisions from previous versions of the bill, which would have required the Commission on Teacher Credentialing to ensure that any expansion of local teacher education internship programs allowed under existing law be fully integrated and cooperatively taught. The bill now deals with Healthy Start Programs for young children.

Status: Approved by Assembly Education Committee, June 21 (no longer being followed by CSU)

SB 338 (Wright) Intercollegiate Athletics: Discontinuation

As recently amended, this bill would require public institutions of higher education in California to honor the scholarships made to athletes of an athletic program in the event the program is eliminated at one of their respective campuses. The bill would also require the chief executive of each university to make every attempt to place these athletes in the same athletic program located at another university. Finally, the bill encourages public universities to provide reasonable notification of a termination and states the Legislature's intent that this bill does not place the status of athletic programs above that of academic programs.

Status: Approved by Assembly Higher Education Committee, June 20

SB 860 (Hughes) Labor Relations

As amended in the Senate Education Committee, SB 860 would amend the Higher Education Employer-Employee Relations Act (HEERA) to provide for penalties for repeated unfair labor practices by either an employer or a certified labor organization.

Status: Approved by Assembly Higher Education Committee, June 20

SB 1132 (Costa) Capital Facilities Fees

This bill would allow public water agencies to unilaterally impose capital facilities fees on educational institutions such as the CSU by embedding unauthorized fees in monthly service charges, overturning a long-standing agreement negotiated in 1988 between public water agencies and those public agencies which are dependent upon them for water and wastewater service.

Status: Pending consideration by Assembly Appropriations Committee

Legislation Introduced in 2000

Governor's Education Initiatives

The provisions of the governor's initiatives that were originally included in Senate Bills 1503, 1504, 1505, and Assembly Bills 1941, 1942, 1943, were amended into budget "trailer bills" (bills that provide statutory authorization for programs funded in the Budget Act) late in the budget process. The status of these new bills is indicated below.

Senate Bill 1666 (Alarcon) Teachers: Recruitment and Incentives (former SB 1505)

Among other provisions, Senate Bill 1666 would establish the Governor's Teaching Fellowship Program (to be administered by the California State University), under which graduate teaching fellowships would be awarded to graduate students who agree to teach at a low-performing school for four years. Three and a half million dollars is in the CSU section of the 2000-01 Budget Act for this program. The bill would also increase by 1,000 the number of Assumption Program of Loans for Education (APLE) warrants awarded annually, and make a variety of changes to generally streamline and facilitate the administration of the APLE program.

Status: Governor's Desk

Senate Bill 1688 (Polanco) Education (former SB 1503)

This bill would establish the following programs:

- (a) The Governor's Scholars Program, under which a \$1,000 scholarship would be awarded to each public high school pupil who demonstrates high academic achievement on the statewide achievement test.
- (b) The Governor's Distinguished Mathematics and Science Scholars Program, for students who demonstrate high achievement on the Advanced Placement examinations in calculus and physical science.
- (c) Intensive Algebra Academies to provide summer school instruction in pre-algebra and algebra to seventh and eighth grade students.
- (d) Intensive Algebra Instruction Academies to train teachers in methods of algebra instruction for seventh and eighth grade students.

This bill would only become operative if SB 1644, the budget trailer bill for student financial aid, is enacted.

Status: Senate Floor; pending concurrence in Assembly amendments

Senate Bill 1689 (Escutia) Advanced Placement Program (former SB 1504)

Senate Bill 1689 would establish the Advanced Placement Challenge Grant Program to assist high schools in providing college-level courses to interested and prepared students.

Status: Governor's Desk

Assembly Bill 2881 (Wright) Teachers: Professional Development Institutes (former AB 1941)

This bill would expand existing teacher professional development institutes in reading and English language development which are currently administered jointly by the University of California and the California State University, and create four new institutes in the areas of high school English, high school mathematics, high school algebra, and elementary school mathematics.

Status: Governor's Desk

Assembly Bill 2882 (Reyes) Education Technology Grant Program (former AB 1942)

Assembly Bill 2882 would establish the Education Technology Professional Development Program, to be administered by the CSU, to provide teachers with professional development training on how best to integrate the use of technology into the classroom and curriculum. In administering the program, CSU is to collaborate with the California Technology Assistance Project, county offices of education, and other appropriate public and private organizations. Six and a half million dollars is included in the budget for the first year of the program.

Status: Governor's Desk

Assembly Bill 2883 (Villaraigosa) University of California: Institutes for Science and Innovation (former AB 1943)

This bill would authorize the University of California to establish three California Institutes for Science and Innovation for the purpose of combining technological and scientific research and training and educating future scientists and technological leaders.

Status: Governor's Desk

Student Financial Aid Trailer Bill

Previous status reports included Senate Bill 1788 (Burton) and Senate Bill 2118 (Poochigian), bills dealing with various funding aspects of student financial aid. After much legislative discussion, Senate Bill 1644 (see below) was amended to become the budget trailer bill for student financial aid, and the previous vehicles were deferred.

Senate Bill 1644 (Ortiz) Student Financial Aid

Senate Bill 1644 would create the Cal Grant Guarantee Program, which sets forth a long-term policy where first-year Cal Grant Awards are granted to all applicants with eligible grade point averages (GPA). The bill specifies that eligibility shall be based on at least a 3.0 GPA for Cal Grant A recipients, and a 2.0 GPA for Cal Grant B recipients. Costs for textbooks and supplies are also recognized with an increase in the subsistence portion of Cal Grant B awards. The bill also states that institutions of higher education shall not reduce the institutional financial aid they provide in light of this program expansion.

Status: Governor's Desk

Additional Legislation

Assembly Bill 1773 (Romero) Unauthorized Recording of Academic Presentations

As amended on June 15, Assembly Bill 1773 no longer deals with intellectual property issues and instead would require the CSU to develop, in consultation with faculty, policies to prohibit the unauthorized recording, dissemination, and publication of academic presentations for commercial purposes. These recent amendments alleviate our concern that previous versions of the bill were too restrictive by not recognizing the campus administration's role in the oversight and process of approving unauthorized sales or distribution of recordings of instructional materials. In addition, the amendment appropriately adds a statement that nothing in the legislation is intended to change existing law as it pertains to the ownership of academic presentations.

Status: Pending Hearing in the Senate Judiciary and Education Committees

Assembly Bill 1857 (Romero) Student Body Organizations: Open Meetings

This bill would modify open meeting requirements for student body organizations to include greater flexibility and protection. The bill is sponsored by the California State Student Association and would address several issues identified as problems resulting from existing open meetings law, including the inability to conduct a meeting by teleconference and the lack of a provision to protect the rights of the public and students to address a governing board.

Status: Approved by Senate Education Committee, June 21

Assembly Bill 1935 (Wildman) Higher Education Labor Relations

Assembly Bill 1935 would include specified employees of foundations, extension operations, and “other organizational entities controlled by the Trustees of the California State University” among the defined employers and employees who collectively bargain with employees under the Higher Education Employer-Employee Relations Act.

Status: Set for Hearing in the Senate Education Committee, July 5

Assembly Bill 2138 (Keeley) Higher Education Labor Relations: Mediation

This bill would have significantly altered impasse resolution procedures under the Higher Education Employer-Employee Relations Act, proposing a binding fact-finding process under which the fact-finding panel would resolve an impasse by choosing, on an issue by issue basis, between the last best offer of each party.

Status: Held on the Assembly Appropriations Committee Suspense File

Assembly Bill 2143 (Lempert) Higher Education Labor Relations

Under existing law, certain statutes governing terms and conditions of employment for CSU employees in higher education are superseded to the extent they conflict with a memorandum of understanding. Assembly Bill 2143 would have mandated that such statutes providing a minimum level of benefits and rights would only be superseded where terms of a memorandum of understanding provide benefits or rights in excess of the statutory minimums.

Status: Held on the Assembly Appropriations Committee Suspense File

Assembly Bill 2323 (Ducheny) Center for International Education Synergy

For the past year, Sweetwater Union High School District, the Southwestern Community College District, and San Diego State University have been working together to design and develop the Center for International Education Synergy, which would be located adjacent to the new Sweetwater Union High-Tech Secondary School scheduled to open in 2002. This bill would state the intent of the Legislature to provide funding from the General Fund in the annual Budget Act to support the proposed center. This much-needed regional learning center would initially serve approximately 3,500 high school, community college, and university students from south San Diego County.

Status: Pending in the Senate Education Committee

Assembly Bill 2408 (Firebaugh) School Facilities

This bill would allow K-12 school districts to expend bond funds to construct or modernize facilities that are located on property owned by public entities and leased to other public entities, including school districts, for 40 years or more. This is one of several bills introduced on this general subject (including SB 303, sponsored by the Board of Trustees), and may become the vehicle to address this issue.

Status: Set for Hearing in the Senate Education Committee, June 28

**Assembly Bill 2409 (Migden and Runner) Public Postsecondary Education:
Year-Round Operations**

Assembly Bill 2409 would require the California State University and request the University of California to begin phasing in year-round operations, contingent upon funding being provided in the annual Budget Act.

Status: Set for Hearing in the Senate Education Committee, June 28

Senate Bill 1330 (Alpert) Assumption Program of Loans for Education

This bill would reorganize, consolidate and streamline duplicative, conflicting, and outdated provisions of the Assumption Program of Loans for Education (APLE). Further, the bill would increase the maximum amount of loan assumption benefits that can be earned in APLE for individuals who teach four years in (1) schools scoring in the lowest 20th percentile of the Academic Performance Index (API) and/or (2) math, science or special education.

Status: Approved by the Assembly Higher Education Committee, June 20

Senate Bill 1450 (McPherson) Public Postsecondary Education: Student Fees

As amended in the Senate, Senate Bill 1450 would have required that student fees at the University of California and the California State University for instruction during summer terms not exceed the fees charged during other academic terms. The bill appropriated \$24 million from the General Fund to reimburse UC and CSU for their loss in fee revenue. [Note: This bill was dropped by the author after funding for this purpose was included in the Budget Bill.]

Status: Dropped by Author

Senate Bill 1604 (O'Connell) California State University Board of Trustees

This bill would increase the membership of the CSU Board of Trustees by requiring the governor to appoint a non-faculty employee of the university for a two-year term.

Status: Approved by the Assembly Higher Education Committee, June 20

Senate Bill 1723 (Chesbro) California State University Student Body Centers: Building and Operating Fee

Existing law places a cap of \$40 on the building and operating fee for student body centers which have paid off their bonded indebtedness. This bill would have raised that cap to \$125. The author and the sponsor of this measure (the California State Student Association) have agreed to drop SB 1723, in favor of SB 1779, sponsored by the Board of Trustees (which addresses the issue in a different manner).

Status: To Be Dropped by Author

Senate Bill 1747 (Alpert) California Postsecondary Education Commission: CSU Study

This bill would have required CPEC to conduct a comprehensive study of the impact of discrimination, the segregation of jobs by gender or race, and the undervaluation of women's work on the wage gaps between male and female employees of the CSU.

Status: Held on the Senate Appropriations Committee Suspense File

Senate Concurrent Resolution 83 (Polanco) Higher Education Capital Outlay Funding

As introduced, this resolution would have expressed the intent of the Legislature to replace the current 1/3 bond split for the three public segments of higher education with an allocation of bond proceeds based on each segment's share of the projected undergraduate enrollment increases in higher education over the next ten years. The resolution is expected to be amended to call for a study of this issue.

Status: Set for Hearing in the Senate Education Committee, July 5

Adoption of the following resolution is recommended:

RESOLVED, By the Board of Trustees of The California State University, that the 1999-2000 Legislative Report No. 10 is adopted.