

Date of Hearing: March 19, 2013

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
AB 46 (Pan) – As Amended: March 12, 2013

SUBJECT: California State University: trustees.

SUMMARY: Authorizes ex officio members of the California State University (CSU) Board of Trustees (BOT) to designate a representative to attend, speak, and vote at CSU BOT meetings in the ex officio member's absence and authorizes the non-voting student trustee to vote at a BOT meeting if the voting student member is absent from the meeting. Specifically, this bill:

- 1) Allows an ex-officio member of the board, except the CSU Chancellor, to designate a person to represent them at a trustees' meeting in their absence. A designee cannot attend closed sessions, and only one person may be designated by an ex officio member in any calendar year.
- 2) Requires the ex-officio member, pursuant to 1), to notify the board secretary in writing: a) with the name and contact information of a designee for that calendar year by January 10; and, b) 10 business days prior to a meeting if the ex officio member will be sending their designee to that meeting.
- 3) Allows the student board member, during the first year of their term, to vote at a board meeting if the other student board member is absent.

EXISTING LAW:

- 1) Provides that the CSU BOT be composed of the following ex officio members: the Governor, Lieutenant Governor, Speaker of the Assembly, Superintendent of Public Instruction, and CSU Chancellor.
- 2) Provides that the CSU BOT be composed of the following members:
 - a) 16 members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate;
 - b) A representative of the CSU alumni associations, selected for a two-year term by the CSU alumni council (this person cannot be a CSU employee during the two-year term);
 - c) Two CSU students, appointed by the Governor for two-year terms; and,
 - d) A tenured CSU faculty member, appointed by the Governor for a two-year term.

FISCAL EFFECT: Unknown

COMMENTS: Need for this bill. According to the author, CSU BOT ex officio members are not able to participate in meetings due to scheduling conflicts, and the first year student Trustee is not able to act as an alternate in the second year student's absence. This bill is necessary to

facilitate increased representation of the public and constituents to ensure a more responsive and transparent decision-making process by the BOT.

Virtue of the office. The Legislature established the importance of certain state-elected offices participating on the boards of public postsecondary institutions as a means to ensure that elected leaders are able to share their perspective in the formulation of system policy. By virtue of the office they hold, these individuals bring unique perspective and experience to the policy and governance discussions of the Trustees. Presumably, this bill would allow an ex officio Trustee to send a designee to act in the official's place and stead with the same rights and responsibilities, including the right of the deputy to be counted in constituting a quorum, participating in the proceedings of the Board, and to vote upon any and all matters, excluding closed sessions. Is it appropriate for nonelected proxies to vote on behalf of elected officials who represent the people of California in the governance of the CSU?

Effect on ex officio participation. While the intent of the bill is to increase ex officio involvement in CSU BOT decisions by ex officio members, does the ability to appoint a designee serve as a disincentive for the ex officio to participate? While both the Trustees and ex officio members could benefit from regular contact, it is not clear that this bill will, by itself, ensure more responsible and transparent decision making, as it will continue to be incumbent on the ex officio members to be informed about Trustee agendas and meeting outcomes.

Designee requirements. This bill allows the ex officio to choose anyone as their designee, regardless of employment qualifications. The Committee may wish to consider whether this should be further defined.

Other entities. The California Public Employees' Retirement System, California State Teachers' Retirement System, Board of Equalization, and Franchise Tax Board allow ex officio members to send a deputy to act on their behalf at board meetings. The Committee may wish to consider whether these boards are an appropriate comparison group for governance of a state university system.

Student members. Two students serve staggered two-year terms on the CSU BOT. During a student's first year, he or she may participate fully in BOT meetings but may not vote. The student may vote during his or her second year on the BOT. The intent of this staggered voting provision is to allow the student a year to transition onto the board and learn the issues before exercising their voting responsibilities in the second year.

Related legislation. AB 1965 (Pan), Chapter 554, Statutes of 2012, as introduced was identical to this bill. These contents were removed in the Senate and replaced with language pertaining to land use.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees, AFL-CIO

Opposition

None on file.

Analysis Prepared by: Sandra Fried / HIGHER ED. / (916) 319-3960