

AMENDED IN SENATE APRIL 28, 2014  
AMENDED IN ASSEMBLY MARCH 12, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 46**

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**Introduced by Assembly Member Pan**

December 19, 2012

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An act to amend Section 66602 of the Education Code, to add Section 10828 to the Public Contract Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, Pan. California State University: ~~trustees; contractors.~~

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. Existing law prohibits a student member from voting at a board meeting during the first year of his or her term. *California State University comprises 25 institutions of higher education throughout the state. Existing law imposes various requirements with respect to contracting by the California State University.*

This bill would ~~authorize each ex officio member, other than the Chancellor of the California State University, to designate a staff person~~

~~to attend a meeting or meetings of the board in his or her absence, in accordance with a prescribed procedure, and to speak and vote on his or her behalf during those meetings. This bill would prohibit a staff person designated under this provision from attending closed sessions of the board. The bill would prohibit an ex officio member from designating more than one staff person to attend board meetings in any calendar year. The bill also would authorize a student member to vote at a board meeting during the first year of his or her term if the other student member is absent from that meeting.~~ *require that contracts entered into by the California State University on or after January 1, 2015, for the purpose of developing educational programs comply with all of the following: that any data collected, pursuant to the contract, by the contractor relating to a student or a faculty member, including data relating to the student's or faculty member's use of university resources, be provided to the university in both electronic and paper formats; that any service or instruction provided, pursuant to the contract, by a nonstate agency contractor to a student or faculty member conform to pertinent federal statutes and regulations relating to student and faculty data; that any contract entered into with a nonstate agency acknowledge that other contracts entered into by the university may determine the rights to that intellectual property; and that any service or instruction provided, pursuant to a contract entered into by a nonstate agency subcontractor with a nonstate agency contractor, conform to these policies.*

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

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

1     SECTION 1. Section 10828 is added to the Public Contract  
2     Code, to read:  
3     10828. (a) A contract entered into by the university on or after  
4     January 1, 2015, for the purpose of developing educational  
5     programs shall comply with all of the following requirements:  
6     (1) Any data collected, pursuant to the contract, by the  
7     contractor relating to a student or a faculty member, including  
8     data relating to the student's or faculty member's use of university  
9     resources, shall be provided to the university in both electronic  
10    and paper formats.

1 (2) Any service or instruction provided, pursuant to the contract,  
2 by a nonstate agency contractor to a student or faculty member  
3 shall conform to pertinent federal statutes and regulations relating  
4 to student and faculty data. The language of the contract pursuant  
5 to which the service or instruction referenced in this paragraph  
6 is provided shall explicitly authorize the provision of this service  
7 or instruction to students or faculty.

8 (3) Any contract entered into with a nonstate entity shall  
9 acknowledge that other contracts entered into by the university  
10 may determine the rights to that intellectual property.

11 (b) Any service or instruction provided, pursuant to a contract  
12 entered into by a nonstate agency subcontractor with a nonstate  
13 agency contractor, shall conform to, and incorporate relevant  
14 policies required by, subdivision (a).

15 (c) As used in this section, “university” means the California  
16 State University.

17 SECTION 1. Section 66602 of the Education Code is amended  
18 to read:

19 ~~66602. (a) (1) The board shall be composed of the following~~  
20 ~~five ex officio members: the Governor, the Lieutenant Governor,~~  
21 ~~the Superintendent of Public Instruction, the Speaker of the~~  
22 ~~Assembly, and the person named by the trustees to serve as the~~  
23 ~~Chancellor of the California State University; a representative of~~  
24 ~~the alumni associations of the state university, selected for a~~  
25 ~~two-year term by the alumni council, California State University,~~  
26 ~~which representative shall not be an employee of the California~~  
27 ~~State University during the two-year term; and 16 appointive~~  
28 ~~members appointed by the Governor and subject to confirmation~~  
29 ~~by two-thirds of the membership of the Senate.~~

30 ~~(2) (A) Each ex officio member of the board, other than the~~  
31 ~~Chancellor of the California State University, may designate a~~  
32 ~~staff person to attend a meeting or meetings of the board in his or~~  
33 ~~her absence and to speak and vote on his or her behalf during those~~  
34 ~~meetings. The designee shall not attend any closed session of the~~  
35 ~~board. No more than one staff person may be designated by an ex~~  
36 ~~officio member under this paragraph to attend board meetings in~~  
37 ~~any calendar year.~~

38 ~~(B) If an ex officio member of the board designates a person~~  
39 ~~pursuant to subparagraph (A), the ex officio member shall do both~~  
40 ~~of the following:~~

1 (i) Notify the secretary of the board in writing of the name and  
2 contact information of the designee by January 10 of the calendar  
3 year for which the designee was chosen to attend board meetings.

4 (ii) Notify the secretary of the board in writing at least 10  
5 business days before a board meeting if the ex officio member will  
6 be sending the designee to attend the meeting in his or her place.

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

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

21 (3) The term of office of one student member of the board shall  
22 commence on July 1 of an even-numbered year and expire on June  
23 30 two years thereafter. The term of office of the other student  
24 member of the board shall commence on July 1 of an  
25 odd-numbered year and expire on June 30 two years thereafter.  
26 Notwithstanding paragraph (1), a student member who graduates  
27 from his or her college or university on or after January 1 of the  
28 second year of his or her term of office may serve the remainder  
29 of the term.

30 (4) (A) During the first year of a student member's term, a  
31 student member shall be a member of the board and may attend  
32 all meetings of the board and its committees. At these meetings,  
33 a student member may fully participate in discussion and debate,  
34 but may not vote. During the second year of a student member's  
35 term, a student member may exercise the same right to attend  
36 meetings of the board, and its committees, and shall have the same  
37 right to vote as the members appointed pursuant to subdivision  
38 (a):

1 ~~(B) Notwithstanding subparagraph (A), during the first year of~~  
2 ~~a student member's term, the student may vote at a board meeting~~  
3 ~~if the other student member is absent from that meeting.~~

4 ~~(5) Notwithstanding paragraph (4), if a student member resigns~~  
5 ~~from office or a vacancy is otherwise created in that office during~~  
6 ~~the second year of a student member's term, the remaining student~~  
7 ~~member shall immediately assume the office created by the vacancy~~  
8 ~~and all of the participation privileges of the second-year student~~  
9 ~~member, including the right to vote, for the remainder of that term~~  
10 ~~of office.~~

11 ~~(e) (1) A faculty member from the California State University,~~  
12 ~~who shall be tenured at the California State University campus at~~  
13 ~~which he or she teaches, shall also be appointed by the Governor~~  
14 ~~to serve on the board for a two-year term. In the selection of a~~  
15 ~~faculty member as a member of the board, the Governor shall~~  
16 ~~appoint the faculty member from a list of names of at least two~~  
17 ~~persons furnished by the Academic Senate of the California State~~  
18 ~~University.~~

19 ~~(2) The faculty member of the board appointed by the Governor~~  
20 ~~pursuant to this subdivision shall not participate on any~~  
21 ~~subcommittee of the board responsible for collective bargaining~~  
22 ~~negotiations.~~

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