

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, for~~ *would prohibit* regents appointed by the Governor for terms commencing on or after ~~March 1, 2017~~, *make the duration of a term 4 years. The measure also would, commencing November 9, 2016, prohibit a person from being appointed for a term*

that would result in that person serving a total of more than 16 years as a regent, exclusive of service as a student or faculty regent. The measure would specify limits on the periods of service of appointive regents whose service on the board began before November 9, 2016, and who, as of January 1, 2017, have served as regents for more than 4 years. *the effective date of the measure from serving more than one term on the board. The measure would provide that regents serving on the board on the effective date of the measure 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 eligible for reappointment to the board for no more than one additional term. 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.*

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
21 president of the alumni association of the university, and the acting
22 president of the university, and 18 appointive members appointed

1 by the Governor and approved by the Senate, a majority of the
2 membership concurring.

3 (b) (1) The terms of the members appointed prior to November
4 5, 1974, shall be 16 years; the terms of two appointive members
5 to expire as heretofore on March 1 of every even-numbered
6 calendar year, and two members shall be appointed for terms
7 commencing on March 1, 1976, and on March 1 of each year
8 thereafter; provided that no such appointments shall be made for
9 terms to commence on March 1, 1979, or on March 1 of each
10 fourth year thereafter, to the end that no appointment to the regents
11 for a newly commencing term shall be made during the first year
12 of any gubernatorial term of office. ~~Except as set forth in paragraph~~
13 ~~(2), the~~ *The terms of the members appointed for terms commencing*
14 *on and after March 1, 1976, shall be 12 years.*

15 (2) (A) ~~Except as set forth in subparagraph (B) or (C):~~
16 *paragraph (3), no member appointed on or after the effective date*
17 *of the measure that adds this paragraph shall serve more than one*
18 *term on the board.*

19 ~~(i) The terms of the members appointed for terms commencing~~
20 ~~on or after March 1, 2017, shall be four years.~~

21 ~~(ii) Commencing November 9, 2016, a person shall not be~~
22 ~~appointed for a term set forth in this paragraph, or set forth in~~
23 ~~paragraph (1) or (3), if the appointment would result in that person~~
24 ~~-serving a total of more than 16 years as a regent, exclusive of any~~
25 ~~time served pursuant to subdivision (c).~~

26 ~~(B) A member appointed before November 9, 2016, the effective~~
27 ~~date of the measure that adds this paragraph who, as of January~~
28 ~~1, 2017, that date, has served as a regent for 15 12 or more years~~
29 ~~years, may continue to serve until the expiration of his or her term~~
30 ~~or until January 1, 2018, whichever is earlier, at which time the~~
31 ~~person shall cease to be a regent and the Governor may appoint a~~
32 ~~new member pursuant to subparagraph (A). term, but shall not be~~
33 ~~eligible for reappointment to the board.~~

34 ~~(C) A member appointed before November 9, 2016, the effective~~
35 ~~date of the measure that adds this paragraph, who, as of January~~
36 ~~1, 2017, that date, has served as a regent for more than four years,~~
37 ~~but less than 15 12 years, may continue to serve until the expiration~~
38 ~~of his or her term or until his or her service totals 16 years,~~
39 ~~whichever is earlier, at which time the person shall cease to be a~~
40 ~~regent and the Governor may appoint a member pursuant to~~

1 ~~subparagraph (A): term, and shall be eligible for reappointment~~
2 ~~to the board for no more than one additional term.~~

3 (3) In case of any vacancy, the term of office of the appointee
4 to fill that vacancy, who shall be appointed by the Governor and
5 approved by the Senate, a majority of the membership concurring,
6 shall be for the balance of the term for which that vacancy exists.
7 *A member who has been appointed pursuant to this paragraph on*
8 *or after the effective date of the measure that adds paragraph (2)*
9 *shall be eligible for reappointment to the board, for no more than*
10 *one term, only if the balance of the term for which he or she has*
11 *been appointed to fill the vacancy is less than six years.*

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

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

27 (e) In the selection of the regents, the Governor shall consult
28 an advisory committee composed as follows: The Speaker of the
29 Assembly and two public members appointed by the Speaker, the
30 President pro Tempore of the Senate and two public members
31 appointed by the Senate Committee on Rules, two public members
32 appointed by the Governor, the chairperson of the regents of the
33 university, an alumnus of the university chosen by the alumni
34 association of the university, a student of the university chosen by
35 the Council of Student Body Presidents, and a member of the
36 faculty of the university chosen by the academic senate of the
37 university. Public members shall serve for four years, except that
38 one each of the initially appointed members selected by the Speaker
39 of the Assembly, the President pro Tempore of the Senate, and the
40 Governor shall be appointed to serve for two years; student, alumni,

1 and faculty members shall serve for one year and may not be
2 regents of the university at the time of their service on the advisory
3 committee.

4 (f) The Regents of the University of California shall be vested
5 with the legal title and the management and disposition of the
6 property of the university and of property held for its benefit, and
7 shall have the power to take and hold, either by purchase or by
8 donation, or gift, testamentary or otherwise, or in any other manner,
9 without restriction, all real and personal property for the benefit
10 of the university or incidentally to its conduct. However, sales of
11 university real property shall be subject to competitive bidding
12 procedures that may be provided by statute. The corporation shall
13 also have all the powers necessary or convenient for the effective
14 administration of its trust, including the power to sue and to be
15 sued, to use a seal, and to delegate to its committees or to the
16 faculty of the university, or to others, the authority or functions as
17 it may deem wise. The regents shall receive all funds derived from
18 the sale of lands pursuant to the act of Congress of July 2, 1862,
19 and any subsequent acts amendatory thereof. The university shall
20 be entirely independent of all political or sectarian influence and
21 kept free therefrom in the appointment of its regents and in the
22 administration of its affairs, and no person shall be debarred
23 admission to any department of the university on account of race,
24 religion, ethnic heritage, or sex.

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

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